

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 28, 2016**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Timothy J. Sargeant, Commission At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie M. Strandlie, Mason District
Karen Keys-Gamarra, Sully District

ABSENT: Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At Large

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The meeting was called to order at 8:24 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner de la Fe announced that the Commission's Environment Committee would meet at 7 p.m. in the Board Conference Room of the Fairfax County Government Center on Thursday, September 29, 2016.

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ORDER OF THE AGENDA

In the absence of Secretary Hart, Chairman Murphy established the following order of the agenda:

1. RZ/FDP 2015-HM-011/SEA 94-H-049 – CESC COMMERCE EXECUTIVE PARK, LLC
2. SE 2016-HM-017/2232-H16-23 – MILESTONE TOWER LIMITED PARTNERSHIP III

This agenda was accepted without objection.

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RZ/FDP 2015-HM-011- CESC COMMERCE EXECUTIVE
PARK, LLC – Appl(s). to zone from I-3 to PDC to permit mixed-
use development with an overall Floor Area Ratio (FAR) of 2.5
and approval of a conceptual and final development plan. Located
in the S.W. quadrant of Dulles Toll Rd. and Wiehle Ave., on
approx. 11.58 ac. of land. Comp. Plan Rec: Transit Station Mixed-
Use. Tax Maps 17-4 ((12)) 11 D4, 11 D5, and 11 D7. (Concurrent
with SEA 94-H-049.) (HUNTER MILL DISTRICT) (PUBLIC
HEARING)

SEA 94-H-049 - CESC COMMERCE EXECUTIVE PARK, LLC
– Appl. under Sect(s). 9-618 of the Zoning Ordinance to amend SE
94-H-049 previously approved for an increase in FAR to permit
deletion of land area. Located at 1850 Centennial Park Dr., 11400
and 11440 Commerce Park Dr., Reston, 20191, on approx. 11.58
ac. of land zoned I-3. Tax Maps 17-4 ((12)) 11D4, 11D5, and
11D7. (Concurrent with RZ/FDP 2015-HM-011.) (HUNTER
MILL DISTRICT) (PUBLIC HEARING)

Greg Riegle, McGuireWoods, Applicant's Agent, reaffirmed the affidavit dated August 23,
2016.

There were no disclosures from the Commission.

Laura Arseneau 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 RZ/FDP 2015-HM-011 and SEA 94-H-049.

Commissioners Sargeant and de la Fe discussed with Ms. Arseneau and William Mayland, DPZ,
ZED, several of the remaining outstanding issues cited in the staff report. Mr. Mayland
summarized the issues with the Workforce Housing and Reston Road Fund contributions by
stating that the Comprehensive Plan allowed either a one-time contribution of three dollars per
square foot or an annual contribution of twenty-five cents for sixteen years for non-residential
workforce housing. He said the applicant wanted to better understand the Reston Road Fund
Contribution requirement, which was still under determination by the Advisory Group
Committee, prior to determining which workforce housing contribution they would make. He
said the applicant would be required to update the proffers prior to the Board of Supervisors
hearing to address both outstanding issues.

Mr. Riegle said that this proposal offered a new residential use within a mixed-use concept with public spaces and a multi-modal approach for access to the metro station and this site. He detailed the applicant's proposed package of onsite improvements and noted that the three existing buildings would remain. Addressing the outstanding issues, Mr. Riegle said that this proposal would provide pedestrian and bicycle access during Phase 1 of the development, with vehicular access being provided concurrent with construction of the new street grid. He agreed with Mr. Mayland's previous assessment of the Reston Road Fund and Workforce Housing contribution issue, stating that upon determination made by the Advisory Group Committee the proffers would be updated. Mr. Riegle noted the support of the Reston Planning and Zoning Committee.

In response to a question from Commissioner Sargeant regarding the Traffic Demand Management Plan (TDM), Beth Iannetta, Planner, Fairfax County Department of Transportation, explained that during Phase 1 of the development the applicant agreed to a 25 percent trip reduction. She said that once Phase 2 was completed, the applicant had agreed to increase the residential trip reduction and new office to 45 percent and the hotel to a 30 percent trip reduction. Commissioner Sargeant asked staff how that compared to the other TDM plans in the vicinity; wherein, Ms. Iannetta said that this application and the Wiehle Station Ventures application were both at the 45 percent reduction because they were within a half mile to a metro station which was the maximum that staff would recommend.

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

Mr. John Hawthorne, I.G.S. Limited Liability Company, 11495 Commerce Park Drive, Reston, spoke in opposition to this request because it would create undue hardship and substantial injury to his company. He explained that the development consisted of private roads which were made up of easements on different owner's properties and were maintained by an association. Mr. Hawthorne said that Commerce Park Drive was located on I.G.S. property and the proposed public access easement would be an encouragement of going beyond the originally intended commercial development use of this property. He said that I.G.S. was concerned about the amount of public usage and additional liability that would be generated by this use through their private easement.

Commissioners Sargeant and Ulfelder discussed with Mr. Hawthorne the building location, public usage and additional options for accessing his business; wherein, Mr. Hawthorne explained that there was access from Association Drive but the main artery into his property would be on Centennial Park Drive. He said that due to the installation of gates located off of Centennial Park Drive, it was now being utilized by the general public as a kiss and ride access to the Wiehle Station Metro and has been the subject of litigation between private parties.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Riegle, who agreed that there were issues subject to private agreements between parties which had been the subject of litigation in court. He said his client was taking the risk raised with these issues, while the County had the protection of a proffered plan where the applicant was obligated to design and implement according to that plan.

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.

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(Start Verbatim Transcript)

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

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, as we – during the presentation and the questions there are a few issues, like the workforce housing, road fund and the public access and so forth, that I think need to be sharpened up before we can make a recommendation on this. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY, WITH THE RECORD REMAINING OPEN, FOR SEA 94-H-049 AND RZ/FDP 2015-HM-011 TO A DATE CERTAIN OF OCTOBER 6TH.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion of the motion? All those in favor of the motion to defer these decisions for decision only on October 6th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 8-0. Commissioners Flanagan, Hart, Hedetniemi, and Lawrence were absent from the meeting.

(End Verbatim Transcript)

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SE 2016-HM-017 - MILESTONE TOWER LIMITED
PARTNERSHIP III – Appl. under Sect. 3-204 of the Zoning
Ordinance to permit a telecommunications facility (monopine).

Located at 2791 Fox Mill Rd., Herndon, 20171, on approx. 14.20 ac. of land zoned R-2 (Cluster). Hunter Mill District. Tax Map 36-1 ((10)) G. (Concurrent with 2232-H16-236.) (HUNTER MILL DISTRICT) (PUBLIC HEARING)

2232-H16-23 - MILESTONE TOWER LIMITED PARTNERSHIP III – Appl. under Sect(s).15.2-2204 and 15.2-2232 of the Code of Virginia to permit a telecommunications facility. Located at 2791 Fox Mill Rd., Herndon, 20171, on approx. 14.20 ac. of land zoned R-2 (Cluster). Tax Map 36-1 ((10)) G. (Concurrent with SE 2016-HM-017.) (HUNTER MILL DISTRICT) (PUBLIC HEARING)

Frank Stearns, Esquire, Applicant's Agent, Donohue & Stearns, PLC, reaffirmed the affidavit dated May 2016.

There were no disclosures by Commission members.

Natalie Knight, Planning Division, Department of Zoning and Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application 2232-H16-23.

Joseph Gorney, Zoning Evaluation Division, Department of Zoning and Planning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2016-HM-017.

Commissioner Migliaccio discussed the waiver of the red marker with Mr. Gorney and would it still apply if the tower height was bumped up to the 10 percent allowed by Federal Law; wherein, Mr. Gorney said he would need to consult with the applicable agencies to determine whether or not that would require another review before the Planning Commission.

Commissioner Sargeant discussed with Mr. Gorney whether the Park Authority would allow the telecommunications facility to be located on Fred Crabtree Park in the developed ball field area. Mr. Gorney explained that Fred Crabtree Park was now a managed conservation area; therefore, other uses would not be allowed if they were not previously identified on the Master Plan. He said that staff did not discuss the issue of locating it on the currently developed ball field area with Park Authority staff.

Mr. Stearns said that the demand for wireless was growing along with the need for additional capacity and coverage due to the large amount of data downloads from wireless devices. He said there was a need in this area due to the coverage being unreliable and "spotty." Mr. Stearns said that the applicant had explored alternative sites such as Fred Crabtree Park, Difficult Run Park, and Hunter Mill Swim Club which resulted in being turned down by staff. He said there were over 30 cell towers in the county located on Fairfax County Public School (FCPS) properties and the applicant had worked with FCPS staff to locate the tower on this site that would meet the

applicant and community's needs. Mr. Stearns said that the location met the directives of the Comprehensive Plan by being located on public land and in a heavily wooded area. He said the facility would be comprised of a 50 foot by 50 foot enclosed compound with a 138 foot cell tower "tree" which would have an 8 foot taper in order for it to resemble an evergreen. During the construction phase, Mr. Stearns said the applicant would remove a total of 16 trees then install an additional 30 trees and shrubs between the proposed facility and the school's asphalt play area, per Development Condition 18. He said that this would be an unmanned facility with a technician visiting every three weeks to test the operating status. Mr. Stearns said the applicant was willing to work with school staff to determine a testing time that would not interfere with school activities.

Mr. Stearns introduced Anthony Handley, Millennium Engineering, P.C., 132 Jaffrey Road, Malvern, PA, who explained the propagation models which plotted the various existing facilities and types of coverage currently provided in the area along with areas of unreliable coverage.

Commissioner Keys-Gamarra and Mr. Stearns discussed a similarly constructed cell tower in the area of South Lakes HS; wherein, Mr. Stearns explained it was built about 10 years ago, was taller than this proposal, and there had been no complaints.

Mr. Stearns showed pictures depicting the balloon test simulations. He noted that there had been community outreach through meetings with the Hunter Mill Land Use Committee and a web site which provided information on the proposal. Mr. Stearns noted that this facility would utilize a natural gas generator.

Commissioner Strandlie asked Mr. Stearns about other alternatives available to address the demand for capacity; wherein, Mr. Stearns explained the macros system was only used in areas such as shopping centers and stadiums to help alleviate an immediate demand on a system. He said the DAS system was placed on telephone poles but was not powerful enough to reach into entire residential neighborhoods.

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

Chris Aiello, Parents Advocating for Safe Schools, 10015 Blake Lane, Oakton, was opposed to the application because it did not meet the requirements as specified in Section 15.2-2232 of the *Code of Virginia* due to the following reasons:

- The proposed facility would interfere with potential future expansion of the school and athletic fields;
- The applicant did not explore other viable locations for the proposed site by co-location;
- The tower would be a visual nuisance and disruption to the surrounding residences;

- There were safety and security risks to the students and staff at Crossfield Elementary School due to fires caused by equipment malfunction, lightning strikes or arson; and
- There was inadequate protection from theft, vandalism or terrorist activity.

Nara Griffin, 12980 Thistlethorn Drive, Herndon, spoke in opposition to the proposal citing the 1996 Telecommunications Act, which puts the burden of proof to demonstrate significant gap coverage exists on the provider. She said the applicant did not demonstrate a significant gap in coverage existed and noted that currently, there were towers located in the area of Southwestern Fire Station and Vale Road. In addition, Ms. Griffin referenced the 2232 Application, page 23, a copy of which is in the date file, which the applicant indicated that the proposed site would merely enhance and improve service quality.

Lisa Namerow, 11815 Blue Spruce Road, Reston, spoke in opposition to the application citing a negative visual and economic impact on the nearby community.

Robert Weber, 13145 Tuckaway Drive, Herndon, spoke in opposition to the application and explained that he had organized a group of parents that made over 100 outgoing and incoming calls along with facetime and streaming activity in the zone that was identified by the applicant as having little or no coverage. He said it resulted in four missed calls; therefore, he surmised that there was no gap in coverage in this zone.

Commissioner Ulfelder noted that the Commission had received comments from residents in the area that there was a problem with cell phone service inside their residences and asked if these tests were conducted both inside and outside. Mr. Weber said the majority was outdoors.

Commissioners Hurley and Migliaccio discussed with Mr. Weber whether he was opposed to any cell tower or just at this location; wherein, Mr. Weber said it was the age of the students along with the proximity to the play area that was his main concern.

Randall Griffin, 12980 Thistlethorn Drive, Herndon, spoke in opposition to the application for the following reasons: lack of community input prior to FCPS decision, location interferes with student instruction, balloon test was conducted in the wrong location, and community opposition. He said that FCPS did not follow its own policies and discussed it in further detail. In response to a question from Commissioner Migliaccio, Mr. Griffin said his preference would be to locate the cell tower approximately one thousand feet away from permanent populations that may be at risk, noting that the Crabtree Park ball field would meet this requirement.

Amy Shelton, 2650 Black Fir Court, Reston, spoke in opposition to the application stating that she was against a cell tower being located on elementary school property within close proximity to the children's playground. In addition, she said the size of the cell tower would visibly detract from the surrounding area. Ms. Shelton noted that she had no issue with the cell towers currently

located at the middle and high schools because they were placed further away from the student population.

Charles Knickerson, 12231 Westwood Hills Drive, Herndon, spoke in opposition to the application stating that he was against the cell tower's close proximity to the elementary school along with environmental impact concerns.

Vanessa Roselle, 12800 Sunnyvale Court, Herndon, spoke in opposition to the application based on the close proximity to the elementary school and lack of communication from the Fairfax County Public School staff with the community.

Jill Wolff, Representing Franklin Farm Homeowners Association, 12809 Turberville Lane, Oak Hill, spoke in opposition to the application and referred to a letter dated September 8, 2016, a copy of which is in the Staff Report, stating that many of their residents had expressed concerns regarding the cell tower due to the location on elementary school property.

Norman Hunt, 11805 Blue Spruce Road, Reston, spoke in support of the application stating that he lived within a mile of the school and could not get cell phone coverage in his home. Noting the concerns raised by previous speakers regarding the location, Mr. Hunt said the he would support moving the cell tower to a better location but reiterated the need for one in the area.

Sean Dooley, 11920 Riders Lane, Reston, spoke in opposition to the application based on the location. He added that he was in support of the tower being relocated to a more secluded location such as an area park.

Ashwin Gramopadhye, 12918 Harrington Court, Herndon, spoke in opposition to the application based on location and safety issues. In addition, he stated a concern over the stability of the cell tower structure because it was located in an area close to a stream.

Chris Romero, 2648 Wild Cherry Place, Reston, spoke in opposition to the application echoing the previous speakers' remarks regarding the location. He said that Crabtree Park would be a better location for the cell tower.

Joseph Bocchiaro, 2615 Black Fir Court, Reston, spoke in opposition to the application based on location. He also reiterated the need for better cell coverage in the area; therefore, was not against the cell tower being relocated in the area.

Julia Sullivan, 2621 Mountain Laurel Place, Reston, spoke in opposition to the application based on location and safety concerns.

Lana Marthinsen, 2655 Black Fir Court, Reston, spoke in opposition to the application and said that she agreed with the previous speakers concern's regarding the cell tower. In addition, she said that she her residence was within walking distance to the elementary school and she did not have an issue with cell phone coverage inside her home.

Tim Walsh, 12349 Folkstone Drive, Herndon, also spoke in opposition to the application based on location.

Commissioner Ulfelder asked staff if this would be the first cell tower located at an elementary school in Fairfax County. Chris Caperton, DPZ, PD, said that there was at least one, possibly two others, located at elementary schools. He said he would provide the Commission with that information over the deferral period.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Stearns, who said that while the previous speakers comments over the health of their children were legitimate concerns he noted that radio frequency admissions along with wireless devices in homes exposed them to it in everyday life. He introduced Matt Butcher, Sitesafe Inc., who was an engineer and an environmental health expert to further address these concerns.

Mr. Butcher said that his company provided assessments for radiofrequency (RF) exposure for the Fairfax County Public Schools. He explained that the Federal Communications Commission (FCC) had exposure limits that were set by the National Environment Protection Act (NEPA) to regulate the RF exposure. Mr. Butcher said the exposure levels in and around the school which included the playgrounds, were one thousand times below the exposure limit allowed by NEPA.

Commissioner Ulfelder and Mr. Butcher discussed the height of the antennae on the proposed cell tower and what the RF exposure would be; wherein, Mr. Butcher explained that under the FCC regulation once an antennae was 32 feet off the ground the RF exposure levels could not exceed the exposure limit. He noted that the lowest proposed antennae would be 83 feet off the ground.

Noting that the previous speakers were not opposed to a cell tower in the area, Commissioner Migliaccio asked Mr. Stearns about the lack of documentation regarding the applicant's attempt to search for alternative sites in the area. Mr. Stearns explained that in 2014, the applicant had a verbal conversation with a Park Authority employee in charge of the Real Estate Department who had indicated that the Park Authority would not allow a cell tower in Crabtree Park.

Mr. Stearns continued his rebuttal by stating that the applicant had a NEPA study conducted, a copy of which is in the date file, which showed no environmental impact on the area by the proposed cell tower. In addition, he said that the applicant has agreed to the stormwater management commitments to address drainage issues as requested by staff. In closing, Mr. Stearns said this application followed the requirements in the Comprehensive Plan as well as the Zoning Ordinance and was needed in order to address the need for reliable wireless coverage in this area.

Commissioner Strandlie asked Mr. Stearns to provide a timeline of the applicant's outreach to the Park Authority regarding alternative site locations; wherein, Mr. Stearns explained that Verizon employed site locators who scout for sites, negotiate a lease then bring forward for an application. He said he had an email he could provide the Commissioners which detailed the outreach to the Park Authority by the site locator.

Commissioner Sargeant referred to page 4, Background, of the Staff Report, that referenced a note on the park plat about park parcels “not being denoted, defaced nor otherwise disturbed without approval of the appropriate county departments,” and asked staff whether it encompassed the entire Crabtree Park. Mr. Gorney said he did not have the actual size that section referred to and would provide further information to the Commissioners over the deferral period.

Noting that other parks have had covenants which precluded other uses except for sports activities, Chairman Murphy asked Mr. Caperton whether Crabtree Park had any that would preclude a monopole. Mr. Caperton said there were restrictive covenants for development, but did not specifically restrict a monopole.

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.

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(Start Verbatim Transcript)

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

Commissioner de la Fe: Thank you, Mr. Chairman. It's – we – we have heard a lot tonight. Much – many of the questions that were raised here and that were raised by the Commission were also raised by the land use committee. And the land use committee asked that with – as I have done in other cases, hold the public hearing but defer decision until they are able to get answers to their questions. They will meet on October 18th. There and at that point they, you know, hopefully will make a recommendation. So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR 2232-H16-23 (sic) AND SE 2016-HM-017, TO A DATE CERTAIN OF OCTOBER 19TH, 2016.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer these applications for decision only to a date certain of October 19th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And Mr. Chairman, I ALSO ASK THAT WE REQUEST THE BOARD OF SUPERVISORS TO DEFER THEIR PUBLIC HEARING UNTIL AFTER WE MAKE A RECOMMENDATION.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motions carried by a vote of 8-0. Commissioners Flanagan, Hart, Hedetniemi and Lawrence were absent from the meeting.

(End Verbatim Transcript)

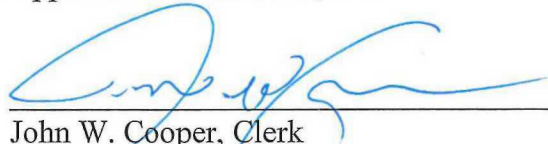
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The meeting was adjourned at 09:58 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

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: Teresa M. Wang

Approved on: March 29, 2017



John W. Cooper, Clerk
Fairfax County Planning Commission