County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

December 10, 2008

Frank W. Stearns, Esquire
Venable LLP
8010 Towers Crescent Drive, Suite 300
Vienna, Virginia 22182

Re: Special Exception Amendment Application SEA 97-V-046

Dear Mr. Stearns:

At a regular meeting of the Board of Supervisors held on December 8, 2008, the Board approved Special Exception Amendment Application SEA 97-V-046 in the name of Washington D.C. SMSA Limited Partnership D/B/A Verizon Wireless. The subject property is located at 9102 Richmond Highway, 9128 and 9130 Belvoir Court on approximately 1.16 acres of land zoned C-8 in the Mount Vernon District [Tax Map 109-1 ((1)) 38, 39, and 41]. The Board's action amends Special Exception Application SE 97-V-046, previously approved for a telecommunications facility to permit additional antennas and associated modifications to site design and development conditions pursuant to Section 4-804 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous conditions (those carried forward from previous approval are marked with an asterisk).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land. Other by-right, Special Permit and Special Exception uses may be permitted on the lot without a Special Exception amendment, if such uses do not affect this Special Exception use. *

2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these conditions. *

3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Amendment Plat entitled "Verizon Wireless Mason Neck-American Tower # VA-010051 (Fairfax County, VA) Special Exception Amendment Plat SEA 97-V-046" prepared by Glock Smidt Engineering, Inc. and Morris and Ritchie Associates, Inc. dated November 20, 2006 as revised through August 20, 2008, and these development conditions.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

4. The tower structure shall be limited to a height of 149 feet with antennae projecting no more than 5.96 feet higher, for a total maximum height of 154.96 feet, as shown on the Special Exception Amendment Plat. *

5. The tower shall be painted and/or maintained with a non-reflective color chosen to maximize visual integration of the tower with all points above the skyline, as determined by DPWES. *

6. The tower and accessory facilities shall be subject to periodic inspections by DPWES. If any additions, changes, or modifications are to be made to the tower or to the related facilities, the Director shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modification conforms with all structural and all other requirements of the Virginia Uniform Statewide Building Code (VUSBC). In the event that the results of any monitoring indicate alterations or damage exists to the approved equipment or structures that exceed the extent deemed acceptable by the applicable codes and standards, the applicant shall take immediate actions, as necessary and approved by DPWES, to comply with accepted codes and agreements. Non-compliance with this condition within a time frame established by DPWES may be grounds for termination of the use of the tower as a telecommunication facility, as determined by the Zoning Administrator. *

7. In order to ensure conformance with applicable safety standards, the Fairfax County Department of Information Technology (DIT) shall have the option to conduct monitoring of radiation emissions as may be deemed necessary by DIT. In the event that the results of any monitoring indicate any alterations to the approved equipment or if the radiation levels exceed the amounts deemed appropriate by applicable standards, the applicant shall take immediate action, as necessary and approved by DIT, to comply with accepted standards and agreements and to reduce radiation emissions to meet the applicable standards. Non-compliance with this condition within time frame established by DIT may be grounds for termination of the use of the tower as a telecommunication facility, as determined by the Zoning Administrator. *

8. No signals or lights or illumination shall be permitted on the tower unless required by the Federal Communications Commission (FCC), the Federal Aviation Commission (FAA), or Fairfax County. *

9. There shall be no outdoor storage of materials, equipment, or vehicles within the wireless compound for the telecommunications facility. *

10. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunications facility. No commercial advertising or

sign shall be allowed on the antennae, antennae support structures or related equipment cabinet or structure. *

11. The sizes and placement of the antennae on the tower shall be in substantial compliance with the sizes and placements indicated on the Special Exception Amendment Plat. This telecommunication facility shall be limited to a maximum of seven (7) providers and seventy-two (72) antenna, including the six (6) providers shown on the Special Exception Amendment Plat, and one future provider with a maximum of twelve (12) antennae. *

12. Equipment cabinets/buildings/pads shall be limited to the heights and enclosed equipment compound area shown on the Special Exception Amendment Plat. Installation of the equipment cabinets/buildings may occur over time without an amendment to this Special Exception Amendment, as long as the maximums are not exceeded. It is noted that the addition of a seventh provider will require review and approval under 15.1-2232 in the future.*

13. Prior to site plan approval, documentation in the form of the letters of intent or leases shall be supplied to DPWES to verify a minimum of four (4) providers on the tower. Failure to document that a minimum of four (4) providers are accommodated, shall be the grounds for denial of the site plan. There shall be a maximum total of seven providers on the tower. Installation may occur over time without an amendment to this Special Exception, so long as a minimum of four (4) and a maximum of seven (7) providers are maintained as shown on the Special Exception Amendment Plat. *

14. Entrances to the site shall be designed and constructed in accordance with the Virginia Department of Transportation (VDOT) commercial entrance standards. *

15. The tower, related equipment structures and, to the extent reasonably practical, the subterranean support structures for the tower shall be dismantled upon expiration of the applicant's leasehold interest in the subject property. *

16. Should the need arise to alter the telecommunication tower from that shown on the SEA Plat, engineering and structural data shall be submitted to DPWES and the Department of Planning and Zoning (DPZ) affirming that said alterations conform to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code and are in substantial conformance with the SEA Plat.

17. Prior to the issuance of the Non-Residential Use Permit (Non-RUP), landscaping as generally shown on the SEA Plat shall be installed. All

landscaping shall be irrigated and maintained in good health by the applicant. If necessary, existing vegetation that does not meet the tree cover definition and /or requirements can be removed and replaced with evergreen trees, 6 feet in height. Evergreen trees shall be a minimum of one (1) inch in caliper and preferably include leyland cypress, loblolly pine, eastern red cedar but may also include rocky mount juniper and white pine.

18. At the time of site plan review, the outfall narrative shall be provided for the review and approval of DPWES. At the time of site plan review, a waiver of the stormwater management/best management practices (SWM/BMP) requirements shall be requested. If the requested waiver is not granted, the required SWM/BMP may be located within the application property, provided that such facility is determined by the County to be in substantial conformance with the SEA Plat.

19. Any component(s) of the telecommunication facility shall be removed within one hundred and twenty (120) days after such component(s) are no longer in use.

20. The site shall be kept free from litter, junk and debris (i.e. appliances, furniture, automobile parts, landscaping equipment, etc.)

The approval of this SEA does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. *

Replacement of the nine (9) antennas and the permanent installation of the twelve (12) antennas shall constitute the establishment of this Special Exception Amendment. The Board of Supervisors may grant additional time to establish the use or commence the construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception Amendment. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Waived the transitional screening and barrier requirements along the northern and eastern boundaries of the site in favor of the existing vegetation, as shown on the SEA Plat.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Cc: Chairman Gerald E. Connolly
Supervisor Gerald Hyland, Mount Vernon District
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Karyn Mooreland, Chief Capital Projects Sections, Dept. of Transportation

RECEIVED
Department of Planning & Zoning
DEC 12 2008
Zoning Evaluation Division

COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SEA 97-V-046
(Staff will assign)

RECEIVED
Department of Planning & Zoning
MAY 19 2008
Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	**NAME** Washington, D.C. SMSA Limited Partnership d/b/a Verizon Wireless
	MAILING ADDRESS 9000 Junction Drive Annapolis Junction, Maryland 20701
	PHONE **HOME** (N/A) **WORK** (N/A)
	PHONE **MOBILE** (N/A)
PROPERTY INFORMATION	**PROPERTY ADDRESS** 9128, 9130 Belvoir Ct. and 9102 Richmond Hwy. Alexandria, Virginia 22060
	TAX MAP NO. 109-1((1))0038,109-1((1))0039,109-1((1))0041 **SIZE (ACRES/SQ FT)** 1.16 acres, 50,371 sq. ft.
	ZONING DISTRICT C-8 **MAGISTERIAL DISTRICT** Mt Vernon
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A
SPECIAL EXCEPTION REQUEST INFORMATION	**ZONING ORDINANCE SECTION** Section 9-101
	PROPOSED USE Amend SE 97-V-046 by attaching six 70.87"x13.07"x14.96 and six 47.2"x5.8x6.6" antenna at a height of 120' on the existing structure and placing a 12'x30' equipment shelter at the base.
AGENT/CONTACT INFORMATION	**NAME** Venable LLP - Frank W. Stearns
	MAILING ADDRESS 8010 Towers Crescent Drive Suite 300 Vienna, Virginia 22182
	PHONE **HOME** (N/A) **WORK** (703) 760-1956
	PHONE **MOBILE** (N/A)
MAILING	**Send all correspondence to (check one):** ☐ **Applicant** –or- ☑ **Agent/Contact**

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.

Frank W. Stearns

TYPE/PRINT NAME OF APPLICANT/AGENT **SIGNATURE OF APPLICANT/AGENT**

SEA 2008-0007 vwl 6/11/08

DO NOT WRITE IN THIS SPACE

Date Application accepted: 6/11/08 Virginia Raffner Application Fee Paid: $529.50

Planning Commission Meeting
October 30, 2008
Verbatim Excerpt

SEA 97-V-046 – WASHINGTON D.C. SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I would like to MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 97-V-046, SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 30, 2008, AS AMENDED IN PARAGRAPH, what is that 16? SEVENTEEN.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 97-V-046-02 (*sic*), say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Flanagan.

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE NORTHERN AND EASTERN BOUNDARIES OF THE SITE IN FAVOR OF THE EXISTING VEGETATION AS SHOWN ON THE SEA PLAT.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. 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 unanimously.)

JN

Board Agenda Item
December 8, 2008

3:30 p.m.

Public Hearing on SEA 97-V-046 (Washington D.C. SMSA Limited Partnership D/B/A Verizon Wireless) to amend SE 97-V-046 Previously Approved for a Telecommunications Facility to Permit Additional Antennas and Associated Modifications to Site Design and Development Conditions, Located on Approximately 1.16 Acres Zoned C-8, Mount Vernon District

The application property is located at 9102 Richmond Highway, 9128 and 9130 Belvoir Court, Tax Map 109-1 ((1)) 38, 39 and 41.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 30, 2008, the Planning Commission voted unanimously to recommend the following actions to the Board of Supervisors:

- Approval of SEA 97-V-046, subject to the Development Conditions dated October 30, 2008, with Condition 17 amended to include language concerning maintenance of landscaping and to reflect that other types of trees, in addition to white pines, should be planted; and

- Waiver of the transitional screening and barrier requirements along the northern and eastern boundaries of the site in favor of the existing vegetation, as shown on the SEA Plat.

ENCLOSED DOCUMENTS:
None. Staff Report previously furnished.

STAFF:
Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kellie-Mae Goddard-Sobers, Staff Coordinator, Zoning Evaluation Division, DPZ