

**MINUTES OF THE REGULAR MEETING/WORK SESSION  
OF THE PLANNING COMMISSION  
CITY OF FAIRFAX  
CITY HALL, FAIRFAX, VIRGINIA  
June 10, 2019**

After determining that a quorum was present, Chair Jaworski called the meeting to order at 7:00 p.m.

**Members Present:** Chair Janet Jaworski and Commissioners Mark Angres (left at 8:55 p.m.), Paul Cunningham, Amir Eftekhari (arrived at 7:50 p.m.), James Feather, Joseph Harmon and Karen Wheeler-Smith.

**Member(s) Absent:** None.

**Staff Present:** Brooke Hardin, Director Community Development & Planning; Jason Sutphin, Planning Division Chief; Paul Nabti, Planning Division Chief; Albert Frederick, Planner III; and Tina Gillian, Planning Commission Secretary.

**1. Pledge of Allegiance.**

Ms. Jaworski led the Commission in the Pledge of Allegiance.

**2. Discussion/Adoption of Agenda.**

**MR. CUNNINGHAM MOVED TO ADOPT THE AGENDA AS PRESENTED, SECONDED BY MR. HARMON, WHICH CARRIED UNANIMOUSLY.**

**3. Presentations by the public on any matter not calling for a public hearing.**

Mr. Tom Burrell, 3484 Barrister's Keepe Circle, Fairfax, Virginia, came forward to address the Planning Commission. He is here to speak about the Metro Church proposal. He said his home is one of five that directly abut the Metro Church property. He said the staff report has been distributed to the property owners in Barrister's Keepe for their review. He said the Comprehensive Plan states that residential uses may be considered in conjunction with other uses in the Social and Civic Network place type - provided the residential uses are considered affordable. He said no price point has been established for the townhomes so far, however, as he understands it, 8% of the homes will be set aside as affordable (\$300K - \$350K). He does not believe this meets the objectives of the goals and guiding principles of the Housing Section of the Comprehensive Plan. He said the property is currently zoned RL-Residential Low and he calculates this will allow eight units per acre. He said the staff report states ten units per acre are

allowed. He said the applicant should be required to apply for a change to the Comprehensive Plan Land Use Map. He said the proposal is way too dense for this property and for this section of Pickett Road. He said the staff report states there will be an additional seventeen morning trips and nineteen afternoon trips generated per day, however, the trip baseline number is unknown. He has a hard time believing the increase will only be seventeen or nineteen trips per day after there are sixty to sixty-five townhomes constructed on this property. He said parking will be an issue and he would like to know where the applicant plans to direct the stormwater runoff for this property. He said a forty-five foot townhouse is a tremendous structure to be situated immediately behind his home. He said there is a row of mature trees that buffers his property from the parking lot of the Metro Church property. He said if the trees are removed he will be looking at a monstrous facility whenever he uses his back deck. He said a row of townhomes located directly behind his home, with the activities that take place in townhomes, is a significant encroachment into his life.

**4. Approval of Minutes:**

**Consideration of May 20, 2019 Meeting Minutes.**

**MR. CUNNINGHAM MOVED TO ADOPT THE MINUTES AS AMENDED, SECONDED BY MR. FEATHER, WHICH CARRIED UNANIMOUSLY (MR. EFTEKHARI ABSENT FOR THIS VOTE).**

**5. Consent Agenda – None.**

**6. Items Not Requiring a Public Hearing – None.**

**7. Public Hearings:**

- a. Public hearing on proposed amendments to the Code of the City of Fairfax, Chapter 110 (Zoning) to amend portions of articles and sections contained therein pertaining to Telecommunications Facilities and the types and standards associated therewith.**

Mr. Hardin presented the staff report which has been incorporated into the record by reference. He said the proposed text amendments are in response to legislation enacted and amended by the Virginia General Assembly during their 2017 and 2018 sessions. He said the legislation modified how localities may regulate and process permits for two types of telecommunications facilities that were added to state code. He said the “small cell facility” and the “administrative review-eligible project” were both added to state code and these type of facilities must be approved administratively and will not require a Special Exception, Special Use Permit or Variance from the locality. He said the Planning Commission conducted a work session on this topic on May

20, 2019 and adopted a motion to amend during the work session. He reviewed the updates required to §3.3.1.B.-Principle Use Table of the zoning ordinance. He said the following use standards will apply to the Small Cell Facilities:

- Must meet the definition of a small cell facility as specified in state code, including:
  - Each antenna is located inside an enclosure of no more than six cubic feet in volume.
  - All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet.
- No more than one small cell facility shall be placed on an existing structure.
- The small cell facility is not located within the boundaries of an historic overly district.
  - Old Town Fairfax
  - Blenheim
  - Fairfax Public School (Museum and Visitor's Center)

He said the following use standards will apply to the Administrative Review-Eligible Projects:

- Must meet the definition of an administrative review-eligible project as specified in state code, including:
  - New structure with attached wireless facilities is no more than 50 feet in height;
  - New structure with attached wireless facilities is not more than 10 feet above the tallest existing utility pole located within 500 feet within the existing line of utility poles;
  - Not located within the boundaries of a local, state or federal historic district; and
  - Designed to support small cell facilities.
- Not located on a site currently or previously subject to the utility undergrounding provisions of the Zoning Ordinance.
- Number of new structures on a site shall not exceed the number of existing utility poles on the site.

He said staff recommends that the Planning Commission forward a recommendation to the City Council to amend the Zoning Ordinance as proposed.

Mr. Feather asked how these will work when a stand-alone property is controlled by a Homeowners Association (HOA) and HOA covenants.

Mr. Hardin said this change does not usurp the architectural review process or prohibitions enacted by an HOA. He said the facilities will still require design and permitting review with the City of Fairfax.

Mr. Feather referred to page two of the staff report and asked for clarification on the added term “when possible” under §J.1(c) Compatibility with nearby land uses.

Mr. Hardin said letters (a)-(d) are all part of the purpose statement for this section of the ordinance and provide guidance for the two new facilities, other wireless antennae, telecommunication towers and monopoles. For an example, this section would guide the proposal review process of a monopole and be applicable when possible. He said this level of review would not occur with the two new facility types since these will be for by-right situations.

Mr. Feather asked how a property could be reclassified to be designated within a historic district. He asked if there are areas currently not classified as being in the historic district that should perhaps be considered for reclassification. He is concerned about the cemeteries that could be desecrated by the installation of telecommunication facilities.

Mr. Hardin said the designation of a local historic district typically follows the review and approval process for the state and national register listing. He said the local district is a zoning overlay district that protects a property from modifications. He said there are no other properties in the city that have already been identified except for the 29 Diner property. He said the recently approved Comprehensive Plan recommends an update to the city’s inventory of historic properties. He said this may identify additional properties in upcoming years.

Mr. Cunningham asked if the new facilities will be used for the transmission of 5G technology.

Mr. Hardin agreed that is the intent, however, the initial rollout may encompass 4G or 5G technology. He said the radius covered by the new facilities will be much shorter than rooftop units.

Mr. Cunningham asked if there is an expectation that this type of equipment will be located on buildings.

Mr. Hardin said that is possible. He said the inquiries received to date have been to locate the equipment on poles that are situated primarily within the public right-of-way.

Mr. Cunningham said there are a number of buildings in the city that have multiple structures and carriers located on them. He asked if this will now be limited to one carrier per building.

Mr. Hardin said one small cell facility would be allowed on a building. He said if a property

owner would like to place more than one facility on an existing structure they would have to seek relief in order to make that request.

Mr. Cunningham said we are talking about small cell facilities as if they are all owned by one provider and that the provider will place the facilities where they do not interfere or overlap with each other. He asked if the ordinance is intended to address the fact that multiple carriers might be placing this kind of equipment on structures and create a possible density issue.

Mr. Hardin said state code does not allow staff to assess a proposed facility based on who the provider is. He said staff can only look at issues - such as public safety conflicts - in terms of permitting this type of facility.

Mr. Cunningham asked if this means the city could permit five providers, each with their own small cell facility, on five sequential poles.

Mr. Hardin said he cannot speak to the right-of-way provisions and restrictions, however, in terms of zoning this could be possible on private property.

Mr. Cunningham asked for clarification that if one carrier is permitted to mount a telecommunications facility on a building then the other four carriers would be prohibited from mounting a facility on that same building.

Mr. Hardin said staff would not be able to administratively approve more than one facility on a building.

Ms. Jaworski opened the public hearing and asked if anyone in the audience would like to come forward and speak on this matter. There being none, she closed the hearing and placed the matter into the hands of the Planning Commission.

At this time, **MR. CUNNINGHAM RECOMMENDED APPROVAL OF AN ORDINANCE AMENDING CHAPTER 110 (ZONING) TO AMEND PORTIONS OF ARTICLES AND SECTIONS CONTAINED THEREIN PERTAINING TO TELECOMMUNICATIONS FACILITIES AND THE TYPES AND STANDARDS ASSOCIATED THEREWITH, SECONDED BY MR. ANGRES, WHICH CARRIED UNANIMOUSLY (MR. EFTEKHARI WAS ABSENT FOR THIS VOTE).**

**8. Adjourn Regular Meeting.**

**9. Work Session:**

- a. Discussion of a request by EYA, LLC to replace an existing church, aka Metro Church, with a townhouse development on property located at 3500 Pickett Road. The site is located on the west side of Pickett Road, north of the Tank Farm, south of Barrister's Keepe Subdivision and east of the Army Navy Country Club, and is more particularly described as Tax Map Parcel 58-1-02-021.

Mr. Frederick presented the staff report which has been incorporated into the record by reference.

Mr. Eftekhari arrived during the work session at 7:50 p.m.

Mr. Angres left the meeting, during the work session, at 8:55 p.m.

## **10. Reconvene Regular Meeting.**

### **11. Staff Report.**

Mr. Nabti said that City Council will hold a work session on the Metro Church property tomorrow night and will hold a public hearing on the telecommunications text amendment on June 25, 2019. He said a townhouse proposal for the Park Road property is tentatively scheduled for the Planning Commission on June 24, 2019. He said the Vision Committee held an introductory meeting on May 30, 2019 and the committee members have agreed to meet every two weeks in order to achieve a final recommendation as soon as possible.

### **12. Commission Comments.**

**Mr. Feather** – Said he attended the recent public forum on the Massey Complex. He said a few other proposals were presented at the forum. He said there are concerns with some of the proposals since they may present competition to city businesses located in the Old Town area. He is pleased the County is engaging with the City regarding this project.

**Mr. Cunningham** – No comments.

**Mr. Harmon** – Asked if staff is familiar with the Railroad Cottages development located in Falls Church.

Mr. Nabti said staff is somewhat familiar with the development. He said these are smaller scale, slightly more affordable homes on small lots in otherwise single family neighborhoods.

**Ms. Wheeler-Smith** – Said she will be on vacation and unable to attend the next Planning Commission meeting scheduled for June 24, 2019.

**Mr. Eftekhari** – No comments.

**Ms. Jaworski** – Said the pre-application work session was a thoughtful discussion that shows the benefit of the new development review process. She found it helpful and said the Planning Commission can use this format in the future as a threshold to work through issues prior to application submittal.

**13. Adjournment.**

**Meeting Adjourned at: 9:12 p.m.**

ATTEST: *Tina Gillian*  
Tina Gillian, Secretary