

Planning Commission Meeting  
November 3, 2010  
Verbatim Excerpt

FSA-B10-9-1 – CLEARWIRE, 7171 Wimsatt Road

During Commission Matters

Commissioner Harsel: Second case this evening, Mr. Chairman, as we roll along. I have a "Feature Shown Amendment". And before I move on this "Feature Shown Amendment", this is down on *The Washington Post* on Wimsatt Road. And it's a tiny, little tower on top of the building, and we've done about three or four there. In fact, I think I've got something to come and do another one. I asked four months ago when this came in for a structure analysis of the roof and the tower to make sure it could hold it. I requested the person, the committee, or the company I wanted to do it since they treat us as people. I mean they say, "Fail, pass, fail." I never got it, never got it, never got it, so we did finally get it. This is an absolute insult. I have asked Mr. Marshall to give us a work session with engineers so we can understand what they are. I have to move on this, but I want no responsibility when that roof of *The Washington Post* collapses. I don't want anyone to come to me and say, "You caused it." With that said - - and I'm angry - - with that said, I move that - -

Chairman Murphy: You expect us to vote on this thing?

Commissioner Sargeant: Yes.

Chairman Murphy: We're going to get blamed. She's going to abstain.

Commissioner Harsel: That's right. That's right. I want no - -

Chairman Murphy: Geez. That's a hell of a prologue you gave.

Commissioner Hall: What happens if everyone abstains?

Commissioner Hart: What if we had a public hearing?

Commissioner Harsel: Oh I have to - - if I make the motion.

Chairman Murphy: Don't ask that.

Commissioner Harsel: Don't ask that.

Commissioner Hall: Okay.

Commissioner Harsel: In the case of FS Amendment, "Feature Shown" Amendment B10-9-1, CLEARWIRE, 7171 WIMSATT ROAD, IT MEETS ALL THE CRITERIA OF THE 2232, AND I MOVE THAT IT BE ACCEPTED AS A "FEATURE SHOWN."

Commissioner Flanagan: Second.

Commissioner Hall: So, there's two votes.

Chairman Murphy: Seconded by Mr. - - we're all safe. Seconded by Mr. Flanagan. Is there a discussion of the motion?

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes, Mr. de la Fe.

Commissioner de la Fe: Given Ms. Harsel's introduction to this and since I don't want to be in any way - -

Commissioner Harsel: Responsible.

Commissioner de la Fe: - - blamed by *The Washington Post* if it fails, I'm going to abstain on this one.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Can I ask staff what are our options on this?

David Marshall, Planning Division, Department of Planning and Zoning: Mr. Hart, all these applications still have to go through the Building Review process. What you're doing as far as I'm concerned is considering whether this is a "feature shown" in the Comprehensive Plan Guidelines under the Land Use Policies in the Policy Plan for the location, character, and extent of the facilities. We do not test these through our process for structure analysis of other types of features which they would have to be reviewed by - - before they are approved. They didn't submit, and I think they routinely do a structure analysis to determine whether or not the facility can accommodate what they're proposing. And I think that was provided to Ms. Harsel, evidently not to her satisfaction, but the company - - it is stamped by a civil engineer - - has verified that it is structurally sound. So - -

Commissioner Harsel: I don't read that here.

Mr. Marshall: Well, I don't want to debate because I'm not a civil engineer whether or not if an adequate report to Ms. Harsel, but I believe it is an adequate report considering that a civil engineer has stamped it and agreed that it is a structurally sound facility. But it also has to get a building permit and go through Building Review as well. Department of Public Works also signs off on these - - these applications or these proposals.

Commissioner Hart: In staff's view, the - - whether the roof is weak or something is something that would be dealt with by the Building Permit Review staff rather than us tonight?

Mr. Marshall: That's correct. I mean whatever they put on these roofs - - any of these buildings - - we're not asking for a structure analysis of whether or not they can hold any of these antennas or the related equipment. So, you might have that issue for anything they're putting on roofs, including air conditioning units and all these various sundry accessories to buildings.

Commissioner Hart: Thank you.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. Given Mr. Marshall's tutorial on the metes and bounds of our authority and the scope of our decision here then I'm going to give my general and approximate support to this motion. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion of the motion?

Commissioner Hall: Mr. Chairman?

Chairman Murphy: Ms. - - yes, Ms. Hall.

Commissioner Hall: I'm not going to support this motion. Ms. Harsel had to waste a lot of time to get a lot of information that she can't understand. I don't think people should waste our time, and therefore I'm not going to support the motion.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to concur with the "feature shown" amendment FSA-B10-9-1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hall: No.

Chairman Murphy: Motion carries. Ms. Hall votes "no"

Commissioner de la Fe: Abstain.

Chairman Murphy: And Mr. de la Fe abstains.

Commissioner Harsel: All right.

Chairman Murphy: And *The Washington Post* is shivering. And I think - -

Commissioner Harsel: And even though I said - -

Chairman Murphy: I agree with what Mr. Marshall said though. I think - -

Commissioner Harsel: Yes.

Chairman Murphy: All they needed to say in this letter was having given you all this, it's structurally sound. They didn't reach conclusion in the letter. I think that's the only problem with the letter.

Commissioner Harsel: And the one company that I - - that did come forth and say that. They did say it - - that you know - - and I called the gentleman and he said, "Yes, it's not so much the roof, it's everything you add on it." Now this is Clearwire, but that's neither here nor there.

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(The motion by a vote of 9-1-1 with Commissioner Hall opposed; Commissioner de la Fe abstaining; Commissioner Alcorn absent from the meeting.)

KAD