

Planning Commission Meeting
March 23, 2011
Verbatim Excerpt

2232-S09-26 and SEA 99-S-012-03 – THE COUNTRY CLUB OF FAIRFAX, INC. AND
T-MOBILE NORTHEAST LLC

Decision Only During Commission Matters
(Public Hearing held on March 10, 2011)

Chairman Murphy: All right. I have a decision only in the Springfield District. I'm going to ask Mr. de la Fe to please chair the proceedings.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I'm going - - I recuse myself from this. I'm not going to participate in the decision. Okay.

Parliamentarian de la Fe: Mr. Murphy.

Commissioner Murphy: Thank you very much, Mr. Chairman. I know some of my fellow Commissioners were not here for this public hearing, but about two weeks ago we had a public hearing on a Special Exception Amendment 99-S-012-03, which was heard concurrently with application 2232-S09-26. And this is for a monopole, which is actually a treepole of 100 feet with 36 - - capacity of going to 36 antennas, located at Fairfax Golf and County Club on Route 123. Actually it's right on Route 123 in the Springfield District. First, I want to thank Ms. Bader, who was the staff person for our Special Exception, and Mr. Bell, who was the staff coordinator for the 2232. And also I want to thank at the outset, Marlae Schnare from Supervisor Herrity's Office, who was with me through all of this process including right up to the Planning Commission public hearing. Before I begin, I just want to say that there was a balloon test done on this property and on this proposal on July 24th and as we always do in the Springfield District, we had a community meeting on September 20th. There are three items that I would like to clear up that are more administrative in nature than deal with the 2232 or the SEA directly. The first is there was an issue among the citizens about the legal notification that was mailed. We had to make two mailings on this. The first mailing went out on the schedule of the first public hearing, but we had to defer the first public hearing on this - - these applications because of a legal problem that we had, and I was advised by the County Attorney that until this affidavit problem was squared away, we should not have the public hearing. So, we rescheduled the public hearing to the date where it actually was heard, and we had to send out a second notification, which was properly sent out by the Planning Commission Office, notifying the citizens in the area that we were going to have a second public hearing. And obviously, they knew about it because quite a few showed up. The second - - there was a - - there was a question about the posting of the yellow signs in the neighborhood, and after conferring with the County Attorney and staff, it had been determined that all the signs in the neighborhood were posted properly at the right streets at the right locations, according to the Ordinance we go by. The third

-- the third administrative announcement I would like to make came out -- came up after the public hearing. I got several e-mails from folks in the neighborhood saying that T-Mobile -- and the application is a T-Mobile application, since they are about to merge at least theoretically with AT&T, and this application could be obsolete and therefore until the merger comes about and we find out where AT&T is going with T-Mobile, we should defer the application. And I'm sorry, we can't do that. That is not part of this process. We have a time restriction on the 2232. It's a legally filed application we have to hear within a certain amount of time. If we don't make a determination in that period of time then it's automatically approved and that's that. We just can't defer an application because there may be a merger of two telecommunication companies. We have done a lot of analysis of this -- both the 2232 application and the Special Exception. The sole issue on the 2232 is whether location, character, and extent of the facility proposed in this application is substantially in conformance with the Comprehensive Plan. The staff has carefully analyzed this application using the applicable legal criteria, and after reading this several times and analyzing the staff's analysis, I have come to the conclusion that the staff is correct. The proposal fully conforms to Objective 42 of the Policy Plan. The height and design of the pole, the distance of the pole to residential development, and lack of significant visual impacts on the residential community comply fully with this Objective. Now, we had some citizens who came out to say, "This is in my backyard. This is in my backyard." One citizen lived at 5030 Oakcrest Drive. The monopole is 844 feet from that property. If you convert that to yards, it's two football fields plus a field goal. It's 281 yards. Another property on Glen Mist Road [sic] is 600 to 650 feet from the site. It's 200 yards. Now the next -- the property that actually abuts belongs to Mr. Bell. Mr. Bell has a barn. It's 355 feet or 118 yards. One football field plus from the pole. And his house is 488 feet or 162 yards from the pole. Impacts would be further mitigated by additional plantings. And I probably never heard of these trees before, but on the plat the applicant will provide 10 loblolly pines -- I can give you the Latin word if you like -- as shown on the landscape plan. These pines meet the exceeded and recommended -- and exceed -- excuse me -- the recommendation of the Urban Forestry Department. They will be 10 to 12 feet in height at the time of planting and will be 70 to 90 feet in maturity. These trees typically grow fast at 24 inches per year depending on the soil type they are planted in. So, you can see that that property is going to be well buffered, as are all, basically all the properties in these communities from this site. It is oriented toward undeveloped property. There is an opportunity for that property to develop. When it develops, there will be homes there and it will further be buffered by those homes. One of the things it does address -- the application does address is the opportunity for co-location on the pole for other carriers. And when you co-locate on a major pole -- when other carriers co-locate on that pole, it precludes other monopoles, pinepoles, flagpoles, from going up in the area to give the coverage we need. Although public lands and co-location are ordinarily preferred over the new structure, no opportunities for those lands were available in the area. And T-Mobile has documented the need for increased coverage in this area, which is now getting to be an issue. What do we mean by increased coverage? When we first started out doing these applications back in the '80s, we were putting up monopoles or antennas on top of buildings because we were basically serving the people who have cell phones and pagers. Wow, has that taken off in the 20 years that have gone by since then. Watch television, watch what's coming out, iPods, iPads, books, you don't get any newsprint on your fingers, you just go like that and open up. All these devices that are going through Fairfax

County and other jurisdictions around the country take up bandwidth. And the telecommunications companies are attempting to put in more of these devices to serve the people who are purchasing the telecommunications devices that are taking the bandwidth away from this entire community. They need to happen. Unfortunately, in many parts of the district we don't have the height. The Springfield District is - - includes the area we're in tonight, Fairfax Center. In Fairfax Center, we have tall buildings. We can put telecommunications antennas, co-locate them on top of the tall buildings. But in this part of the Springfield District where this application is located, the maximum height of the building is about a 35-foot townhouse. So, if the people in the area want the service and the network needs the service, and it's proven that the network needs the service, there are applications that are going to be filed for monopoles disguised as treepoles, flagpoles, or we even put them in church steeples, or whatever. So, that's the dilemma we're facing now. The supply and demand. How do you - - how do you give the service required for the people who are buying all these devices and using them everyday? Kids now text on school buses early in the morning. You know that. Everybody has one. So, it fully conforms with Objective 43 of the Plan, and the structure is camouflaged and concealed as a treepole that blends with the existing or proposed tree cover. As far as the Special Exception is concerned, SEA 99-S-012-03, we have found that it fully satisfies the criteria of the Zoning Ordinance for Special Exceptions. ZO 9-006, SE General Standards, is in harmony with the Comprehensive Plan and will not adversely affect existing residential developments because of its distance and lack of visibility. Can you see it? In some of areas, yes. But as I traveled around for about an hour and a half the day we did the - - did the - - T-Mobile did the balloon test, it is hardly visible from many locations in this community. It's more visible on some sides of 123 than it is in the communities concerned. And Zoning Ordinance 9-105, Telecom Additional Standards, it fully satisfies this because the antennas are designed to blend in with the treepole structure. There is one other thing I would - - I would like to mention about this, and I could go into a lot of detail on character, location, and extent, but I think that sums it up. Talking about this as a network system, and we heard a lot about it's going to devalue my property. And you know, you can find a real estate agent du jour who you know and who is going to agree with you. I don't know if this is a true case. I have not seen really any empirical studies that mean something to me that tell - - tells me that if a monopole is in a neighborhood, it's going to devalue property. But the Fairfax County Economic Advisory Commission published a pamphlet in February of 2011 called, "Fairfax County: Preserving Our Quality of Life Requires Maintaining a Strong Economy." Now, they're not interested in just bringing businesses to Fairfax County. They're interested in bringing businesses to Fairfax County because Fairfax County has great places to live, to work, to recreate, to go to school. What you would look for in a community if you were relocating a company from "x" to Fairfax County. One of the paragraphs in this study is entitled, "Twenty-first Century Infrastructure." And I'll just like you to read one sentence, "Support public and private efforts to improve wired and wireless communication networks in the County that match or exceed industry standards for speed and reliability." Welcome to the twenty-first century. Does this mean that every monopole, whether it's disguised as a tree or a flagpole, should be approved? No. It has to measure up to the standards, and each one has to be judged on its own basis and on its own merits. There's no stamp of approval on a monopole. Each one, and my fellow Commissioners know this, each one is a test and it's very difficult, but this is - - this is the way we're going in this County. A lot of

people tell me, "We need to have the service in our community because I've given up my landline, and I am now using a cellular phone or a Blackberry or an iPhone or whatever to communicate. I no longer use my landline." This may be one of the reasons AT&T is merging with T-Mobile, but that's way above my pay grade. So, therefore, Mr. Chairman, I would MOVE THE SUBJECT PROPOSAL, AS AMENDED BY T-MOBILE, TO CONSTRUCT A TELECOMMUNICATIONS FACILITY ON THE PROPERTY OF THE COUNTRY CLUB OF FAIRFAX, SATISFIES THE CRITERIA OF CHARACTER, LOCATION, AND EXTENT, AS SPECIFIED BY *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED. And therefore, I RECOMMEND APPROVAL TO THE PLANNING COMMISSION.

Commissioner Litzenberger: Second.

Parliamentarian de la Fe: Seconded by Mr. Litzenberger.

Commissioner Flanagan: Yes?

Parliamentarian de la Fe: Commissioner Flanagan.

Commissioner Flanagan: I'm not going to vote against the - - the motion, but I do want to comment that I - - from the public hearing testimony that I heard, I'm not convinced that this is the least visible location on the Country Club property so I will be abstaining.

Parliamentarian de la Fe: All right. It's been moved and seconded.

Commissioner Murphy: I will comment on that. As far as locating it on another part of the Country Club property, it will be less visible to this community, but it won't be less visible to the people who will have it in their backyard, and I mean it will be in their backyard.

Commissioner Lawrence: Mr. Chairman?

Parliamentarian de la Fe: Commissioner Lawrence.

Commissioner Lawrence: Just a further to Commissioner Murphy's precede on the state of affairs, there is a forecast in the telecommunications industry that by the year 2015, not very far from now, there will be a 30-fold increase in the demand for data capacity in the wireless networks. Thirty-fold. Now, that's an industry forecast, so let's pretend we only believe half of that. Right. That's 15-fold by 2015. Thank you, Mr. Chairman.

Commissioner Litzenberger: Mr. Chairman?

Parliamentarian de la Fe: Mr. Litzenberger. We are on verbatim.

Commissioner Litzenberger: Okay. This will just take a second. I don't know why Mr. Lawrence gets to speak, but every time I speak you tell me I'm on verbatim.

Parliamentarian de la Fe: So, you seconded it.

Commissioner Litzenberger: All right. Just a point of information. On one of the business channels today, they stated, "Realtors now have a meter that measures bandwidth and if it's low, property value goes down. If it's high, it goes up." Thank you.

Parliamentarian de la Fe: Anyone else? All those - - it's been moved and seconded. All those in favor of approving 2232-S09-26, The Country Club of Fairfax and T-Mobile Northeast LLC, please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed?

Commissioner Flanagan: Abstain.

Parliamentarian de la Fe: One abstention.

Commissioner Donahue: Also, Mr. Chairman, abstain. I was not here for the public hearing.

Parliamentarian de la Fe: Okay. Commissioner Donahue abstains, not present for the public hearing, and Commissioner Flanagan abstains.

Commissioner Murphy: Mr. Chairman, on the Special Exception - -

Parliamentarian de la Fe: Mr. Murphy. Yes.

Commissioner Murphy: I - - we have several motions on waivers. These are basically reaffirmations of waivers that were already approved on prior Special Exception applications from the Country Club because we've put up other facilities there. So, I'm going to do them all at once and save some time. So, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA 99-S-012-03, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Litzenberger: Second.

Parliamentarian de la Fe: Seconded by Mr. Litzenberger. All those in - - any comment? All those in favor of recommending approval of SEA 99-S-012-03, The Country Club of Fairfax and T-Mobile, please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed?

Commissioners Flanagan and Donahue: Abstain.

Parliamentarian de la Fe: And Commissioner - - the same abstentions as before. Commissioner Flanagan and Commissioner Donahue.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS, WHICH WERE PREVIOUSLY APPROVED UNDER SEA 99-S-012-2, AND THIS IS A REAFFIRMATION OF:

- THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG ALL PROPERTY BOUNDARIES, IN FAVOR OF THAT DEPICTED ON THE SE PLAT;
- A WAIVER OF THE BARRIER REQUIREMENTS ALONG ALL PROPERTY BOUNDARIES, IN FAVOR OF THAT DEPICTED ON THE SE PLAT;
- A WAIVER OF THE SERVICE DRIVE REQUIREMENTS ON ROUTE 123;
- MODIFICATION OF PARAGRAPH 2, SECTION 9-528, TO PERMIT THE LOCATION OF THREE STRUCTURES AND TENNIS COURTS WITHIN 50 FEET OF A LOT LINE; AND
- WAIVER OF THE REQUIRED CONSTRUCTION OF FRONTAGE IMPROVEMENTS ON ROUTE 123 IN ASSOCIATION WITH THIS APPLICATION.

Commissioner Litzenberger: Second.

Parliamentarian de la Fe: Seconded by Mr. Litzenberger. All those - - any comment? All those in favor of recommending approval of the waivers and modifications that had been previously approved under SEA 99-S-012-2, please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed?

Commissioners Flanagan and Donahue: Abstain.

Parliamentarian de la Fe: Same abstentions. Motion carries.

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(The motions carried by votes of 6-0-2 with Commissioners Donahue and Flanagan abstaining; Commissioner Hart recusing himself from the votes; Commissioners Alcorn, Hall, and Harsel absent from the meeting.)

KAD