

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 30, 2014**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
John L. Litzenberger, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District

//

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

//

COMMISSION MATTERS

On behalf of Commissioner Lawrence, Commissioner Hart announced that the Planning Commission's Policy and Procedures Committee would meet on Wednesday, November 5, 2014, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center.

//

ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. RZ 2014-PR-006 – TRUSTEES OF FIRST BAPTIST CHURCH OF MERRIFIELD
2. RZ/FDP 2014-MA-003 – MARKHAM PLACE, LLC
3. 2232-H13-16 – NEWPATH NETWORKS, LLC
4. SE 2014-MA-015 – AFGHAN ACADEMY INC.
5. SE 2013-DR-019 AND 2232-D13-9 – CWS VII, LLC AND THE TRUSTEES OF ANDREW UNITED METHODIST CHURCH

This agenda was accepted without objection.

//

RZ 2014-PR-006 – TRUSTEES OF FIRST BAPTIST CHURCH OF MERRIFIELD – Appl. to rezone from R-3 and HC to C-3 and HC, to permit expansion of an existing place of worship (church), nursery school, and childcare, with an overall Floor Area Ratio (FAR) of 0.44. Located on the S. side of Porter Road, approx. 200 ft. E. of its intersection with Gallows Road, approx. 1.69 ac. of land. Comp. Plan Rec: Mixed Use. Tax Map 49-4 ((1)) 36, 37 and 37A; 49-4 ((3)) 8, 8A and 9. PROVIDENCE DISTRICT. PUBLIC HEARING.

Sherman Patrick, Jr., AICP, applicant’s agent, Compton & Duling, LC, reaffirmed the affidavit dated August 26, 2014.

There were no disclosures by the Commissioners.

Commissioner Hart asked that Chairman Murphy 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, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this case.

//

Chairman Murphy: Public hearing is closed; recognize Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I’m happy to pinch hit tonight for Commissioner Lawrence. Let me first thank Billy O'Donnell for his help on this case. Let me also thank all the folks that came out for showing their support and, more importantly, for not speaking.

Chairman Murphy: I can give him a big “Amen” on that one. I’ll tell you that.

Commissioner Hart: This is a very straightforward case; an expansion of an existing church that has been in the Merrifield area longer than any of us. It meets all the requirements. It has a very substantial proffer package, has staff’s favorable recommendation with which I concur and Commissioner Lawrence concurs as well. I will therefore, Mr. Chairman, have three motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-PR-006, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 12, 2014.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-PR-006, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Hart.

Commissioner Hart: Second, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING MODIFICATIONS: A MODIFICATION OF THE PERIPHERAL LOT LANDSCAPING REQUIREMENTS IN FAVOR OF THE LANDSCAPING AND STREETSCAPES SHOWN ON THE GDP AND A MODIFICATION OF THE FRONT YARD SETBACKS IN FAVOR OF THE SETBACKS SHOWN ON THE GDP AND AS SPECIFIED IN SECTION 2-418 OF THE ZONING ORDINANCE.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: And finally, Mr. Chairman, I further MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO PERMIT APPROVAL OF A DEVIATION FROM THE TREE PRESERVATION TARGET PERCENTAGE IN FAVOR OF THE PROPOSED LANDSCAPING SHOWN ON THE GDP AND AS PROFFERED.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Flanagan and Lawrence were absent from the meeting.

//

RZ/FDP 2014-MA-003 – MARKHAM PLACE, LLC – Appls. to rezone from PDC, CRD, HC and SC to PRM, CRD, HC, and SC to permit mixed-use development, waivers, and modifications in a CRD with an overall Floor Area Ratio (FAR) of 2.42, and approval of final development plans and a waiver, #4604-WPFM-002-1, to allow underground stormwater detention facility in residential development. Located on the E. side of Markham St., approx. 263 ft. N. of its intersection with Little River Tnpk. on approx. 3.44 ac.

of land. Comp. Plan Rec: Mixed Use. Tax Map 71-1 ((20)) 2.
MASON DISTRICT. PUBLIC HEARING.

David Houston, Esquire, applicant's agent, Reed Smith LLP, reaffirmed the affidavit dated August 26, 2014.

There were no disclosures by the Commissioners.

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 applicant 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 case.

//

Chairman Murphy: Public hearing is closed; recognize Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. This has been a long time coming. I know that the people in the Annandale revitalization group has been working diligently and I know they would love all come sing their praises, but as I explained to them, I really want to get home before the sun rises and they've agreed to just let me move on the motion. So I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE REZONING 2014-MA-003, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 10, 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-MA-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE REQUESTED WAIVERS AND MODIFICATIONS ASSOCIATED WITH THE REZONING 2014-MA-003, DATED OCTOBER 30TH, 2014, WHICH WERE DISTRIBUTED TO YOU TODAY AND SHALL BE INCLUDED IN THE RECORD OF THIS CASE.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF the final development plan 2014-MA-

Chairman Murphy: – approve final development –

Commissioner Hall: – approve – APPROVE THE FINAL DEVELOPMENT PLAN 2014-MA-003, CONDITIONED UPON THE BOARD OF SUPERVISORS' APPROVAL OF THE REZONING 2014-MA-003.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: – and the development conditions for the FDP.

Chairman Murphy: Right.

Commissioner Hall: – and the development conditions for the FDP.

Chairman Murphy: All those in favor of the motion to approve FDP 2014-MA-003 –

William O'Donnell, Zoning Administration, Department of Planning and Zoning: Commissioner Murphy, before you go onto that supplemental, there aren't any conditions for the FDP. It's purely conditioned on the fact that the rezoning would be approved.

Chairman Murphy: Okay, all those in –

Commissioner Hall: Are you okay, now?

Chairman Murphy: All those in favor of the motion to approve FDP 2014-MA-003, subject to the Board's approval of the rezoning and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Flanagan and Lawrence were absent from the meeting.

//

2232-H13-16 – NEWPATH NETWORKS, LLC – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to construct a Distributed Antenna System (DAS) telecommunications facility, consisting of three (3) nodes collocated on replacement utility poles in Dominion Power electrical utility easements for portions of Vale Road, Carey Lane, and Fair Oaks Road. The DAS telecommunications facility is located in Tax Map 38-3. Area II. HUNTER MILL AND PROVIDENCE DISTRICTS. PUBLIC HEARING.

Richard Lambert, 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 application 2232-H13-16.

Ed Donohue, Esquire, applicant's agent, Donohue & Stearns, PLC, said that in working diligently with Dominion Virginia Power, the applicant was able to negotiate a reduction in height by approximately 15 percent, which would also affect the visual impact. He noted that the applicant thus redesigned the structure and, with the addition of one more pole, shifted the locations of the originally-proposed two. In addition, he pointed out that there would be larger cabinets since the DAS would collocate three carriers.

There were no disclosures by the Commissioners.

Commissioner de la Fe asked Mr. Donohue when the DAS network had originally been installed. Mr. Donohue said it was installed in 2007, adding that everything except for Nodes 8 and 9 had been approved. Also, Mr. Donohue clarified that the additional pole, Node 10, located in Providence District, was required as a result of the shortened pole heights.

Mr. Donohue pointed out that, in addition to speaking with citizens in the Hunter Mill District, the applicant had also met twice with residents in the affected Providence District area in December 2013 and January 2014.

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

Michael Lozier, 9905 Vale Road, Vienna, spoke in opposition to the application, citing the negative visual impact Node 9 would have on the nearby residences, adding that although the pole heights had been reduced, they would still be approximately 30 percent taller than the existing pole.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Donohue, who declined to comment. 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 case.

//

Chairman Murphy: Public hearing is closed; Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. As we heard from our speaker, the main issue with this application, as is the case with almost every application with a telecommunications facility, is how do we try to minimize the visual impact. This has been going on with this case almost two years now, perhaps even longer than that when we consider that the first part of the - the original DAS was approved way back in 2007. I sympathize with Mr. Lozier but I believe that - and it is my understanding that Commissioner Lawrence also agrees with this - that we have gone as far as we can in mitigation of the visual impact. And there will always visual impacts with these things, whether they look like a tree or they look like something else, or they're on top of a pole. Much of the problem with these things is that they're replacing poles that were installed quite a while back when the requirements were lower, you know, so the poles were 35 feet. Some of them I've seen as low as 30 and 25 in parts of the county, so any replacement pole is going to be higher. I believe that staff and the applicants have done as good a job as possible in reducing the height of these poles - even if reducing the height of two poles to add a third pole, but given that I believe that we are ready to move. Mr. Chairman, I CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSAL BY NEWPATH NETWORKS TO EXPAND AN EXISTING DISTRIBUTED ANTENNA SYSTEM BY COLLOCATING THREE NEW ANTENNA NODES ON EXISTING UTILITY POLES, LOCATED ALONG VALE ROAD AND OAK VALLEY DRIVE, SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN VIRGINIA CODE SECTION 15.2-2232, AS AMENDED. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232-H13-16, AS AMENDED, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart and Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Ulfelder [*sic*]. Is there a discussion of the motion? Oh, Mr. Litzenberger, I'm sorry. All those in favor of the motion to approve 2232-H13-16, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 9-0. Commissioner Sargeant recused himself from the public hearing. Commissioners Flanagan and Lawrence were absent from the meeting.

//

SE 2014-MA-015 – AFGHAN ACADEMY INC. – Appl. under Sect. 3-204 of the Zoning Ordinance to permit a funeral chapel. Located 6839 Braddock Road, Annandale, on approx. 40,162 sq. ft. of land zoned R-2. Tax Map 71-4 ((1)) 34. MASON DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, applicant's agent, Tramonte, Yeonas, Roberts & Martin, PLLC, reaffirmed the affidavit dated October 25, 2013.

There were no disclosures by the Commissioners.

Joseph Gorney, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2014-MA-015.

Commissioner Hall announced her intent to defer the decision on this case at the end of the public hearing. She noted that there were primarily two issues, which included the definition of a chapel and the request for a legal opinion from the Fairfax County Attorney's Office regarding the difference between a funeral chapel and a funeral home. She asked Mr. Gorney to provide a brief review for the Planning Commission of staff's findings on those issues.

Mr. Gorney said that after speaking with staff from the Zoning Administration Division, it was determined that a funeral chapel was a building that was primarily used for funeral services, adding that while ancillary preparation of a body may be performed for burial, embalming, autopsies, and cremation were not permitted on the premises. He noted that a funeral home could also be used for funeral services; however, embalming and autopsies were permitted onsite, as were storage for caskets. Cremation was not permitted at funeral homes.

Mr. Martin noted that three institutional uses abutted the subject site and the proposed use would therefore be in character with the surrounding area. He stated that the Afghan community would be well served by this use, adding that citizens had been searching for an independent local facility to meet their traditional needs. He pointed out that no embalming or cremation would take place in the chapel and briefly detailed the service, noting that it would comprise a traditional washing and simple preparation of a body for burial. He pointed out that only immediate family members would attend the funeral services at the chapel while additional guests would meet the family afterward at the cemetery. He added that residents were currently forced to travel to other areas for this service.

Mr. Martin stated that the applicant had met with the Mason District Land Use Committee three times and, as a result, agreed to a reduction in the maximum number of seats in the chapel from 104 to 90, in addition to a reduction in the hours of service on Fridays. He pointed out that while the number of seats in the chapel had been reduced, there was no expectation of a group that large occupying the chapel at one time. Mr. Martin said that he had invited several homeowners associations (HOA) to discuss the application, none of whom responded. In addition, he noted that the applicant had met several times with representatives from the adjacent church to address any concerns they had. He added that the Virginia and county departments of transportation had both determined that this use would have no detrimental effect on the traffic on Braddock Road or the surrounding intersections, particularly given its low trip generation and hours of operation.

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

Spence Limbocker, representing Hillbrook Tall Oaks Community Association, 6913 Oak Court, Annandale, spoke in opposition to the application, citing traffic concerns at the intersection of Braddock and Backlick Roads and parking in the neighborhood. He noted that existing development in the immediate area generated significant traffic through the neighborhood as well as bus traffic from several nearby public schools. He expressed concern that public safety

would be at risk with the addition of this use and said that construction of the funeral chapel would exacerbate the existing traffic congestion in the area. He also expressed concern about pedestrians crossing Braddock Road between the proposed use and a nearby mosque and said that adding a crosswalk would not be appropriate. He further added that parking at the mosque had been an issue because congregants often parked either on a nearby neighborhood street or in a lot reserved for a tennis court. He stated that the chapel should be located on a site more suited to its pedestrian and parking needs. Mr. Limbocker noted that members of Hillbrook Tall Oaks Community Association had met with a representative from the mosque on October 29, 2014 to discuss the current traffic and parking issues and requested that the Planning Commission defer its decision so that those discussions might continue toward a resolution. (A copy of Mr. Limbocker's statement is in the date file.)

Commissioner Hall acknowledged the traffic issues at the intersection of Braddock and Backlick Roads and asked Mr. Limbocker if the provision of a right-in/right-out only access to the chapel would address his concerns. Mr. Limbocker explained that while it might address issues with left-hand turns, it would not reduce the number of vehicles.

Commissioner Hurley asked Mr. Limbocker when traffic was at its worst in the area. He said that the intersection was always busy because of the nearby shopping center, but noted that he did not specifically know when the worst traffic times were.

Commissioner Hedetniemi pointed out to Mr. Limbocker that only immediate family members would attend the services at the chapel. She then asked Mr. Limbocker how large he thought such a family might be that it would impact traffic. When he responded that he did not know, Commissioner Hedetniemi suggested that he discuss this concern at his next meeting with the mosque representative, adding that it might not be that much of an issue after all. He agreed and said that he would bring it up the next time the Association met with the mosque representative.

Tariqul Khan, 6556 Zoysia Court, Alexandria, spoke in support of the application. He said that it would give him peace of mind to know that there was a place in the county where he could rest assured that his remains would be properly attended to and in accordance with the principles of his religion. In addition, he expressed interest in participating in the ongoing discussions between the Hillbrook Tall Oaks Community Association and the mosque. He added that the chapel would be an asset to the community in that it would help promote better relationships within the community by providing additional cultural awareness.

Commissioner Hall asked Mr. Khan if he could say how many people might typically attend services at this chapel. Mr. Khan said approximately 30 close family members would usually attend a service.

In response to a question from Commissioner Litzenberger, Mr. Khan confirmed that the family met at the chapel for preparation of the body and its placement in the casket, while the burial service was performed at the cemetery.

Commissioner Ulfelder asked Mr. Khan if there was a chapel for the proposed services in Fairfax County. Mr. Khan said no. When Commissioner Ulfelder asked where Fairfax County citizens

had gone to receive these services, Mr. Khan said that the closest facility was in Woodbridge, Virginia, approximately 20 miles away.

Commissioner Hurley asked Mr. Kahn to describe a typical funeral service. He said that after the body of the deceased was washed, there would be a small prayer. Then the person would be wrapped in cloth and placed into a casket, to be taken to the cemetery for the funeral service. When Commissioner Hurley asked if the chapel service could be performed in the nearby mosque, Mr. Khan stated that the mosque did not have the facilities to provide for the services, nor did it have a permit to allow for them.

Commissioner Hart asked Mr. Khan how long the chapel ceremony typically lasted. Mr. Khan said that it took less than one hour. Addressing Mr. Limbocker's concerns regarding traffic between the chapel and the mosque, Commissioner Hart asked Mr. Khan if there was a functional interrelationship between the two. Mr. Khan said that they were two separate entities, explaining that there was nothing in the funeral service that required anyone to go from one building to the other.

Commissioner Hedetniemi asked Mr. Khan if there might be a way for the mosque leadership to discourage its membership from parking in the surrounding neighborhood. Mr. Khan acknowledged that parking was an issue and noted that the leadership had requested that its members carpool to the mosque.

Kathleen McDermott, Esquire, representing Mason District Council of Civic Associations (MDC), 4306 Evergreen Lane, Suite 104, Annandale, said that the Council would like to meet with the applicant to try to resolve the outstanding issues of parking and the permitted use in the zoning district. With regard to parking, she said that the chapel parking lot should not be used for mosque services, expressing concern about congregants jaywalking across Braddock Road. She said that the services used in the preparation of the dead for burial was to be done in funeral homes, which were not permitted in residential (R) districts and, therefore, the application would be in violation of the Fairfax County Zoning Ordinance.

Chairman Murphy asked Ms. McDermott to clarify if she was talking about the washing of the body. She said yes, explaining that it was considered preparation for burial, which was only allowed in funeral homes which were not permitted in R Districts. When Commissioner Hall pointed out that county staff had previously provided the definitions of a funeral chapel versus a funeral home, Ms. McDermott noted that she understood staff's explanation; however, she disagreed with those definitions, saying that the proposed use was actually a funeral home and, as such, should not be permitted in a residential area. Chairman Murphy stated that he disagreed with Ms. McDermott's interpretation.

Ms. McDermott continued her statement, noting that the Mason District Council was concerned about the large amount of square footage proposed for the building when compared to the proposed maximum number of seats. She noted additional concerns about the requests for waivers from the required setbacks, suggesting that that the building was too large for the lot, and said that the building size should be decreased to fit within the required setback areas. Additionally, she said that after being told by the building's architect that the large open space interior could accommodate several hundred people, the Council requested that a development

condition be added to limit the number of people at the chapel at any one time to 104. (A copy of Ms. McDermott's statement is in the date file.)

Commissioner Hall explained to Ms. McDermott that houses of worship often worked out agreements among each other to allow parking for their respective members. She added that a number of members at the Mason District Land Use Committee meetings had complained about parking in the neighborhood. She said that allowing the members of the mosque to park in the chapel lot would help to alleviate the neighborhood parking problem and questioned the Mason District Council's desire to prohibit it. Ms. McDermott explained that the middle of the block was currently very busy because of existing businesses and expressed concern about the number of people crossing the street in the midst of it. Commissioner Hall stated that while she would inquire about the building's size, she would not presume that the applicant needed less space based on the number of seats that proposed within.

Commissioner Litzenberger asked Ms. McDermott if there were traffic issues when other churches in the area held funeral services. Ms. McDermott said she did not know.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had had a pending case within the last 12 months where Ms. McDermott had represented an adverse party, but indicated that it would not affect his ability to participate in this case. He then pointed out that funeral homes could be and have been approved, albeit with additional standards and conditions, in residential districts through the Special Permit process. He added that one such funeral home which provided both embalming and crematory services existed on Braddock Road. In addition, he noted that one resolution to the potential parking issue might be to provide overflow parking for the mosque at the shopping center, which was closer and on the same side of Braddock Road. He also noted that the overflow parking in the neighborhood might be an issue for the county's Office of Code Enforcement to review with the mosque. Additionally, Commissioner Hart said that the maximum occupancy level was determined by the fire marshal when the request was submitted by the applicant for a non-residential use permit (non-RUP).

Mr. Gorney agreed and said that the maximum occupancy level for the chapel was limited by the parking formula; however, the land use evaluation did not focus on issues that pertained to the fire marshal's inspection.

Ms. McDermott countered that was precisely the issue, noting that if the fire marshal were to determine that the building were suitable for several hundred people, the impact might be severe.

Commissioner Hart noted that while the relationship between the chapel's size and its maximum seating might not be obvious, other such facilities tended to have several rooms or parlors where visitors could sit and talk or move about. Ms. McDermott said that citizens had been told that the proposed chapel would have one open space.

Commissioner Hedetniemi noted Ms. McDermott's concern about meetings being held in the chapel and asked if it would allay community fears if the mosque assured citizens that it would be used only for burial services. Ms. McDermott said that such assurance should be incorporated into a development condition, reiterating her concern that mosque services might be held in the chapel.

Craig Blakeley, 4936 Sunset Lane, Annandale, spoke in opposition to the application saying that its approval would be in violation of the Fairfax County Zoning Ordinance. He pointed out that while Fairfax County might differentiate between funeral homes and funeral chapels, the Commonwealth of Virginia did not, and instead referred to all such facilities as “funeral service establishments,” which, under Section 54.1-2811 of the *Virginia Code*, must contain a preparation room equipped with a tile, cement, or other waterproof floor, proper drainage and ventilation, the necessary instruments and supplies for the preparation and embalming of dead human bodies for burial, transportation or other disposition, and separate restroom facilities. He added that he had spoken with the Deputy Executive Director of the Virginia Board of Funeral Directors and Embalmers, who agreed with his concerns and said that Islamic funeral service establishments that had been licensed by the Board were all required to have a preparation room and facilities for embalming, even though it was understood that it would never be used, as embalming was no part of the Islamic burial ritual. (A copy of Mr. Blakely’s statement is in the date file.)

Chairman Murphy asked Mr. Blakely if he believed that the chapel should have an embalming facility. Mr. Blakely clarified that the facility would be required by Virginia State law to have one and, therefore, in violation of the Zoning Ordinance.

Commissioner Hall reiterated that the Fairfax County Attorney’s Office needed to make a determination with regard to this case and told Mr. Blakely that his statement would be made available to them.

Suleman Afzal, 5494 Stavendish Street, Burke, spoke in favor of the application, pointing out that delaying the decision or denying the application would prevent a large community in the county from holding funeral services according to their beliefs.

Chairman Murphy thanked the speaker for his remarks, but pointed out that the Commission’s decision must be based solely on land use issues.

Commissioner Hall pointed out that that the funeral chapel would be something new in the community and said that she wanted to ensure that the process was done correctly. Mr. Afzal noted that this was a large voting community within the county, adding that he hoped the Commission’s decision would not be arbitrary. Commissioner Sargeant pointed out that the county’s application process ensured that the Board of Supervisors and Planning Commission members acted objectively and only in the interests of the citizens.

Abdullah Nadi, 5234 Navaho Drive, Alexandria, spoke in support of the application. He stated that he was an engineer who had worked for the Virginia Department of Transportation and said that the traffic impacts from this use would be minimal because access to the site would be right-in/right-out during off-peak hours. He further noted that when his mother passed away, he had gone to the nearest facility, located in Prince William County, to have the funeral service, which was not based on Afghan tradition.

In reply to a question from Commissioner Hall, Mr. Nadi said that approximately 15 people attended his mother’s funeral service.

Commissioner Hurley asked Mr. Nadi whether he thought the chapel parking lot should prohibit mosque parking on Friday afternoons. He said that the Afghan community was willing to discuss any issues regarding parking.

Hassan Shadil, 3900 Dutch El Court, Woodbridge, described Islamic funeral and burial services and reiterated that only washing/preparing the body for burial would be performed in the funeral chapel. He pointed out that hospitals released bodies only to funeral homes or chapels; therefore, this chapel was necessary for the proposed use. He then reiterated earlier remarks regarding close family attendance and minimal traffic impacts.

Mohammed Bashir, President, Mustafa Center, 7376 Hunters Oak Court, Springfield, spoke in support of the application. He pointed out that the Mustafa Center and the chapel were two separate entities with distinctly different purposes. He added that he had met with nearby residents to discuss the Center's parking problems and briefly detailed the Center's weekly services.

There was a brief discussion between Commissioner Hurley and Mr. Bashir wherein Mr. Bashir clarified Mr. Shadil's statements regarding remains being released from a hospital only to a funeral home/chapel for the funeral service as a separate service from those provided in the mosque.

Khalid Shekib, 5108 Whisper Willow Road, Fairfax, also spoke in support of the proposal. He echoed earlier remarks regarding the funeral cleansing and burial, adding that he had gone to the facility in Prince William County for a family service and said that the services were inadequate. He then questioned Mr. Blakeley's statement regarding the illegality of the proposed use in Virginia, given the aforementioned facility.

Hamayon Ibrahim, 8808 Burbank Road, Annandale, spoke in favor of the application. He noted that the intersection at Braddock and Backlick Roads had always been hectic and stated that the funeral chapel services would take place during off-peak hours. He questioned the reason why previous speakers would connect the chapel and the mosque, since they provided different services.

Commissioner Hall assured Mr. Ibrahim that staff and the Commission were considering only proposed use, which included the chapel and the land on which it stood. She added that this evening's testimony would also be considered, pointing out that the differences between the mosque and chapel were understood.

Ms. Roya Ali and Mr. Haroon Ali, 20843 Blossom Landing Way, Potomac Falls, supported the application. Mr. Ali echoed remarks made by previous speakers regarding the need to travel for funeral services and the minimal traffic impact that would be caused by the proposed facility. Ms. Ali stated that while she appreciated the Commissioners' willingness to learn about Afghani culture, she felt that some of the questions regarding the specifics on the funeral services and number of attending family members were discriminatory.

Commissioner Hall asked Ms. Ali to consider this an opportunity to share her culture and explained that the process was meant to be enlightening and helpful.

Commissioner Sargeant pointed out that the hearing and speakers so far had helped to clarify the different hours of operation between the mosque and the proposed chapel.

Addressing Ms. Ali's remarks regarding discrimination, Commissioner de la Fe referenced a previous case in which there was a debate regarding how long funeral bells could be heard for a Christian burial. Ms. Ali pointed out, however, that the citizens would be permitted to hold the funeral with or without the bells. Commissioner Hall assured Mr. and Ms. Ali that the principle concern was the possibility of additional traffic, not religious discrimination.

Adam Azim, 5845 Saddle Down Place, Centreville, said that United States Constitutional law would preempt any Virginia State law with regard to the legality of the proposed use by simply granting freedom of religion. In addition, he noted that denying the use would only further the monopolization of existing funeral services and violate basic economic principles.

Omyra Ahmadzai, 7632 Shreve Road, Falls Church, noted that she grew up in the Mustafa Center community, which allowed her to preserve her Afghan identity and observe its religious traditions. She stated that the chapel was important to the community because it would be the only Muslim funeral chapel in the area that would allow its members to carry on their traditions and honor their deceased family members for generations.

Chairman Murphy recognized members of the audience that Ms. Ahmadzai was representing.

Jonathan Clark, 7227 Auburn Street, Annandale, pointed out that the Mason District Council did in fact wish for the Afghan community to have traditional funeral services that would be readily available, convenient, and local. He clarified that the Council was as yet unsure of the appropriateness of the proposed location.

Chairman Murphy thanked Mr. Clark for his testimony and clarification regarding the Council's position.

Merion Purdue, 3172 Holmes Run Road, Falls Church, was in favor of the application and reiterated all of the previous speaker remarks regarding the difference in services between the mosque and the chapel, the hours of operation, the funeral service details, and the minimal traffic impact.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Martin who noted that the chapel would have a private room to accommodate the washing facility, a janitor's room, a vestibule to carry the casket through, and open space for guests to gather and/or mingle. He requested that Commissioner Hall and Supervisor Gross have the County Attorney's Office closely review the statements of Mr. Blakely and Ms. McDermott, adding that as a legal team, they had been challenging cases in the Mason District and he was concerned that they might also challenge this application.

Commissioner Hall reiterated the reason for deferring the decision was to obtain a legal opinion from the Fairfax County Attorney's Office regarding the funeral chapel, after which the Commission would make its decision.

Commissioner Hart suggested that the County Attorney's review include a previous application in which a similar chapel had been approved in a mixed-use development approximately ten years ago.

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 Commission Hall for action on this case.

//

Chairman Murphy: Public hearing is closed; Ms. Hall.

Commissioner Hall: As I mentioned at the beginning of this hearing – I was going to turn the button on. As I mentioned at the beginning of this hearing, I was going to be deferring this application to allow Mason District time to get some additional information as it deals with these legal issues. So I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SPECIAL EXCEPTION 2014-MA-015 TO A DATE CERTAIN OF NOVEMBER 20TH, 2014, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2014-MA-015 to a date certain of November 20th with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Flanagan and Lawrence were absent from the meeting.

//

The Commission went into recess at 10:48 p.m. and reconvened in the Board Auditorium at 11:04 p.m.

//

SE 2013-DR-019 – CWS VII, LLC & THE TRUSTEES OF ANDREW CHAPEL UNITED METHODIST CHURCH – Appl. under Sects. 3-104, 9-105, and 9-314 of the Zoning Ordinance to permit church and nursery school child care center with a total enrollment of 99 children and a telecommunications facility with a 120 ft. tall tower. Located at 1301 Trap Road, Vienna, on approx. 7.01 ac. of land zoned R-1. Tax Map 19-4 ((1)) 47. (Concurrent with 2232-D-13-9.) DRANESVILLE DISTRICT.

CWS VII, LLC & THE TRUSTEES
OF ANDREW CHAPEL UNITED METHODIST CHURCH.

2232-D13-9 – CWS VII, LLC & THE TRUSTEES OF
ANDREW CHAPEL UNITED METHODIST CHURCH – Appl.
under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to
permit telecommunications facility with a 120 ft. tall tower.
Located at 1301 Trap Road, Vienna, on approx. 7.01 ac. of land
zoned R-1. Tax Map 19-4 ((1)) 47. (Concurrent with SE 2013-DR-
019.) DRANESVILLE DISTRICT. JOINT PUBLIC HEARING.

Commissioner Ulfelder announced his intent to defer the decisions on these applications at the end of the public hearing.

Ed Donohue, Esquire, applicant's agent, Donohue & Stearns, PLC, reaffirmed the affidavit dated October 9, 2014.

There were no disclosures by the Commissioners.

Carmen Bishop, 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 approval of applications SE 2013-DR-019 and 2232-D13-9.

Commissioner Ulfelder noted that there were citizens who had inquired about locating the facility at the fire station on Beulah Road and Route 7 and asked Ms. Bishop about the county's position.

Ms. Bishop explained that Fairfax County Facilities Management Department indicated that several providers had expressed interest in locating at Fire Station 42 at Route 7 and Beulah Road, but that the fire station was not interested in having any of the property used for a telecommunications facility. Although the station had reconsidered it as a possibility, it would need to go through zoning approvals, one of which would be a Proffered Condition Amendment since there were existing proffers attached to the fire station and 11 single family dwellings.

Commissioner Sargeant asked whether a distributed antenna network (DAS) had been considered in the proposed area. Chris Caperton, Chief, Public Facilities Branch, Planning Division (PD), DPZ, confirmed that the applicant had considered it, but determined that it was infeasible for the proposed location because the system would require multiple nodes over a large distance, primarily in the residential areas.

Mr. Donohue introduced Thomas A. Murray, Applicant's Agent, CWS VII, LLC, and Paul A. Dugan, Engineer, Millennium Engineering, P.C., to discuss the application and propagation information.

Mr. Murray provided a brief history of the application and explained that the proposed facility was necessary because of the large number of devices drawing on the existing infrastructure. He pointed out that Tysons was one of the largest commercial areas in the country, and growing, and would need infrastructure to support its growth. In addition, he noted that CWS had submitted

two proposals to locate a facility on this site since 2002, and pointed out that the need for a tower was more imperative given the number of devices and usage in the area. He added that the proposed location was ideal because of its size, as well as its location amid non-residential uses and vacant lots. He further noted that the bell tower would help to mitigate any negative visual impact the facility might otherwise have, noting that the proposed height had been decreased from 140 to 120 feet. He added that the width of the facility had also been reduced and trees added to provide more buffering. Mr. Murray pointed out that CWS provided infrastructure for carriers to collocate and stated that there had been a coverage gap in this area for over a decade while the demand has grown. He said that four carriers had expressed a need for coverage in the proposed area and noted that each had submitted letters of intent to collocate on the proposed facility.

Mr. Dugan stated that he had performed an independent radiofrequency (RF) evaluation of the proposed facility and furnished a report outlining its objectives for meeting coverage and capacity needs. He noted that Verizon Wireless sought collocation opportunities before considering the construction of a new facility and stated that the objective of the proposed bell tower was to improve coverage and capacity in the area. He noted that while cell phone coverage might be fine, the coverage for smart phones, which used 4G LTE technology, required a stronger signal that the new facility could provide. He pointed out that the height of the antenna not only determined the facility footprint, but also the coverage benefits to the community, and explained why several nearby sites were not feasible alternative locations for collocation, particularly given the topography in those locations and the inability to match the level of service the proposed facility would provide. Mr. Dugan explained that while Verizon did use DAS networks, it was not an option in this case because a substantial number of nodes would be required to provide the same coverage as the proposed facility.

Mr. Donohue noted that additional trees were planned for the site and were included in the landscape plan, as well as a comprehensive tree save plan. He added that the applicant had met with McLean Citizens' Association twice and held numerous discussions with county staff and Commissioner Ulfelder. As a result, the plan design was significantly modified while remaining consistent with the Comprehensive Plan. Mr. Donohue reminded Commissioners that the Planning Commission had approved a similar bell tower which stood 120 feet tall and included multiple carriers that had operated in the Dranesville District for approximately 11 years. Mr. Donohue requested approval of this application.

Commissioner Hurley asked Mr. Donohue if the generator shown in the presentation would serve all of the proposed carriers. Mr. Donohue noted that Verizon had expressed its intent to provide one and that while generators could be shared, he was not sure if there would be one or more onsite.

Commissioner Litzenberger asked how much of an increase in capacity the proposed facility would provide. Mr. Dugan stated that it would double the current capacity in the area.

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

CWS VII, LLC & THE TRUSTEES
OF ANDREW CHAPEL UNITED METHODIST CHURCH.

Christine Mason, 911 Country Club Drive, Vienna, spoke in support of the facility noting that the funds derived from the tower would help the church. She said the facility would have no negative visual impact, adding that the proposed increased capacity would likely increase the values of the nearby properties.

David Nordean, Chair of the Board of Trustees, Andrew United Methodist Church, 9463 Shouse Drive, Vienna, provided a brief but detailed history of the property and application, pointing out that several carriers had approached the church to discuss locating a facility on the property. He stated that the carriers had seen a gap in coverage in this location over a decade and suggested deferring to their expertise. He said that the proposal had been reviewed by the entire congregation and agreed on it and asked for the Commission's recommendation.

Carol Blackwell, 1034 Cup Leaf Holly Court, Great Falls, spoke in favor of the tower and noted the need for cell service, particularly in cases where someone might be unable to reach a "land line."

Spencer Copland, 7404 Howard Court, Falls Church, member of the Board of Trustees at Andrew United Methodist Church, spoke in favor of the application and echoed Ms. Blackwell's remarks with regard to coverage in case of emergencies.

Ben Pruett, 1318 Towlston Road, Vienna, supported the application and noted that the cell phone coverage in the area was inconsistent. Additionally, he reiterated that cell coverage should be enhanced for emergency use.

Lani Hsiao, representing Stop Andrew Chapel Cell Tower (SACCT), 1411 Celesta Court, Vienna, spoke in opposition to the application and provided the introduction of an 11-part presentation, a copy of which is in the date file. She said that the application failed to meet criteria set forth in the Comprehensive Plan and added that the applicant had failed to justify a new facility at the proposed location. She briefly detailed the application's other failings, adding that several speakers would speak in more detail on them. She stated that there was no critical need for a new facility at the proposed location and showed several coverage maps, some by other carriers, demonstrating better coverage in the gap area than that shown by the applicant. Ms. Hsiao further noted that alternatives such as DAS or preexisting structures should be considered in the area.

Brian Brilliant, representing SACCT, 9305 Schubert Court, Vienna, was opposed to siting a commercial facility in a residentially zoned community. He added that this facility was four times taller than any other structure in the neighborhood and twice that of the mature trees. He reiterated that there were alternative locations in the local area and also indicated that DAS would also be preferable to a tower.

Steve Riihimaki, representing SACCT, 1501 Trombone Court, Vienna, also opposed to the application and discussed the visual impacts of the facility. He said that the facility, at 140 feet tall, would not be adequately screened, either by trees or fencing, and would negatively impact the immediately adjacent homes as well as the entire residential community. He pointed out that

CWS VII, LLC & THE TRUSTEES

OF ANDREW CHAPEL UNITED METHODIST CHURCH.

the applicant's photo-simulation of the tower underestimated, and therefore misrepresented, the height of the facility, and thus raised questions regarding the veracity of the information in the application.

Commissioner Ulfelder asked what the impact of the planned widening of Route 7 would have on the trees on or near the proposed property. Ms. Bishop said that while existing vegetation in the right-of-way would be impacted, none of the vegetation or trees on the proposed site would be.

Yasmin Cupala, representing SACCT, 1316 Towlston Road, Vienna, opposed the application and discussed minimization of the visual impact of the facility. She said that at least 26 properties would have direct views of the tower, which would loom high over the entire community. She added that the proposed location was the same one that had been denied because of its proximity to nearby homes in a 2002 application. She reiterated many of the previous speaker's remarks regarding the negative visual impacts on the neighborhood and said that the application should be denied.

Vicki Stottlemeyer, representing SACCT, 1355 Beverly Road, McLean, noted that she was a real estate agent and had sold homes in the Shouse Village community. She stated that no credible real estate agent would ever view the proposed tower as an asset or consistent with the character of any of the communities within which they stood. She reiterated earlier remarks regarding the limited screening that would be provided by the existing and proposed new trees. She expressed the professional opinion that a significant number of homebuyers would deem the proposed tower as a negative and would not want to buy a home near one.

Chairman Murphy acknowledged a buyer's reluctance to purchase a home near a cell tower; however, he pointed out that people also often refused to purchase homes near other utilities such as schools and churches. He further noted that there were many people who preferred to live near all of the aforementioned facilities because of their proximity. He asked Ms. Stottlemeyer how she reconciled her opinion with undisguised towers that had been built prior to the neighborhoods that flourished around them. Ms. Stottlemeyer said that anything could be sold; however, those homes would be sold at reduced prices. Chairman Murphy countered that oftentimes homes were sold at equivalent, if not higher, prices than their contemporaries, and provided several examples in Fairfax.

Commissioner Hart questioned whether the proximity might not be more of a drawback for homebuyers than the tower. Ms. Stottlemeyer said that being on a busy road would have a severe impact; however, it would not be as severe as the cell tower.

Cate Riihimaki, representing SACCT, 1501 Trombone Court, Vienna, spoke in opposition to the application and said the application would not be in harmony with the surrounding area. She echoed previous speaker remarks regarding the proposed tower height looming over the surrounding buildings and the negative visual impacts it would have on the residents. She requested that the Planning Commission deny the application. In addition, she stated that the

CWS VII, LLC & THE TRUSTEES
OF ANDREW CHAPEL UNITED METHODIST CHURCH.

proposed site failed to meet criteria related to historic vistas and would severely impact the current view.

Becky Falquet, representing SACCT, 9506 Spinnet Court, Vienna, also opposed the proposal, citing the location and safety of the proposed facility. She noted that two of her children had attended Andrew Chapel preschool; however, she stated that she and her husband had decided not to enroll their third child because of their concerns about the proposed tower. She noted that the proposed site sat below grade and was surrounded by a parking lot, Route 7, a footpath, and the playground. In addition, she said that the site often had standing water, which could be problematic for the new facility as well as any new vegetation. She expressed concern about the tower's proximity to the playground and said that children might easily climb over the fence to see the tower. She further noted concern with regard to high winds causing the cell tower to collapse, fire on the tower, ice falling from the facility, and vandalism to the tower. She also noted that recent years had seen an increase in cell tower related deaths.

Commissioner Ulfelder asked Ms. Falquet to confirm that she had withdrawn one of her children from Saint Andrew's preschool program because of this proposal. Ms. Falquet confirmed that she had. When he asked her if she had spoken with church leaders about her concerns before her decision, Ms. Falquet said no, adding that the decision was made when it was discovered that a tower was being considered at the site.

Emily Rakowski, representing SACCT, 9455 Shouse Drive, Vienna, spoke in opposition to the application and spoke of the need for the facility. She reiterated earlier remarks that the applicant's justification of need was based on very narrow parameters. She stated that cell coverage was quite good throughout the proposed gap area. She noted that SACCT members had conducted field tests, using Verizon and AT&T (3G/4G/LTE) cell phone services throughout the proposed coverage area and had no issues with cell coverage. She noted that carriers' marketing maps showed excellent coverage in the area and reiterated earlier comments regarding the demonstration of better coverage in the gap area than that shown by the applicant. She added that the applicant's October 9, 2014, engineering report had not sufficiently demonstrated a need for the facility and noted that it omitted important information regarding dropped call data, complaint logs, field test data, and any other data substantiating the need for the facility. She stated that SACCT had requested the data from the applicant multiple times without response.

Commissioner Litzenberger asked Ms. Rakowski when the field tests were conducted by her group. Ms. Rakowski said that they were performed on weekends during the day. Commissioner Litzenberger pointed out that during the weekday rush hours, the bandwidth required to cover device use was significantly different. Ms. Rakowski said that she would be willing to perform additional field tests during weekday rush hours.

Brian McNeice, representing SACCT, 1303 Carper's Farm Way, Vienna, opposed the application and talked about Firehouse #42, located at the southeast corner of Route 7 and Beulah Road, as an alternate site for the facility. He said that the firehouse was closer to the center of the coverage gap and would better meet customer needs. He said that a facility at the firehouse could be shorter because of the higher elevation and noted that it could easily be disguised as a

flagpole. He further pointed out that not only was the fire company amenable to a facility being onsite, but the number of homes that would be directly impacted would be minimal.

Rod Rhines, representing SACCT, 1411 Celesta Street, Vienna, also opposed the application and spoke about the use of DAS as an alternative solution. Referencing Objective 42, Policy C of the Mobile and Land-Based Telecommunication Services section of the Fairfax County Policy Plan, he stated that the county should minimize visual impacts by minimizing the size of such facilities as this one. He questioned the infeasibility of DAS in the coverage area and requested that a network be considered instead of the proposed tower, pointing out that one currently existed in the Dranesville area. He further noted that the costs associated with a DAS network made it far superior to the proposed facility.

Jeff Snow, representing SACCT, 9105 Mill Creek Landing, Great Falls, requested denial of the application and provided a summary of SACCT's opposition to the proposed facility. He stated that although the application repeatedly referred to the facility as a stealth tower, it was not. He echoed earlier remarks regarding the visual impacts and adherence to the guidelines set forth in the Comprehensive Plan. He reiterated that the applicant had failed to demonstrate a legitimate need for the facility at the proposed site and that the fire station site would be preferable. He noted that the tower could not be adequately screened, given its height and width, and would not be in character with the surrounding area. He also pointed out that there was considerable community opposition to the application.

Commissioner Hall asked Mr. Snow if a monopole would be preferable over the proposed cell tower. Mr. Snow said that he would prefer a DAS network as it would have the least visual impact.

Syed Hussain, representing Windsor Meadows Neighborhood Captain, 9205 Windsor Meadows Lane, Vienna, spoke in opposition to the application and stated that he would not have purchased his home five months ago had he been aware of the possibility of a cell tower installation. He said that he currently had excellent coverage in his home and reiterated earlier remarks regarding negative visual impacts and depreciating home values resulting from the facility. Mr. Hussain then read a statement from Judith Grumbly, President of the Windsor Meadows HOA, who stated that the tower would have negative visual impacts and would not be in harmony with the rest of the community. She also noted that the Saint Andrew never reached out to the community regarding the application and, as a consequence, there was community resentment. Mr. Hussain then noted that he had no issues making or receiving cell phone calls during peak rush hour periods.

Termeh Rassi, Neighborhood Captain representing Shady Acres, 1413 Trap Road, Vienna, said that she would not purchase a home near such a facility. She reiterated that the proposed structure would not fit into the residential character of the neighborhood. She also noted her concern that the application might already be approved despite the public opposition.

Tammy Le, Neighborhood Captain representing Shouse Village, 1323 Schuman Court, Vienna, briefly described the community and residents. She said that the structure would be clearly

CWS VII, LLC & THE TRUSTEES
OF ANDREW CHAPEL UNITED METHODIST CHURCH.

visible from her home, adding that her family would be negatively impacted from the facility's construction and visibility. She noted that a community survey had been done, the results of which showed severe negative impacts and discontent with a commercial entity in a residential area. She also noted that residents were upset with the religious symbolism in the cell tower because it would be inconsistent with the increasing diversity of Shouse Village.

Ingrid Mohn, 9409 Shouse Drive, Vienna, was opposed to the application and said that 700 residents signed a petition opposing the facility. She added that the majority of residents in Shouse Village had also demonstrated in an online survey that they were opposed to the tower. She reiterated the statements made by previous speakers regarding the incompatibility of the proposed facility as well as possible alternatives and locations.

Sue Rosenberg, 9304 Shouse Drive, Vienna, said that the facility would be visible from her home and found it extremely objectionable because it did not comport with the diversity of the neighborhood.

Baiyun Gao, 1407 Chopin Street, Vienna, said that proposed location was not appropriate for this facility. He reiterated that there was no need for the proposed facility and said that the county should consider something energy-efficient and environmentally friendly.

Zack Bumpus, representing Andrew Chapel United Methodist Church, 1301 Trap Road, Vienna, spoke in favor of the application and noted that his cell coverage was intermittent. He expressed concern about the inability to place calls in cases of emergency and requested that the Commission recommend approval of the application.

Matthew Friedman, 5335 Wisconsin Avenue, NW, Suite 440, Washington, DC, opposed the application, noting that similar cases had been denied based on the reason provided by the speakers this evening. He stated that the applicant, in accordance with the Comprehensive Plan, must demonstrate that the selected site provide the least visual impact on residential areas, compared with alternative sites; however, he noted that the application contained no data on the alternative sites and, therefore, the application must be denied.

Chairman Murphy pointed out that the application would be judged on the proposed location, not the alternatives. He further clarified that the Commission's decision was solely based on the information in application before us this evening.

Addressing DAS, Mr. Friedman noted that Mr. Dugan had said that a number of nodes would be required and therefore it was feasible in this area. With regard to Fire Station 42, he said that staff's remarks regarding the screening did not preclude it from being a plausible alternative site. In addition, he noted that the capacity issues noted by Mr. Dugan were unsubstantiated. He then noted that a similar case by New Cingular Wireless had been denied in 2011 by the Board of Supervisors because of the visual impacts and incompatibility with the neighborhood. He said that this tower would be worse, given its height. He requested that the application be denied.

CWS VII, LLC & THE TRUSTEES

OF ANDREW CHAPEL UNITED METHODIST CHURCH.

Neil Ende, 5335 Wisconsin Avenue, NW, Suite 440, Washington, DC, opposed the application and stated that despite numerous requests, the data supporting the need for this application was as yet unavailable. He also said that the proposed site was inappropriate and echoed the sentiments of earlier speakers. He requested that the application be denied.

Jerry Mailey, 11287 Stones Throw Drive, Reston, noted that the facility would accommodate Silver Line Metro riders and provide service to the community as Route 7 widened to six lanes. He added that the church cared about safety and availability of access as the population continued to grow.

Garry Ho, 1323 Schuman Court, Vienna, spoke in opposition to the tower and said his cell service was reliable. He added that previous speakers from the Great Falls area with poor service might benefit more from the proposed use.

Commissioner Ulfelder pointed out that one of the largest and most unattractive towers in Fairfax County was located in a residential community within Great Falls.

Eric Peterson, 1402 Zinc Court, Vienna, was opposed to the application and stated that the community had demonstrated this evening that there was nothing in the application to warrant its approval. He added that its approval would change the character of the area.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Donohue, who reintroduced Mr. Dugan. However, prior to Mr. Dugan's comments, Mr. Donohue pointed out that Mr. Dugan was a Professional Engineer who was licensed in nine states, in addition to providing a brief summary of Mr. Dugan's qualifications and memberships in relevant organizations. He posed two questions for Mr. Dugan: 1. Was the propagation threshold used in the application coverage maps consistent with industry standards? 2. Given the number of speakers who suggested locating the facility at Fire Station 42, would the fire station be a good location in lieu of the proposed site?

Mr. Dugan stated that RF engineers relied on propagation modeling as an aid to design a system. He added that Verizon Wireless took great efforts to determine the location of its facilities, noting that the idea was to reinforce the existing structure rather than waiting for it to collapse before fixing it. He said that the propagation standard in the application of -95dB (negative 95 decibels) was not an industry-wide standard; however, he noted that Verizon Wireless designed its facilities to work with wireless devices currently being sold. Subsequently, -95dB has been determined to be the minimum signal level for 4G/LTE wireless service. Addressing the fire station location, Mr. Dugan said that Verizon Wireless was interested in locating there as a complement to the proposed cell tower; however, it would not serve as an alternative to this site.

Commissioner Hall asked Mr. Dugan if he provided the data Mr. Ende and county staff had requested proving the need for this facility. Mr. Dugan said that he provided his report, adding that he had not joined the team on this application until September 2014.

CWS VII, LLC & THE TRUSTEES
OF ANDREW CHAPEL UNITED METHODIST CHURCH.

Mr. Donohue stated that the applicant had provided propagation maps (as seen tonight) to county staff, adding that he had also provided them to the community at meetings with the community. He added that after Mr. Dugan joined the team, the same material was included in Mr. Dugan's report, which was provided to county staff. When Commissioner Hall asked Mr. Donohue if he had provided a copy to Mr. Ende, Mr. Donohue said no because Mr. Ende had not requested it, but stated that he would be happy to provide it.

Commissioner Migliaccio asked staff if there was anything that the applicant had not provided upon request. Ms. Bishop said that when staff had suggested the applicant provide supplemental information, the applicant provided information that was consistent with similar 2232 applications.

When Commissioner Hall asked if the applicant's submissions met staff's needs to make the appropriate determinations, Ms. Bishop said yes.

Addressing remarks regarding Objective 42 in the Policy Plan, Mr. Donohue pointed out that the bell tower provided camouflage for the facility. In addition, he pointed out that Objective 43, Policy a in the Telecommunication section specifically mentioned bell towers as a means of camouflage for these facilities. He further noted that there were three letters of intent for the proposed facility, which was a strong indication for the need in this location.

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 Ulfelder for action on this case.

//

Chairman Murphy: Public hearing is closed; Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. First, I would like to thank everyone who came this evening who spoke, and those of you didn't but came to support those who did, and hung in there. We have had a long evening because we had several other applications that took time as well. And I think - - I did talk to the group a number of times on various occasions and I did urge them to try to present in a focused way without, sort of, everybody getting up and saying the same thing, and I think you did a terrific job tonight and I want to thank you all. And - but as I said earlier, I'm going to move defer this - the decision only. Therefore, Mr. Chairman, I MOVE TO DEFER THE DECISION ONLY FOR SE 2013-DR-019 AND 2232-D13-9 TO A DATE CERTAIN OF NOVEMBER 12TH, 2014, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioners Hedetniemi and Litzenberger: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi and Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2013-DR-019 and 2232-D13-9 to a date certain of November 20th [sic] with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Mr. Chairman, I think he said the 12th.

Chairman Murphy: Did you say the 12th?

Commissioner Ulfelder: The 12th, yes.

Chairman Murphy: I'm sorry, I said the 20th. Strike that.

The motion carried by a vote of 10-0. Commissioners Flanagan and Lawrence were absent from the meeting.

//

The meeting was adjourned at 1:58 a.m.

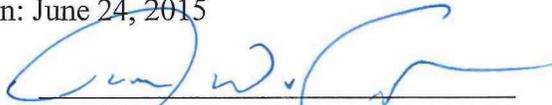
Peter F. Murphy, Chairman

Janet R. Hall, 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: Jeanette Nord

Approved on: June 24, 2015



John W. Cooper, Clerk to the
Fairfax County Planning Commission