

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 26, 2017**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
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
Earl L. Flanagan, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Karen A. Keys-Gamarra, Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: None

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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.

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COMMISSION MATTERS

Commissioner Migliaccio announced that the Planning Commission's Policy and Procedures Committee would meet on Wednesday, February 1, 2017 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss the implementation of new technology with Commissioners.

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Commissioner Hart announced that the Planning Commission's Environment Committee had met earlier this evening to discuss the MITRE 2 Building Energy report. He then stated that the Environment Committee voted to recommend that the Commission recommend to the Board of Supervisors the associated white paper, subject to minor edits that would be finalized and distributed to the Commissioners. Commissioner Hart added that he intended to move on this item at the Planning Commission's meeting on Wednesday, February 1, 2017.

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Commissioner Sargeant said that the Planning Commission's Schools Committee had met the previous night on Wednesday, January 25, 2017 to discuss the Board of Supervisors' request to develop a work plan on several issues. He then announced that the Schools Committee would meet again to continue this discussion on Wednesday, February 8, 2017, at 6:30 p.m. in the

Board Conference Room of the Fairfax County Government Center. Commissioner Hart added that this meeting was open to the public.

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Chairman Murphy announced that the Planning Commission would conduct a seminar on Saturday, January 28, 2017 in the Board Conference Room of the Fairfax County Government Center from 9:30 a.m. to 3:00 p.m.

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Chairman Murphy announced that at the Planning Commission's meeting on February 1, 2017, he intended to defer the public hearing for SE 2016-SP-019, Virginia Electric and Power Company d/b/a Dominion Virginia Power, to a date certain of Wednesday, February 8, 2017, to provide additional time for the applicant to resolve an unresolved issue with the affidavit.

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Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR SE 2015-DR-027, MAHLON A. BURNETTE, III AND MARY H. BURNETTE, TO A DATE CERTAIN OF FEBRUARY 23, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Migliaccio seconded the motion, which carried by a vote of 10-0. Commissioner Hart recused himself from the vote. Commissioner Sargeant was not present for the vote.

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING FOR PCA 86-C-023/PRC 86-C-023/DPA 86-C-023, BOZZUTO DEVELOPMENT COMPANY, TO A DATE CERTAIN OF THURSDAY, MAY 25, 2017.

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Sargeant was not present for the vote.

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RZ/FDP 2011-HM-012 – CARS-DB1, LLC (Decisions Only)
(The public hearing on these applications was held on January 18, 2017.)

(Start Verbatim Transcript)

Commissioner de la Fe: And, Mr. Chairman, the second one, we have a decision only on an application, which is known as Cars-DB1, LLC or RZ/FDP 2011-HM-012 at Tysons. We had the public hearing last week and we received a number of – there was testimony. I think there were two people that spoke. And we have received a number of electronic communications related to this. All of those items relate to intrusions into the RPA that is near this particular location. It all

relates to the alignment of Boone Boulevard, as it is currently shown in the Comprehensive Plan for Tysons. And the fact that, under that alignment, part of another application – not this one, but another application – would touch that RPA – go into the RPA. I might add, parenthetically, that the RPA has already been disturbed and, if I remember correctly – although we haven't seen a staff report and the work hasn't been completed on that application – the – in effect, part of the RPA that has already been disturbed will be restored under that, even though – depending on the width of Boone Boulevard and its ultimate location, there may be some of the RPA that will be impacted. It will be impacted on what has already been disturbed. I hasten to add that this particular application that we are considering tonight is not affected by this. It doesn't touch the RPA, so all of the comments that we have received, you know, and, I might add, one of the ones that we received had an attachment that was dated 2012, addressing an issue. They were – and it was showing from – the person that sent the email with the attachment was expressing the frustration that nothing had changed in six years. Well, I hasten to add that at the time that that attachment that he sent was forwarded to the Planning Commission and to staff, the Boone Boulevard would actually go into RPA – through the RPA – and that has changed completely. I mean, you know, Boone Boulevard will not go through the RPA. The exit ramp that was talked about that was going to go into the RPA is not going into the RPA and that – I'm not even sure that that exit ramp is there anymore. So, I mean, we have been addressing the issue of Boone Boulevard and many, if not all of the comments that we have received would pertain to something that we may discuss whenever we get to that other application, but this application that we are considering tonight is not, in any way, effecting – it does not, in any way, affect the RPA other than – since it is replacing a lot of parking lots, which have, you know, are totally uncontrolled as far as stormwater with things, you know, development that actually will control the stormwater. It really will make the situation better. But, again, the issues that have been raised affect another application. Perhaps we'll see when it gets here, but it does not apply here. In this one, as you will recall, the original staff report recommended denial for a number of transportation issues and waivers that, since the staff report was published, have been settled and have been granted. And you received last week at the time of the public hearing an addendum, which in effect recommended approval for this application. And given that, I will make the following motion – motions. And – but before I do that, could I have the applicant's representative please come forward?

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening. I'm Elizabeth Baker, representing the applicant.

Commissioner de la Fe: Thank you. Ms. Baker, two things. One refers to a proffer – let me see where I have it – it's Proffer 32C ii – and it has language concerning escrows. And I want to make sure that – and we have talked about it – and you say that some of the language that is now being proposed with this change, you've already, in effect, incorporated into what has been submitted to the Board for their consideration.

Ms. Baker: Correct.

Commissioner de la Fe: And I want to make sure that you agree that before this goes to the Board itself that the language, as we have discussed, will be incorporated.

Ms. Baker: That's correct. I have no problem with that.

Commissioner de la Fe: Okay, thank you. Then the second one is – I would have you confirm for the record, your agreement to the proposed development conditions dated January 4th, 2017.

Ms. Baker: Yes. The applicant agrees to those conditions.

Commissioner de la Fe: Thank you very much.

Ms. Baker: Thank you.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-HM-012, SUBJECT TO THE PROFFERS DATED JANUARY 17TH, 2017, AND AS WILL BE AMENDED AS DISCUSSED TONIGHT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2011-HM-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

Commissioner Strandlie: I was absent.

Chairman Murphy: Okay. Ms. Strandlie abstains, not present for the public hearing. And you will abstain through all the motions we go through tonight, for the record.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-HM-012, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 4, 2017 AND SUBJECT TO THE BOARD'S APPROVAL OF RZ 2011-HM-012.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion of that motion? All those in favor of the motion to approve FDP – FDP 2011-HM-012, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS, AS LISTED IN THE HANDOUT DATED JANUARY 18TH, 2017. This was handed out last week and it was handed out tonight – that was provided to you today, WHICH WILL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0-1. Commissioner Strandlie abstained. Commissioner Sargeant was not present for the vote.

(End Verbatim Transcript)

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ZONING ORDINANCE AMENDMENT – CRAFT BEVERAGE PRODUCTION
ESTABLISHMENTS (Countywide) (Decision Only)

(The public hearing on this application was held on January 12, 2017.)

(Start Verbatim Transcript)

Commissioner Hart: Okay. Mr. Chairman, thank you. On January 12, 2017, the Commission held a public hearing on a proposed zoning ordinance amendment regarding craft beverage production establishments and deferred decision until tonight. I want to thank the staff coordinator, Drew Hushour, for his fine work on this case, also Megan Duca, the previous staff coordinator, and Leslie Johnson, the Zoning Administrator, for their helpful assistance. I also want to thank Mr. Scott Adams for submitting his comments on behalf of industry. I believe there is a consensus that this is a worthwhile amendment and will help facilitate high quality economic development in Fairfax County. Additional industrial use of this character helps relieve the tax burden on homeowners, which is a particularly important policy consideration in years of tight budgets. Other jurisdictions have had positive experience with breweries and similar uses, which can be appropriate in the zoning districts staff has identified and subject to the new definition. To the extent we can promote, through narrowly tailored zoning ordinance amendments, a tax-paying industrial employer, such as a brewery, to invest in a suitable facility like an old prison building or other appropriate sites, in appropriate zoning districts with appropriate limitations, it is a win-win situation. The more difficult questions on this amendment have to do with the number of barrels of beer and which of the advertised options the Commission should recommend. While I understand staff's recommendation, I have concluded, based on the record before us, that the higher number for barrels of beer will be acceptable and will facilitate greater flexibility for the use. I believe the overall impacts of a brewery producing 15,000 barrels will be essentially equivalent to a brewery producing 20,000 barrels. Similarly, I believe Option 2 allows more flexibility with respect to promoting this use in P-Districts. In my view, ultimately, it makes little difference if the tasting room is the principal feature or not for this type of use, given the track record of breweries, so long as there is a tasting room component. These recommendations are within the scope of the advertising. These recommendations also are consistent with Mr. Adams' observations regarding the potential brewery use at the Lorton prison site. The

Commission recently dealt with a somewhat more controversial ordinance amendment for farm wineries and breweries, which topic triggered renewed scrutiny about the necessity for public water to be available for a brewery site. While I remain concerned about potential impacts of breweries on nearby wells, an additional use limitation in that regard is outside the scope of the advertising for this amendment. I believe the sufficiency of water availability also can be reviewed by other agencies and does not have to rise to the level of a use limitation. As a practical matter, most if not all P-Districts will have public water and there is very little, if any, suitable land available in the higher commercial districts and higher industrial districts which is still on well water. The amendment is not proposing this use in any residential districts, so the question of a brewery competing with residences for well water in R-C, R-E, or R-I is unlikely to come up. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING CRAFT BEVERAGE PRODUCTION ESTABLISHMENTS TO INCLUDE THE FOLLOWING OPTIONS, AS DISCUSSED IN THE STAFF REPORT AND PROPOSED IN THE DRAFT TEXT LANGUAGE:

- First, a manual – excuse me – A MAXIMUM ANNUAL PRODUCTION LEVEL OF 20,000 BARRELS OF BEER FOR CRAFT BEVERAGE PRODUCTION ESTABLISHMENTS, AS SET FORTH IN THE DEFINITION PROPOSED IN ARTICLE 20; AND
- OPTION 2, FOR PARAGRAPHS 17 A AND B OF SECTION 6-206, REGARDING THE PDC DISTRICT;
- OPTION 2, FOR PARAGRAPHS 15 A AND B OF SECTION 6-305, REGARDING THE PRC DISTRICT;
- OPTION 2, FOR PARAGRAPHS 14 A AND B OF SECTION 6-406, REGARDING THE PRM DISTRICT; AND
- OPTION 2, FOR PARAGRAPHS 20 A AND B OF SECTION 6-505, REGARDING THE PTC DISTRICT.

I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED AMENDMENT BE EFFECTIVE AT 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion?

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Mr. Ulfelder.

Commissioner Sargeant: Mr. Chairman, just for the record, I was not here for the public testimony. However, I did review the video of the public testimony and comment and will participate in the vote.

Chairman Murphy: Thank you.

Commissioner Ulfelder: Ditto, but – I was not here for the public hearing, but I also reviewed the – the testimony and the public hearing and am planning to vote on it this evening. But I would like to make one comment.

Chairman Murphy: Please.

Commissioner Ulfelder: First of all, I know I was not here, but I had submitted some questions and I thank staff and Commissioner Hart for addressing those questions – bringing them up and addressing them at the public hearing. And, as a practical matter, I agree that even though these are significant water users – the breweries – and, also, there is an issue of the amount of wastewater and how it's handled – I think, as a practical matter, these are not going to be located in any areas that haven't got public water and are not going to be able to qualify in terms of their wastewater use, particularly, if they're a large-barrel producer. So I'm – I had sought the idea of the – of including restrictions in areas with – that are not served by public water or public sewer, but I think – as again – as a practical matter, that's not necessary in this case. So I'm planning to support this motion.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the proposed Zoning Ordinance Amendment on Craft Beverage Production Establishments in Articles 4, 5, 6, and 9 and 20 of the Zoning Ordinance, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. 2232-V16-38 – VERIZON WIRELESS
2. PCA 2011-PR-011-02/FDP 2011-PR-011-04 – CITYLINE PARTNERS, LLC
3. 2232-D16-37 – VERIZON WIRELESS

This order was accepted without objection.

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2232-V16-38 – VERIZON WIRELESS – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to consider the proposal by Verizon Wireless to develop a telecommunications facility located at 6065 Richmond Highway, Alexandria, VA 22303. Tax Map: 83-3 ((1)) 56C. Area IV. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Commissioner Sargeant disclosed that he was an employ of Virginia Dominion Resources, a parent company for Dominion Virginia Power, and the since the subject application involved a utility pole belonging to the company, he would recuse himself from the public hearing.

Jonathan Buono, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of 2232-V16-38.

Tracy Themak, Applicant's Agent, Donohue & Stearns, PLC, and Michael Fischer, Applicant's Agent, Millennium Engineering and Integration Company, gave a presentation on the subject application wherein they explained the following:

- The subject property was located within an existing commercial development that fronted along a segment of Richmond Highway;
- The proposal would replace an existing 35-foot utility pole with a 50-foot pole that included two enclosed telecommunications antennas;
- The proposed replacement pole required sufficient line-of-sight to ensure that it functioned adequately for the development in the surrounding area;
- The design of the proposed replacement pole would be consistent with the designs of similar utility poles and the pole would not incur a significant visual impact;
- The proposed replacement pole was consistent with the Comprehensive Plan, which recommended that telecommunications facilities be located on existing infrastructure, such as utility poles;
- The proposed replacement pole was consistent with the criteria prescribed by Dominion Virginia Power (DVP) for co-locating wireless infrastructure on a facility;
- The applicant acknowledged that the lease agreement between the applicant and DVP contained provisions that required the removal of the telecommunications antennas in the event that the utilities on the subject property were undergrounded;

- The decision to underground the existing utility infrastructure on the subject property would be made by DVP and the proposal would not impact such efforts;
- The proposed replacement pole would provide additional wireless capacity in the area and such capacity was necessary to meet growing consumer demand;
- The proposed replacement pole would cover approximately 1,200 to 1,500 in each direction of the antennas;
- The proposed replacement pole would improve wireless service along Richmond Highway, which was subject to significant congestion during peak traffic periods;
- The proposed replacement pole would supplement the service provided by the existing telecommunications infrastructure and improve the reliability of wireless networks throughout the area; and
- The proposed replacement pole would improve wireless telecommunication service within the existing buildings located near the site.

(A copy of Ms. Themak and Mr. Fischer's presentation is in the date file.)

A discussion ensued between Commissioner Flanagan and Mr. Fischer regarding the prevalence of other telecommunications antennas that had been installed atop telephone poles in other areas of the Mount Vernon District and the different design for the proposed antennas that would be utilized on the subject property compared to such structures wherein Mr. Fischer indicated that the designs were similar and Commissioner Flanagan stated that the public had not objected to the installation of the smaller antennas at other sites.

Commissioner Migliaccio pointed out that the Comprehensive Plan's recommendations for the subject property included redevelopments that would require the undergrounding of major utilities. He then asked whether a developer pursuing such a redevelopment would be required to identify another site for the applicant to replace the telecommunications antennas that would be subsequently removed. Mr. Fischer said that there would be no such requirement for the developer or the County. A discussion ensued between Commissioner Migliaccio and Mr. Fischer regarding the recourse for the applicant at this site or other similar sites in the event that a utility pole containing a telecommunications antenna was undergrounded as part of a redevelopment wherein Mr. Fischer confirmed that the providers operating telecommunications antennas atop utility poles would be responsible for relocating such facilities to another site.

A discussion ensued between Commissioner Ulfelder and Mr. Fischer regarding the existing coverage of wireless service in the area around the subject property, the extent to which the proposed replacement pole would improve this coverage, and the design of the antennas wherein Mr. Fischer reiterated that the replacement pole would increase the capacity of the existing wireless telecommunications network in the area and help meet growing consumer demand.

In reply to questions from Commissioner Flanagan, Ms. Themak confirmed that there were existing power lines located on the opposite side of Richmond Highway from where the proposed replacement pole would be located and those crossed this road to service the surrounding development in the area. In addition, she indicated that the applicant understood that the use of a telecommunications antenna atop the replacement pole was temporary and would be subsequently removed in the event that the power lines were undergrounded.

Replying to questions from Commissioner Flanagan, Ms. Themak stated the following:

- The design for the antennas that would be installed atop the proposed replacement pole was the first instance in which such a design was utilized for this area of the County;
- The applicant did not have pending applications for similar telecommunications antennas at other sites along Richmond Highway;
- The designs for telecommunications antennas that would be utilized to address future capacity issues in the area would be determined on a case-by-case basis;
- The applicant had secured a lease contract with DVP to install the necessary antennas on the proposed replacement pole;
- The applicant's lease with DVP included language articulating the applicant's recourse in the event that the utilities in the area were undergrounded as part of a future redevelopment;
- The decision to underground the utilities on the subject property and the surrounding area resided with DVP;
- The applicant did not have outstanding plans to install another telecommunications facility in the event that the utilities lines on the site were undergrounded;
- The applicant intended to abide by the Comprehensive Plan's recommendations for locating telecommunications facilities in the area;
- The recourse the applicant would pursue in the event that the utility lines on the site were undergrounded had not been finalized and would be evaluated at a later date; and
- The height of the proposed replacement pole was optimal to ensure the telecommunications antennas installed atop the structure functioned adequately.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. Now both the Mount Vernon Land Use Committee and the Council have recommended approval of 2232-V16-38 and the approval was supported with the understanding that this single telecommunication facility would be relocated elsewhere when undergrounding of the Dominion utilities occurs with the widening of Richmond Highway, as recommended in our Comprehensive Plan. The adjacent high-rise condo association was concerned that that might not happen and I'm satisfied that the pole will be eventually – will be removed, based upon the testimony. I concur, therefore, with staff's conclusion that the proposal by Verizon Wireless to locate a telecommunication facility on the replacement utility pole located at 6065 Richmond Highway, Alexandria, Virginia, 22303, satisfies the criteria of location, character, and extent, as specified in *Virginia Code* Section 15.2-2232, as amended and
MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION, 2232-V16-38, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to approve 2232-V16-38, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Sargeant recused himself from the vote.

(End Verbatim Transcript)

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PCA 2011-PR-011-02 – CITYLINE PARTNERS, LLC – Appl. to amend the proffers and conditions for RZ 2011-PR-011 previously approved for mixed use development to permit modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 4.57. Located S.E. quadrant of the intersection of Colshire Dr. and Dolley Madison Blvd. on approx. 6.21 ac. of land zoned PTC and HC. Comp. Plan Rec: Transit Station Mixed Use. Tax Map. 30-3 ((01)) 6D, 6E and 30-3 ((28)) 4B (pt.) 4D, 4E (pt.). (Concurrent with FDP 2011-PR-011-04.) PROVIDENCE DISTRICT.

FDP 2011-PR-011-04 – CITYLINE PARTNERS, LLC – Appl. to approve the final development plan for RZ 2011-PR-011 to permit

mixed use. Located S. E. quadrant of the intersection of Coleshire Dr. and Dolley Madison Blvd. on approx. 6.21 ac. of land zoned PTC and HC. Tax Map 30-3 ((01)) 6D, 6E and 30-3 ((28)) 4B (pt.) 4D, 4E (pt.). (Concurrent with PCA 2011-PR-011-02.)
PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated January 4, 2017.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Ms. Strobel's firm were representing adverse parties. However, he noted that this matter and those parties were not related to these cases and there was no business or financial relationship; therefore, it would not affect his ability to participate in this joint public hearing.

Stephen Gardner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of PCA 2011-PR-011-02/FDP 2011-PR-011-04.

Commissioner Hart explained that Development Condition Number 2 and Development Condition Number 5, as articulated in Appendix 2 of the staff report, described the process the applicant was required to pursue in determining the materials for the interim use structures that would be installed prior to the construction of Buildings A and B. He also noted that the elevations for these structures were subject to approval by the Planning Commission and the Providence District Supervisor. Commissioner Hart then expressed concern that the criteria for permissible interim uses on the site was not sufficiently defined, pointing out the only structure precluded by the development conditions was the installation of a shipping container.

Referring to Sheet A1.01 of the final development plan, which contained an illustrative plan for the interim use, Commissioner Hart listed the materials that were permitted for the interim use structures. However, he indicated that such provisions would not preclude the installation of structures that were incompatible with the character of the surrounding development. He then asked whether staff had evaluated incorporating additional provisions to the development conditions to ensure that the interim uses on the site were appropriate. Mr. Gardner concurred with Commissioner Hart's concerns and indicated that staff had coordinated with the applicant on the issue of the interim uses on the site, but said that staff had determined that the provisions articulated in the development conditions were appropriate because they permitted adequate flexibility for installing a use that would activate the site. However, he also said that he did not object to incorporating additional language to the conditions to establish clearer standards for the interim use. Mr. Gardner added that the inclusion of a maximum lease duration of 20 years and the requirement that the use be approved by the Commission and the Providence District Supervisor provided additional opportunities for ensuring that the interim use on the site was appropriate. Commissioner Hart suggested that additional language be added to Development Condition Numbers 2 and 5 to establish a criteria for interim uses on the site.

Commissioner Hart said that he did not object to providing the applicant with flexibility in determining an interim use on the subject property. However, he expressed concern that the terms for the duration of the interim use, stating that the 20-year duration articulated in Development

Condition Number 3 would potentially permit uses that were not compatible with the proposed development for the site. In addition, Commissioner Hart stated that the guidelines for permissible uses for the interim use were not sufficiently articulated. A discussion ensued between Commissioner Hart and Mr. Gardner regarding the possible uses that would be appropriate for the site, the potential limits for such uses, and the criteria for determining the use wherein Mr. Gardner reiterated that staff did not object to the flexibility afforded to the applicant in determining the interim use, but added that the proffers associated with the previously-approved rezoning application for the site, which were included in Appendix 13 of the staff report, included limitations on the types of uses that were permitted on the site.

Commissioner Niedzielski-Eichner asked why Development Condition Number 3 limited the lease terms of the interim use to 5-year intervals, with the maximum duration of the use not permitted to exceed 20 years. Mr. Gardner explained that the 5-year limit was included to discourage uses by certain retailers, such as fast food chains or retail outlets, whose use would not be compatible with the character of the proposed development. In addition, he said that the limit would further preserve the interim nature of the use.

Commissioner Migliaccio expressed support for the time limits prescribed for the interim use on the site, as articulated in Development Condition Number 3. However, he cited other areas of the County where interim uses had become permanent and expressed concern regarding the enforceability of Development Conditions Number 5 and 6 because the conditions did not include adequate guidelines for what constituted an appropriate interim use. Commissioner Migliaccio then suggested modifying these development conditions to articulate the standards for interim uses and improve the enforceability the provisions.

Responding to questions from Commissioner Ulfelder, Mr. Gardner confirmed that the applicant would be required to obtain approval from staff if modifications to the interim use were necessary to accommodate a prospective tenant and staff would have an opportunity to review these modifications, as prescribed by the requirements in Development Conditions Number 2 and 3.

Ms. Strobel gave a presentation wherein she explained the following:

- The proposed development was part of a redevelopment of the area known as Scott's Run South and had been rezoned to the PTC District under a previously-approved rezoning application (RZ 2011-PR-011);
- The proposed development was identified as the "Johnson 1 Block," as depicted on the conceptual development plan in RZ 2011-PR-011;
- The surrounding area had been subject to other redevelopments, including various residential and commercial developments;
- The proposed development would permit the continued development of the Scott's Run South site;

- The proposal included features such as a pedestrian-friendly main street, a pedestrian plaza, and a mix of office and residential buildings;
- The proposed development would implement portions of the grid of streets recommended by the Comprehensive Plan, which included the straightening of Colshire Drive and the construction of Colshire Meadow Drive;
- The proposed development included two permanent residential buildings and an interim retail use in an area that would be subsequently developed with two permanent office buildings;
- The interim use on the site was intended to activate the area and generate additional around the development;
- The height of Building D-1 required a proffered condition amendment because the maximum height of this building would be lower than the limit prescribed by the Comprehensive Plan;
- The height of Building D-1 was reduced to facilitate the development of for-sale residential units;
- The construction of for-sale residential units within the proposed development was intended to expand housing opportunities in the Tysons area;
- The reduced height of Building D-1 was intended to improve the visual impact of the Tysons skyline; and
- The layout, design, and architecture of Building D-2 had not been finalized and would be subject to the approval of a final development plan amendment.

Ms. Strobel addressed the concerns raised by Commissioners regarding the interim use for the proposed development, explaining that such a use would not include stand-alone structures and would be subject to approval by the Planning Commission, staff, and the Providence District Supervisor. She also reiterated that the purpose of the interim use was to activate the site and draw interest to the area, adding that the applicant intended to implement a use that was consistent with the character of the surrounding area. Ms. Strobel cited uses in places such as National Harbor and Union Market as examples of interim uses that could be utilized at the proposed development. In addition, she said that the timeframe for constructing the office buildings on the site provided opportunities for interim uses, but noted that the details of such uses had not been finalized. Ms. Strobel indicated that the applicant would coordinate with staff and the Commission to determine an appropriate interim use for the proposed development.

Commissioner Niedzielski-Eichner asked whether the applicant agreed with the development conditions that had been negotiated between the applicant and staff. Ms. Strobel stated that she agreed with these conditions, acknowledging the extensive negotiations that had occurred in finalizing the conditions.

Commissioner Niedzielski-Eichner said that he concurred with the concerns raised by Commissioner Hart regarding the review process for the interim use. He then asked for additional information on this process. Ms. Strobel explained that the process involved the applicant meeting with staff upon completing a proposal for the interim use and coordinating to determine whether the use was consistent with the character and vision of the proposed development. She added that modifications and revisions would be considered and incorporated into the design throughout this review process. A discussion ensued between Commissioner Niedzielski-Eichner and Ms. Strobel regarding the applicant's commitment to responding to staff's concerns in finalizing the design for the interim use and the applicant's commitment to redeveloping the overall site wherein Ms. Strobel stated that the applicant intended to develop to developing the subject property in a manner that was consistent with the planned development for the site.

A discussion ensued between Commissioner Sargeant and Ms. Strobel regarding the timeframe for the construction of the office buildings on the site wherein Ms. Strobel indicated that a timeframe for construction had not been finalized.

Commissioner Hart reiterated his concerns regarding the interim use that would be implemented on the site prior to the construction of the office buildings. A discussion ensued between Commissioner Hart and Ms. Strobel regarding the potential designs for the interim use, the number of structures that would be included, the limits for the designs, and the designs utilized by similar interim uses in other parts of the County wherein Ms. Strobel said that the use restrictions articulated in the development conditions and the previously-approved proffers in RZ 2011-PR-011 were adequate to ensure that the designs would be appropriate.

Commissioner Hart reiterated his concern that the guidelines for permissible interim uses were not sufficiently articulated in the development conditions and requested that the applicant provide additional standards for the Commission to utilize during the review process for this interim use. A discussion ensued between Commissioner Hart and Ms. Strobel regarding the extent to which the applicant had provided details on the proposed interim use wherein Ms. Strobel reiterated that the provisions for such use had not been finalized and would be subject to additional review by the Commission.

Commissioner Hurley aligned herself with Commissioner Hart's concerns regarding the absence of guidelines for the interim use that would be permitted on the site. She then pointed out that certain uses were precluded in the previously-approved proffers in RZ 2011-PR-011, but noted that the guidelines for preferred uses were not sufficiently articulated. Ms. Strobel explained that the provisions in those proffers were sufficient to prohibit inappropriate uses, citing uses in areas such as the Mosaic District as an example of a preferred use. A discussion ensued between Commissioner Hurley and Ms. Strobel regarding the extent to which the subject applications reflected the applicant's preferred vision for the interim use, the process for ensuring that an appropriate interim use was pursued, and the provisions that would ensure that the interim use would be architecturally compatible with the surrounding buildings wherein Ms. Strobel reiterated that the designs and provisions for such a use would be subject to additional review by the Commission.

Referring to Development Condition Number 3, which articulated the 20-year timeframe limit for the interim use that would be utilized on the site, Commissioner Ulfelder asked whether this limit will remain in the event that the tenant of the interim use changed. Ms. Strobel indicated that this timeframe would not change, regardless of the number of tenants. He then asked when this timeframe would be initiated. Ms. Strobel stated that the 20-year would commence upon approval of the use by the first tenant, adding that this limitation was intended to preclude certain uses that were incompatible with the proposed development. A discussion ensued between Commissioner Ulfelder and Ms. Strobel regarding the impact that the limited timeframe would incur in attracting certain tenants for the interim use, the applicant's intent for the interim use, the manner in which the interim use would serve the residents of the residential building on the site, and the extent to which the interim use would facilitate the planned transportation connections for the area wherein Ms. Strobel reiterated that the applicant intended for the interim use to be compatible with the proposed development, adding that such uses would be consistent with the implementation of other improvements throughout the area, such as the planned grid of streets.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on these cases.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Recognize Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. Before we go on verbatim, let me just note for my – to my colleagues that this is a – knowing my first opportunity to really get into the Tysons development issues. But it was also our staff's opportunity to really delve into this and have that opportunity to present to the Commission. I was very favorably impressed with Mr. Gardner in terms of my engagement with him and the way in which he was responsive to the questions I raised. I did also have the opportunity to meet with the – obviously, with the applicant and also with the supervisor, just to make sure I fully understood both the applicant's perspective and, in this circumstance, the supervisor's perspective. So my motions will reflect extensive engagement on this project. So I would want to start off with addressing the PCA, specifically the height issue. I – having understood the purpose of the change in the – or the amendment and what – and the change in the design – and, also, the relationship of Building D1 to Building D2 and the types of structures that were going to be put in place for D1 that will promote a higher density for D2. I'm comfortable with the height reduction and the – therefore, the amendment. Relative to the matter of this interim retail for the final development plan, I share my colleagues' concerns. I don't have the experience that you all have with regard to whether this is an anomaly – anomalous circumstance or one that's prevalent. It sounds like it's anomalous. The – but if I can take into account what the applicant has said in relation to the purpose for this interim use and the potential impact of a use that would not be at all in conformance with our expectations at that site – the impact on the larger development, in other words, recognizing that this has to be fully integrated into the larger development before it even – you wouldn't put something in that context that would undermine the viability of the broader

development in conjunction with the conditions that the staff has negotiated on behalf of the Commission. And then, furthermore, the – this – I know that it's a challenge to rely upon the verbal commitment of the applicant – in this instance putting the applicant on record, if you will, as is to what is intended in the process – review and comment process and the responsiveness that the applicant has committed to being when they are finalizing – when they have the opportunity and the final elevations are available. I believe at this point that that's – it satisfies the concern for me. And then, finally, in the provision relative to the five-year limitation on leasing addresses my concern for just having any large-scale retailer come in and try to use it – and negotiate the terms for a 20-year period and, therefore, work against the – our aspirations for this site and, also, against the applicant's stated aspirations. So, with all that in mind, Mr. Chairman, I am going to make three motions and they, of course, be separable, but I'll make the three motions and ask for consideration by my colleagues. I move that the Planning Commission...

Chairman Murphy: Before you do that, may I ask you to call the applicant up to agree on the development conditions in the...

Commissioner Niedzielski-Eichner: Ms. Strobel. And so, for – for the record, do you agree to the development conditions?

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes.

Commissioner Niedzielski-Eichner: And all the proffers associated with this project?

Ms. Strobel: Yes.

Commissioner Niedzielski-Eichner: Included in the – what's been presented to the Commission?

Ms. Strobel: Yes.

Commissioner Niedzielski-Eichner: Okay. Thank you.

Chairman Murphy: Thank you. Go ahead.

Commissioner Niedzielski-Eichner: So I move that the Planning Commission forward PCA 2011-PR-011-02, SCOTT'S RUN SOUTH, TO THE BOARD OF SUPERVISORS, WITH A RECOMMENDATION OF APPROVAL, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT DATED NOVEMBER 14TH, 2016.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. I'm fine with the height and I think this is, overall, a good case. I think I've supported everything this applicant has asked for in the past. I am very concerned, however, that – at least with the interaction of these pieces – and these may be more about the development conditions on the FDP, but that – I don't have a clear understanding at this point of how Proffer 7 relates to Development Conditions 2 and 5. Twenty years is a very long time and you wouldn't call it an interim use. But the review process – if there are no objective standards – and there's really nothing much in Development Condition 2 that requires them to do anything – the review process is meaningless. I hope this is successful. I hope Ms. Strobel's verbal representations are what happens with whoever owns this property for the next twenty years. But as Commissioners Byers used to remind us, if it isn't written down, they don't have to do it. And this is an example where I think we would benefit from a little more time to tighten up Development Conditions 2 and 5 and figure out what Proffer 7 means. I think the applicant is resisting the idea, for example, that there can be no stand-alone uses. They've proffered out stand-alone uses, but I think maybe this is going to be a stand-alone use. And I don't think that's straightened out and I don't understand it, so I won't be able to support, at least, where we are right now. Thank you.

Commissioner Migliaccio: Mr. Chair?

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I will be supporting this – this motion. I do believe the Development Condition Number 5, attached to the FDPA – FDP has minimal value, especially – especially as it relates to Proffer Number 7. I would hope, as this moves forward to the Board, that perhaps there can be some more meat or fleshing this out a little bit more, but I'll be supporting this to move it forward. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2011-PR-011-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Mr. Hart abstains. Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Yes, I MOVE THE PLANNING COMMISSION APPROVE FDP 2011-PR-011-04, SCOTT'S RUN SOUTH, JOHNSON ONE BLOCK, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT, DATED NOVEMBER 22ND, 2016, AND SUBJECT TO THE BOARD'S APPROVAL OF PCA 2011-PR-011-02.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2011-PR-011-04, subject to the Board's approval of the PCA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hart: Abstain.

Chairman Murphy: Opposed? Motion carries, same abstention.

Commissioner Strandlie: Mr. Chairman, I'd like to my original vote to abstain and the second vote as well.

Chairman Murphy: You get that? Okay. Please.

Commissioner Niedzielski-Eichner: And finally...

Commissioner Strandlie: I completely agree with Mr. Hart's comments.

Chairman Murphy: Okay.

Commissioner Niedzielski-Eichner: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT REAFFIRM ALL PREVIOUSLY-APPROVED WAIVERS AND MODIFICATIONS ASSOCIATED WITH THESE ACTIONS.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioners Hart: Abstain.

Chairman Murphy: Mr. Hart abstains. Ms. Strandlie...

Commissioner Strandlie: Abstain.

Chairman Murphy: Abstains.

Each motion carried by a vote of 10-0-2. Commissioners Hart and Strandlie abstained from the vote.

(End Verbatim Transcript)

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2232-D16-37 – VERIZON WIRELESS – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to consider the proposal by Verizon Wireless to develop a telecommunications facility located at 1451 Chain Bridge Road, McLean, VA 22101. Tax Map: 30-2 ((8)) 55B. Area II. DRANESVILLE DISTRICT. PUBLIC HEARING.

Commissioner Sargeant disclosed that he was an employee of Virginia Dominion Resources, a parent company for Dominion Virginia Power, and since the subject application involved a utility pole that belonging to the company, he would recuse himself from the public hearing.

Jonathan Buono, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of 2232-D16-37.

Commissioner Ulfelder asked whether another carrier seeking to install a similar telecommunications device atop one of the other utility poles located near the site could pursue a similar proposal to that of the applicant. Mr. Buono stated carriers were permitted to pursue such an application at a different utility pole, but added that these carriers would be subject to a separate review process and a separate agreement with Dominion Virginia Power (DVP).

Tracy Themak, Applicant's Agent, Donohue & Sterans, PLC, and Michael Fischer, Applicant's Agent, Millennium Engineering and Integration Company, gave a presentation for the subject application wherein they explained the following:

- The subject application would permit the installation of a telecommunications antenna on a replacement utility pole, which was to be located within an existing shopping center in a C-6 District;
- The existing utility pole on the site was approximately 40 feet and the height of the proposed replacement pole would be approximately 55 feet;
- The design of the proposed replacement pole would be consistent with those of similar poles located along Chain Bridge Road;
- The design of the telecommunications device that would be installed atop the replacement pole included a stealth canister that contained two antennas;
- The location and design of the proposed telecommunications device was consistent with the guidelines prescribed by the Comprehensive Plan, which favored installing such devices atop existing structures, such as utility poles;

- The applicant intended to abide by the provisions included in the Master License agreement with DVP, which stated that the telecommunications device would be removed in the event that the utilities were undergrounded;
- The existing data coverage in the area surrounding the subject property was insufficient and the telecommunications device would improve coverage to meet growing consumer demand;
- The proposed telecommunications device would have a coverage area of approximately 1,200 to 1,500 feet;
- The applicant had considered alternate sites for installing a similar telecommunications, but a lease agreement with the private property owners in the area could not be secured;
- The proposed telecommunications device would supplement the coverage provided by existing facilities that were located to the north and south of the site;
- The surrounding area contained significant commercial development and was subject to significant traffic, which consequently required additional capacity to meet consumer demand for wireless services;
- The proposed telecommunications device would also improve coverage in the nearby residential areas; and
- The visual impact of the proposed replacement pole on the site would be minimal.

(A copy of Ms. Themak and Mr. Fischer's presentation is in the date file.)

Answering questions from Commissioner Ulfelder, Mr. Fischer said the following:

- The two antennas within the stealth enclosure of the proposed telecommunications device would be oriented north and south;
- The proposed telecommunications device would supplement the service provided by the existing monopole located to the south;
- The strength of the signal for the proposed device and the existing monopole to the south of the site was affected by the presence of trees and various environmental features; and
- The height of the existing monopole to the south of the site was approximately 120 feet, but the applicant's ability to increase the height of the structure was limited.

When Commissioner Ulfelder asked for addition information on customer demand for increased capacity in the surrounding area, Mr. Fischer indicated that the applicant had determined that such demand was necessary to accommodate changing technology trends associated with how wireless networks functioned. He added that older technology that had been previously utilized

by the network would eventually be discontinued and reorganized to incorporate more recent technology. He then noted such efforts required greater capacity and the proposed telecommunications device would facilitate those efforts. A discussion ensued between Commissioner Ulfelder and Mr. Fischer regarding the possibility that additional capacity would be required for the surrounding area and the methods for determining consumer demand wherein Mr. Fischer stated that demand for wireless service had been subject to significant growth and additional infrastructure was necessary to meet this demand.

Commissioner Ulfelder pointed out that there were portions of the surrounding area planned for redevelopment and such redevelopment could include taller buildings that would impact the delivery of wireless services. A discussions ensued between Commissioner Ulfelder and Mr. Fischer regarding the current studies being conducted in the surrounding area for potential redevelopment and the impact that such redevelopment would incur on the applicant's ability to provide service throughout the area wherein Mr. Fischer indicated that such development would incur a significant impact on nearby wireless services.

Responding to questions from Commissioner Ulfelder, Ms. Themak confirmed the following:

- The applicant would be responsible for the cost of installing the replacement utility pole and the associated telecommunications device atop such a pole;
- The applicant would be responsible for the cost of removing the telecommunications device atop the replacement pole in the event that the utilities in the area were undergrounded, but DVP would be responsible for removing the replacement pole;
- The applicant was aware of language in the Comprehensive Plan, as well as efforts by citizens of the community, that supported the undergrounding of utilities throughout the area;
- The applicant was aware of the possibility that removal of the proposed telecommunications device on the site would be necessary to accommodate undergrounding efforts for utilities in the area, but was prepared to accept this possibility to ensure that the area had sufficient coverage for wireless services; and
- The applicant would evaluate alternative sites to install a similar telecommunications device in the event that the proposed replacement pole was removed.

When Commissioner Flanagan asked whether other wireless service providers would be permitted to co-locate on the proposed telecommunications device that would be installed on the site, Ms. Themak indicated that such a co-location on the proposed device was prohibited. She then said that the proposed device would utilize panel antennas within the stealth enclosures and these antennas were not able to accommodate different wireless carriers. Commissioner Flanagan asked whether the panel antennas utilized within the proposed device could be modified to accommodate additional wireless carriers. Ms. Themak stated that such a modification was not possible and the device would be utilized solely by the applicant. A discussion ensued between Commissioner Flanagan and Ms. Themak regarding the operation of other telecommunications

facilities throughout the County that accommodated multiple carriers and the differences between those facilities and the one that would be utilized on the subject property.

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

Maya Huber, 6655 Chilton Court, McLean, representing the McLean Planning Committee (MPC), spoke in opposition to the subject application. She indicated that the proposal was also opposed by the McLean Citizens Association and the McLean Revitalization Corporation. Ms. Huber then explained that these organizations opposed the subject application for the following reasons:

- The installation of a telecommunications device atop a utility pole was not consistent with the design standards for utility poles in the area, as prescribed by the MPC;
- The installation of a telecommunications device atop a utility pole was not consistent with community efforts to underground existing utilities throughout the area;
- The proposed telecommunications device would generate a negative visual impact on the surrounding area;
- The installation of a telecommunications device atop a utility pole was not consistent with the Policy Plan recommendations that such devices be inconspicuous to blend with the existing structure;
- The construction of a telecommunications device on the site had not been sufficiently evaluated by the Virginia Department of Transportation (VDOT);
- The proposal was not consistent with the Comprehensive Plan recommendations to improve the existing commercial development in the area;
- The proposal would not improve the character of the surrounding area or complement ongoing efforts to enhance the existing streetscape; and
- The approval of the subject application would establish a precedent for permitting similar structures on utility poles throughout the area.

Ms. Huber said that she favored installing telecommunications devices atop existing buildings and suggested that the applicant pursue alternative opportunities for installing such devices in the area, noting the presence of an existing light pole on a nearby commercial site as a viable alternative. (A copy of Ms. Huber's statement is in the date file.)

Commissioner Ulfelder stated that he did not concur with Ms. Huber's statement that the proposal would undermine ongoing efforts to underground the existing utilities around the subject property. He then stated that the telecommunications device that would be installed atop the proposed replacement pole was not intended to be permanent and would be removed in the event that DVP decided to underground the utilities in the area. In addition, Commissioner

Ulfelder pointed out that similar telecommunications devices had been installed in other portions of the County, noting the emphasis of locating such devices on existing infrastructure within commercial areas. Ms. Huber said that the proposed replacement pole was significantly larger than similar structures throughout the County. She then reiterated that such a structure was not consistent with the design standards of the McLean community and would incur a negative visual impact on the surrounding area. In addition, Ms. Huber indicated that the proposal would hinder ongoing efforts to improve the streetscape in McLean.

When Commissioner Ulfelder asked whether the subject application had been reviewed by VDOT or the Fairfax County Department of Transportation, Mr. Buono stated that the proposal had not been reviewed by either department, adding that such an analysis was not required for a 2232 application. However, Ms. Themak indicated that the subject application would be reviewed by VDOT to determine whether the proposed telecommunications device would incur a line-of-sight impact on the area. A discussion ensued between Commissioner Ulfelder and Ms. Themak regarding the status of this review by VDOT wherein Ms. Themak indicated that no concerns regarding line-of-sight impacts generated by the proposal had been raised.

A discussion ensued between Commissioner Ulfelder and Ms. Huber regarding the extent of the impact that would be generated by the proposed telecommunications device, the ability for applicants to install such devices, the review process for telecommunications facilities, and the amount of community opposition generated by such uses.

Commissioner Keys-Gamarra asked for additional information on a potential alternative site for the proposed telecommunications device that had been mentioned in Ms. Huber's testimony. Ms. Huber explained that this site was located on a sign for an existing shopping center, noting that the size of this sign made it an appropriate structure for such a device. She added that a telecommunications device on this sign would not incur a significant visual impact on the community.

Chairman Murphy called for speakers from the audience.

Megan Willems, 6817 Tennyson Drive, McLean, spoke in opposition to the subject application because it would incur a negative visual impact on the surrounding residential communities, noting that the proposed replacement pole would be visible from her property. She also indicated that additional coverage was not needed in the area. Ms. Willem then aligned herself with the concerns raised by Ms. Huber. She then said that there was significant residential development located around the site and the installation of a telecommunications device was not consistent with the character of this development. In addition, Ms. Willem expressed concern regarding the environmental and social impacts of telecommunications facilities on the surrounding community, adding that the applicant had not sufficiently addressed such impacts.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Themak, who stated the following:

- The overall height of the proposed replacement pole would be approximately 55 feet and such height was necessary to ensure that the telecommunications device did not interfere with the function of the utility pole;

- The existing wireless service in the area was functional, but the applicant had documented growing demand for capacity around the subject property and the proposed telecommunications device was intended to address such demand in a manner that improved overall service;
- The applicant had evaluated alternative sites, but agreements for these sites could not be secured; and
- The installation of telecommunications devices in commercial areas within existing infrastructure was consistent with the recommendations of the Comprehensive Plan.

When Commissioner Ulfelder asked whether the applicant had evaluated the site referenced by Ms. Huber, Ms. Themak said that this site had been evaluated, but an agreement with the property owner could not be secured.

A discussion ensued between Commissioner Flanagan and Ms. Themak regarding the design of the existing utility pole on the site, the design of the proposed replacement pole, and the general features of utility poles in other parts of the County wherein Ms. Themak stated that the design of the replacement pole would be finalized by DVP, adding that such designs would be consistent with appropriate safety guidelines.

A discussion ensued between Commissioner Flanagan and Commissioner Ulfelder regarding the timeframe for the undergrounding of utilities in the area, the cost of undergrounding utilities, and the opportunities for securing funding for such efforts wherein Commissioner Flanagan stated that he supported efforts to underground utilities.

Commissioner Hart stated that the Comprehensive Plan included recommendations and guidelines for improving streetscapes in certain areas of the County. He also indicated there had been previous applications to extend the height of utility poles to accommodate telecommunications devices. Commissioner Hart then asked whether there had been an instance where the installation of a device atop an existing utility pole had been denied because such a device was not consistent with the streetscape improvement recommendations articulated in the Comprehensive Plan. Mr. Buono indicated that staff was not aware of such an instance, adding that the streetscape improvements articulated in the Comprehensive Plan were usually pursued in conjunction with a redevelopment of the area.

When Commissioner Hart asked whether the installation of a telecommunications device atop an existing utility pole was consistent with the necessary standards prescribed by the County, Mr. Buono stated that staff had determined that such an installation was appropriate.

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.

(Start Verbatim Transcript)

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

Commissioner Ulfelder: Thank you, Mr. Chairman. Oh, I better turn on my microphone. Thank you, Mr. Chairman. I think this hearing has given me, anyway, some – lots of food for thought in connection with this application. And I think that we could take a week and we would still be within the – the drop-dead date for approval or action on the application. So, therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR APPLICATION 2232-D16-37 TO A DATE CERTAIN OF FEBRUARY 1ST, 2017, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN OR ELECTRONIC COMMENTS.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to defer decision only on 2232-D16-37 to a date certain of February 1st, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much for coming.

The motion carried by a vote of 11-0. Commissioner Sargeant recused himself from the vote.

(End Verbatim Transcript)

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The meeting was adjourned at 10:51 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: Jacob Caporaletti

Approved on: May 4, 2017



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