



APPLICATION ACCEPTED: March 27, 2009  
PLANNING COMMISSION: July 29, 2009

# County of Fairfax, Virginia

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July 15, 2009

## STAFF REPORT

APPLICATION FDPA 78-C-118-18

### SULLY DISTRICT

**APPLICANT:** Cricket Communications, Inc.

**ZONING:** PDH-2, WS

**PARCEL(S):** 35-1 ((4)) (19) C2

**ACREAGE:** 8.91 acres

**FAR:** 0.03 (existing church)

**OPEN SPACE:** 87%

**PLAN MAP:** Residential; 1-2 du/ac

**PROPOSAL:** Amend Final Development Plan for a church with related facilities and an existing tree monopole to permit the addition of three panel antennas and the addition of one additional equipment cabinet on a concrete pad. No additional height is proposed on the monopole. No changes are proposed to the church or its facilities.

### STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 78-C-118-18, subject to the proposed development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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Christopher M. DeManche

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Planning Commission.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

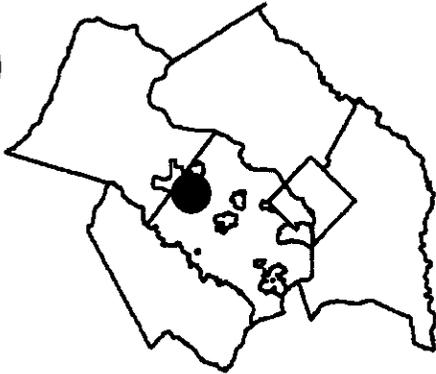
*O:\cdeman\FDPA\Cricket Comm\SE Cover FDPA 78-C-118-18.doc*



**Americans with Disabilities Act (ADA):** Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Final Development Plan Amendment

FDPA 78-C-118-18



Applicant:  
Accepted:  
Proposed:

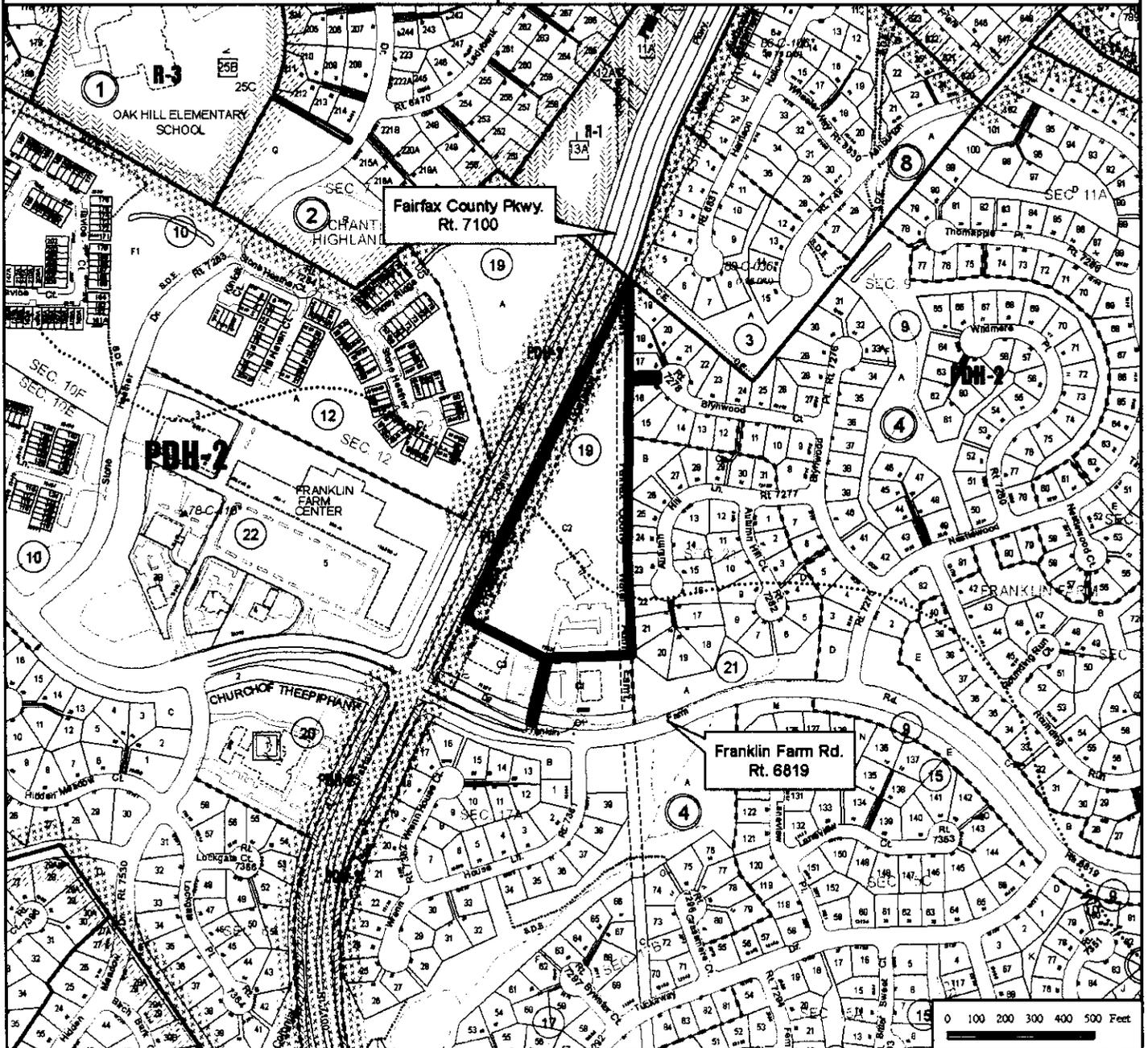
CRICKET COMMUNICATIONS, INC.  
03/27/2009  
AMEND FDP 78-C-118 PREVIOUSLY APPROVED  
FOR MIX USE DEVELOPMENT TO PERMIT  
SITE MODIFICATIONS FOR EXISTING  
TELECOMMUNICATION FACILITIES

Area:  
Zoning Dist Sect:  
Located:

8.9146 AC OF LAND; DISTRICT - SULLY  
EAST SIDE OF FAIRFAX COUNTY PARKWAY  
APPROXIMATELY 250 FEET NORTH OF  
INTERSECTION WITH FRANKLIN FARM ROAD

Zoning:  
Overlay Dist:  
Map Ref Num:

PDH- 2  
WS  
035-1- /04/19/ C2

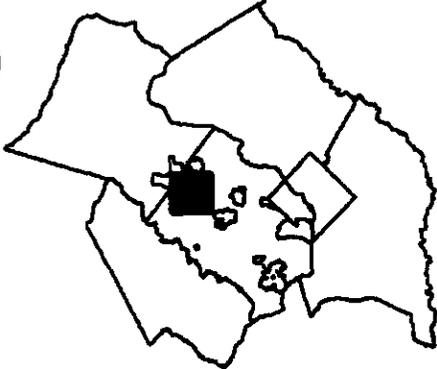


# Final Development Plan Amendment

FDPA 78-C -118-18

Applicant:  
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Proposed:

CRICKET COMMUNICATIONS, INC.  
03/27/2009  
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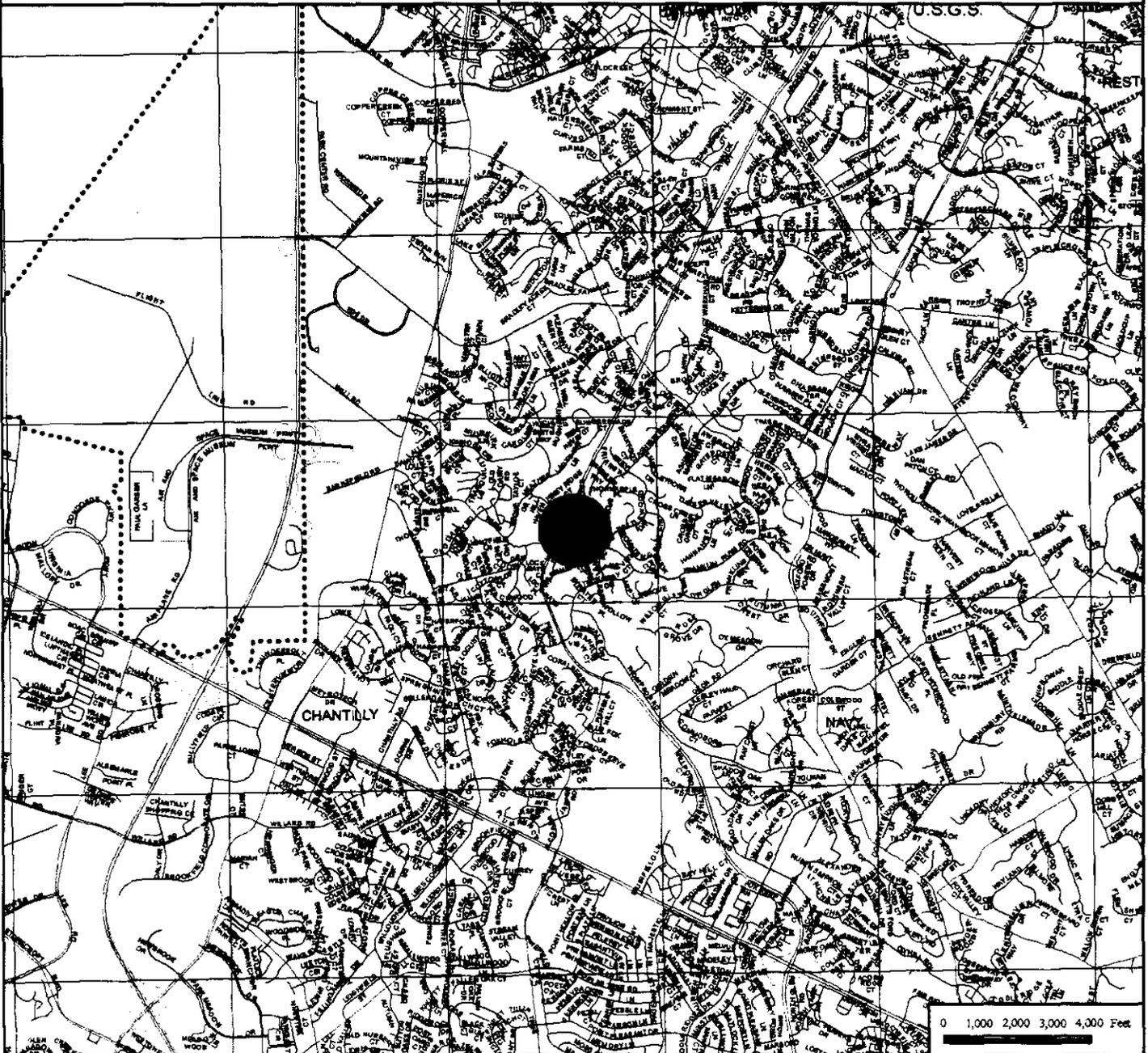


Area:  
Zoning Dist Sect:  
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EAST SIDE OF FAIRFAX COUNTY PARKWAY  
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Zoning:  
Overlay Dist:  
Map Ref Num:

PDH- 2  
WS  
035-1- /04/19/ C2









THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY AND INTENDED FOR THE USE OF THE CLIENT ONLY. ANY REUSE OR OTHER THAN THAT WHICH RELATES TO CLIENT NAME IS STRICTLY PROHIBITED.

**REVISIONS**

NO.	DATE	DESCRIPTION
1	12-22-04	C/D/P REVIEW
2	02-18-05	ZONING
3	05-25-06	ZONING
4	08-08-06	ZONING
5	07-06-06	ZONING

DESIGNED BY: J.E.S.  
APPROVED BY: M.M.  
PROJECT NO: 1128-078



**FINAL DEVELOPMENT  
PLAN AMENDMENT**

SEARCH RING NAME:  
**FRANKLIN FARM ROAD**

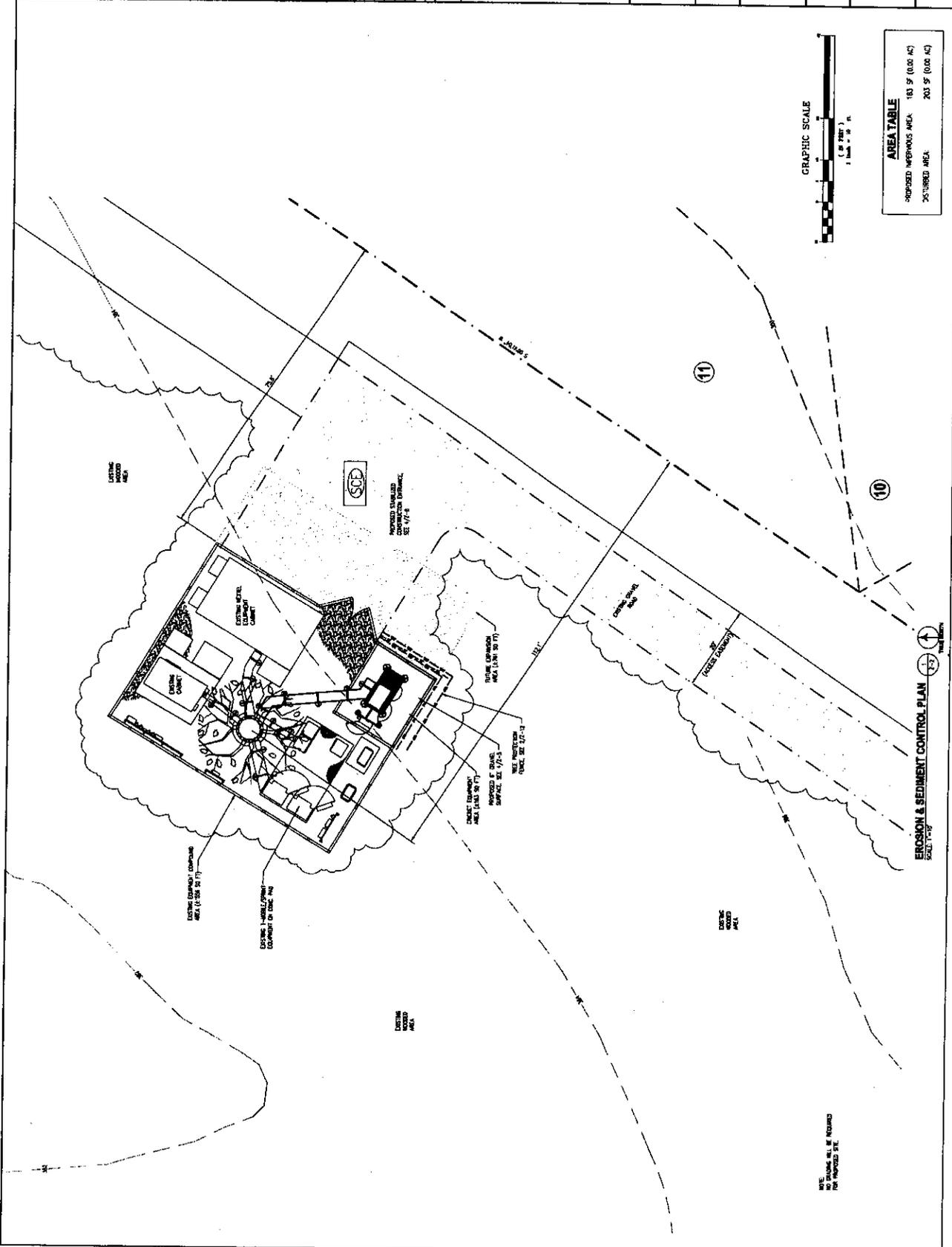
SITE NUMBER:  
**1AD-335-1**

SITE ADDRESS:  
**13224 FRANKLIN FARM RD  
HERNDON, VA 22071**

DESIGN TYPE:  
**COLOCATION**

DRAWING TITLE:  
**EROSION & SEDIMENT  
CONTROL PLAN**

DRAWING NO.:  
**Z-2**



**AREA TABLE**

PROPOSED UNIMPAVED AREA	183 SF (0.00 AC)
EXISTING CONC RET. DRIVE	203 SF (0.00 AC)

**EROSION & SEDIMENT CONTROL PLAN**  
SHEET Z-2









THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY AND CONFIDENTIAL. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CRICKET COMMUNICATIONS, INC. CLIENT NAME IS STRICTLY PROHIBITED.

**REVISIONS**

NO.	DATE	DESCRIPTION
01	07-18-01	ISSUE FOR PERMIT REVIEW
02	12-15-01	ISSUE FOR PERMIT REVIEW
03	02-18-02	ISSUE FOR PERMIT REVIEW
04	05-20-02	ISSUE FOR PERMIT REVIEW
05	08-08-02	ISSUE FOR PERMIT REVIEW
06	07-05-03	ISSUE FOR PERMIT REVIEW

PROJECT NO: 1128.078



**FINAL DEVELOPMENT  
PLAN AMENDMENT**

SEARCH ENGINE NAME:  
**FRANKLIN FARM ROAD**

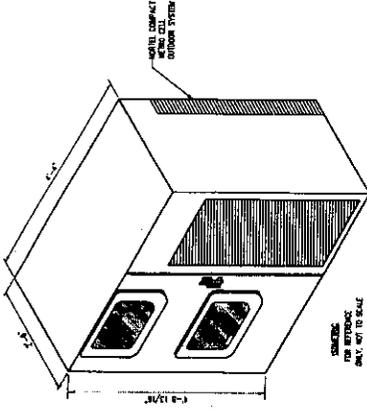
SITE NUMBER:  
**IAD-335-1**

SITE ADDRESS:  
**1324 FRANKLIN FARM RD  
HERNDON, VA 22071**

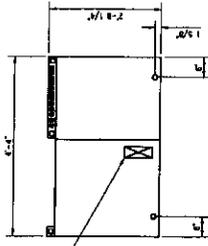
DESIGN TYPE:  
**COLOCATION**

DRAWING TITLE:  
**CABINET PLANS  
AND ELEVATIONS**

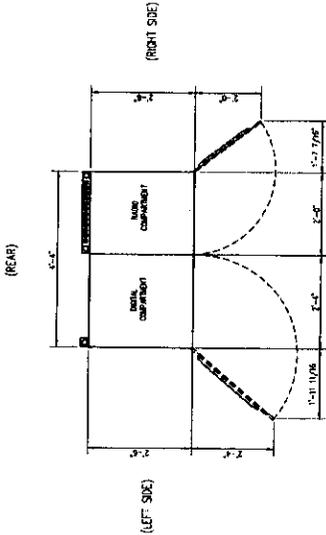
DRAWING NO.:  
**Z-7**



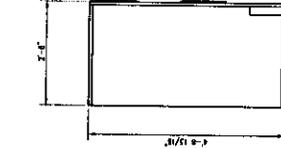
**ISOMETRIC VIEW**



**BASE PLAN**



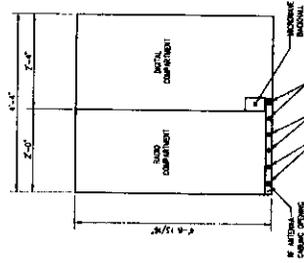
**TOP PLAN**



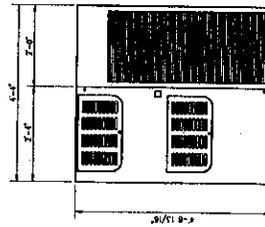
**SIDE ELEVATION**



**RIGHT SIDE ELEVATION**



**REAR ELEVATION**



**FRONT ELEVATION**

**OUTDOOR COMPACT METRO CELL OUTDOOR SYSTEM**  
SCALE: 3/4\"/>







**LINETYPES**

- DRAINAGE AREA
- DA
- PROTECTION FENCE
- TP
- EXISTING FENCE

**STORMWATER MANAGEMENT AND OUTFALL NARRATIVE SUMMARY**

GENERAL DRAINAGE AREA: 1.972 SF  
 THE PROPOSED SITE SHALL BE A RESIDENTIAL DEVELOPMENT. THE DRAINAGE AREA SHALL BE DETERMINED AS SHOWN ON THE ATTACHED SHEET. THE DRAINAGE AREA SHALL BE DETERMINED AS SHOWN ON THE ATTACHED SHEET. THE DRAINAGE AREA SHALL BE DETERMINED AS SHOWN ON THE ATTACHED SHEET.

**PROJECT SIZE: 4,2500 SF DISTURBED AREA**

PERMITS: 1. PERMITS FOR THE PROJECT SHALL BE OBTAINED FROM THE APPROPRIATE AGENCIES. 2. PERMITS FOR THE PROJECT SHALL BE OBTAINED FROM THE APPROPRIATE AGENCIES. 3. PERMITS FOR THE PROJECT SHALL BE OBTAINED FROM THE APPROPRIATE AGENCIES.

**STORMWATER CALCULATIONS**

ANALYSIS: 1. ANALYSIS OF THE PROJECT SHALL BE CONDUCTED USING THE APPROPRIATE METHODS. 2. ANALYSIS OF THE PROJECT SHALL BE CONDUCTED USING THE APPROPRIATE METHODS. 3. ANALYSIS OF THE PROJECT SHALL BE CONDUCTED USING THE APPROPRIATE METHODS.

**STORM WATER MANAGEMENT AND BEST MANAGEMENT PRACTICE NARRATIVE (STORM WATER MANAGEMENT WATER REQUEST)**

A STORMWATER MANAGEMENT PLAN IS REQUESTED FOR THIS PROJECT. THE PLAN SHALL BE DESIGNED TO PREVENT POLLUTION AND TO PROTECT THE QUALITY OF THE RECEIVING WATER BODY. THE PLAN SHALL BE DESIGNED TO PREVENT POLLUTION AND TO PROTECT THE QUALITY OF THE RECEIVING WATER BODY.

**STORM WATER MANAGEMENT NARRATIVE SUMMARY**

THE DRAINAGE AREA FOR THE SITE IS 1.972 SF (0.045 AC). THE DEVELOPMENT DRAINAGE AREA FOR THE SITE IS 1.972 SF (0.045 AC). THE DEVELOPMENT DRAINAGE AREA FOR THE SITE IS 1.972 SF (0.045 AC).

**REVISIONS**

NO.	DATE	DESCRIPTION
01	12-15-08	ISSUE FOR PERMIT
02	12-15-08	ISSUE FOR PERMIT
03	12-15-08	ISSUE FOR PERMIT
04	12-15-08	ISSUE FOR PERMIT
05	12-15-08	ISSUE FOR PERMIT
06	12-15-08	ISSUE FOR PERMIT
07	12-15-08	ISSUE FOR PERMIT

**DESIGNED BY: J.E.S.**

**APPROVED BY: M.A.**

**PROJECT NO: 1128 078**



**FINAL DEVELOPMENT PLAN AMENDMENT**

**SEARCH ENGINE NAME: FRANKLIN FARM ROAD**

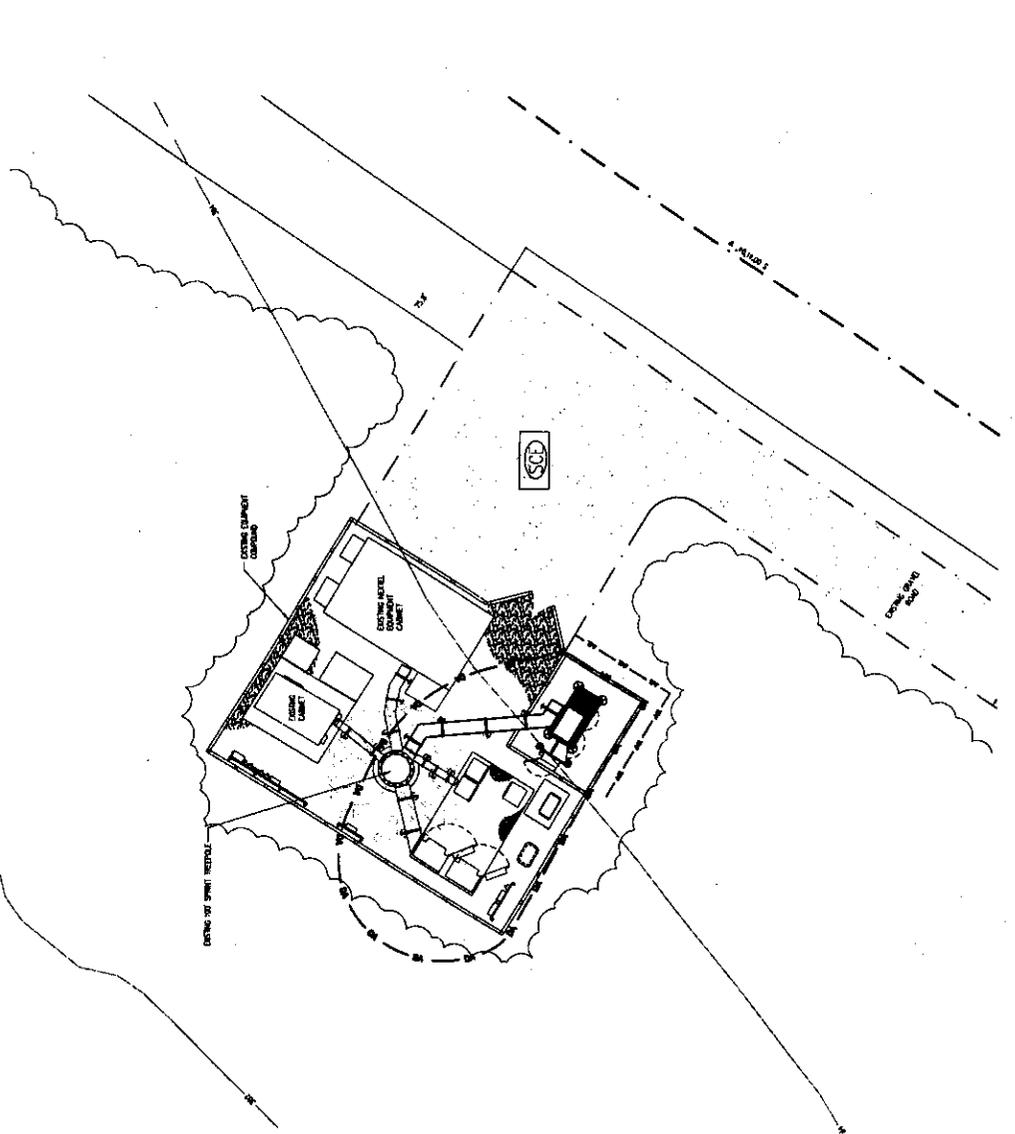
**SITE NUMBER: IAD-335-1**

**SITE ADDRESS: 13224 FRANKLIN FARM RD HERRINGTON, VA 22071**

**DESIGN TYPE: COLOCATION**

**DRAWING TITLE: PRELIMINARY STORMWATER EVALUATION**

**DRAWING NO.: Z-11**



**GRAPHIC SCALE**  
 1" = 10' 0"

**STORMWATER MANAGEMENT PLAN**  
 SCALE 1/8" = 1'

**DRAINAGE AREA: 1.972 SF**



**North**

**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

**Proposal:**

The applicant proposes to install three panel antennas at fifty-five feet above grade, and one additional equipment cabinet on a concrete pad at the base of the existing monopole, designed to mimic a tree. The addition of an equipment cabinet will result in a minor expansion of the existing fenced area at the base of the treepole (by a total of 183 square feet) to allow a new lease area totaling 150 square feet. No changes are proposed to the existing church or its facilities as part of this application.

**Hours & Employees:**

The facility will operate 24 hours per day as an unstaffed facility; normal operations involve approximately one or two service trips per month per provider. Emergency situations may require more trips.

**LOCATION AND CHARACTER**

**Site Description:**

The subject property is part of the Franklin Farm planned development and is surrounded by residential and commercial uses. The northern portion of the site is heavily wooded with mature trees. The southern portion of the site is developed with a church with a maximum height of 25 feet and a parking lot with approximately 70 parking spaces. A 24 foot wide Fairfax County Water Authority easement runs along the eastern edge of the property; a 16 foot wide easement held by AT&T runs adjacent to the FCWA easement.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Fairfax County Parkway/ Residential	PDH-2	Residential; 1-2 du/ac and 2-3 du/ac
<b>South</b>	Day Care/ Residential	PDH-2	Residential; 1-2 du/ac and 2-3 du/ac
<b>East</b>	Residential	PDH-2	Residential; 0.5-1 du/ac
<b>West</b>	Commercial (Franklin Farms Shopping Center, across Parkway.)	PDH-2	Residential; 1-2 du/ac and 2-3 du/ac

**BACKGROUND** (Relevant to application site only)

Application	Use	BOS/PC Action	Date of Action
RZ 78-C-118	Rezoned 830 acres to PDH-2 from R-3 residential district. Committed to a planned development of 1,656 dwellings with a density of 2 du/ac, 15 acres of commercial uses and ROW dedication for the Fairfax County Parkway.	Approved	October 22, 1979 by BOS
FDPA 78-C-118-3	FDPA on a 131.5 acre portion of Franklin Farm development. 8.92 acre parcel (subject to current application) permitted for 'Community Serving Use". No development conditions or proffers referred to subject parcel. Church construction in 1980s.	Approved	October 15, 1981 by PC
FDPA 78-C-118-10	Permit erection of a 120 foot cellular monopole designed to resemble a tree, with a maximum of 12 panel antennas and associated equipment cabinets.	Approved	February 5, 1997 by PC
FDPA 78-C-118-11	Permit addition of 9 panel antennas on existing monopole and associated equipment cabinets.	Approved	September 22, 1999 by PC
FDPA 78-C-118-12	Permit addition of 12 panel antennas on existing monopole and associated equipment cabinets.	Approved	February 13, 2001 by PC
FDPA 78-C-118-13	Permit addition of one equipment cabinet at the base of the monopole.	Approved	January 8, 2003 by PC

**COMPREHENSIVE PLAN PROVISIONS** (Appendix 5)

**Plan Area:** III

**Planning Sector:** West Ox Community Planning Sector (UP7)

**Plan Map:** Residential; 1-2 du/ac

**Plan Text:** There is no site specific Plan text for this site; relevant excerpts from the Plan may be found in Appendix 5.

**ANALYSIS**

**Special Exception Plan** (Copy at front of staff report)

Title of SE Plat: Franklin Farm Road

Prepared By: Entrex Communication Services, Inc.

Original and Revision Dates: November 12, 2008 as revised through July 6, 2009

The Final Development Plan consists of thirteen (13) sheets showing the following information:

FDPA PLAT: Franklin Farm Road		
Sheet #	Title	Description of Sheet
T-1	Title Sheet	Title sheet providing sheet index, vicinity map, project summary and compliance notes.
Z-1	Survey Plan	Survey of subject property with details of improvements,

		surrounding properties and general survey notes.
Z-1A	Adjoiners	Addresses of properties adjoining the subject property provided.
Z-2	Erosion & Sediment Control Plan	Details of erosion and sediment control plan for subject property shown.
Z-3	Compound Layout/ Treepole Elevation	Details of compound layout with existing and proposed improvements shown. Treepole elevation depicted with existing and proposed antennas shown.
Z-4	Antenna/Coax Details	Antenna mounting details, GPS antenna details, antenna layout plan and coax weatherproofing details provided with information on antennas and cables proposed.
Z-5	Site Details	Details of proposed Ice bridge and modular equipment platform shown.
Z-6	Site Details	Details of modular equipment platform and PPC frame details shown.
Z-7	Cabinet Plans and Elevations	Details of proposed equipment with dimensions shown.
Z-8	Civil Details	Details of silt fence installation, wood fence/gate details and wood fence post details shown.
Z-9	Civil Notes	Sequence of construction plan, excavation/grading notes, and general erosion/sediment control notes provided.
Z-10	Tree Protection Details	Tree protection methods shown with drawings and notes.
Z-11	Preliminary Stormwater Evaluation	Stormwater Management/Outfall narratives with calculations shown.

**Land Use/Environmental Analysis** (Department of Planning and Zoning)  
**Transportation Analysis** (Fairfax County Department of Transportation)

There are no changes proposed to the existing church or its facilities; therefore staff analysis has been confined to the existing telecommunication facility. (Staff has also reviewed the subject application as a Feature Shown Amendment, FSA-Y09-33-1).

No transportation or environmental issues are associated with this application.

**ZONING ORDINANCE PROVISIONS** (Appendix 6)

Article 6, Planned Development Housing District – The existing church, related facilities and the height of the existing treepole are not proposed to be modified by this application. New branches will be installed on the treepole to shield the three panel antennas proposed at fifty-five feet above grade. The addition of the panel antennas and tree branches are minor in nature and do not pose a detriment to the overall site. Staff believes that the PDH District standards continue to be met for the subject property.

Par. 3 of Section 6-106, Use Limitations, states when a use is being considered for approval on a final development plan, the standards set forth in Article 9 shall be used as a guide. The proposed telecommunications facility is a Category 1 Special Exception, and thus the General Standards and the Standards for Category 1 Uses are applicable.

*General Standards (9-006)*

*Standards for all Category 1 Uses (9-104)*

The existing treepole was found to meet all of the General Standards and the Standards for Group 1 Uses when reviewed under FDPA 78-C-118-10, 11, 12, and 13. The only change proposed with this application is the addition of three panel antennas to the existing treepole at fifty-five feet above grade, and the addition of an equipment cabinet in an expanded enclosure area at the base of the treepole. All changes are minor in nature and replicate previous upgrades to install additional antennas and/or equipment cabinets. Staff believes the proposal continues to meet all applicable standards.

### **Summary of Zoning Ordinance Provisions**

All applicable standards have been satisfied with the proposed development conditions.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff finds the addition of three panel antennas to the existing treepole and the addition of one equipment cabinet to the base of treepole is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

### **Recommendation**

Staff recommends approval of FDPA 78-C-118-18, subject to the proposed development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Planning Commission.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Conditions and Plat approved with FDPA 78-C-118-13
5. Comprehensive Plan Provisions
6. Applicable Zoning Ordinance Provisions
7. Glossary

## PROPOSED DEVELOPMENT CONDITIONS

## FDPA 78-C-118-18

July 15, 2009

If it is the intent of the Board of Supervisors to approve FDPA 78-C-118-18, located at Tax Map 35-1 ((4)) (19) C2, for a church and telecommunications facility (monopole), to permit an expansion of a previously approved telecommunications facility, staff recommends that such approval be subject to the following conditions. These conditions supersede those approved with FDPA 78-C-118-13, and all previous cases pertinent to this site; conditions carried over from previous approvals are marked with an asterix (\*).

- \*1. Development of the application property shall be in conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan Amendment (FDPA), FDPA 78-C-118-18, consisting of thirteen (13) sheets, prepared by Entrex Communication Services, Inc., dated November 12, 2008, as revised through July 6, 2009, and these conditions. With the exception of Development Condition 2 below, this FDPA shall be applicable to the proposed telecommunications facility (treepole) and shall not be deemed to add new restrictions or limitations on the existing church and related facilities.
- \*2. In order to ensure that the visual impacts of the proposed treepole are minimized, there shall be no disturbance to the existing tree cover on the site except for the 2,500 square foot leased area shown on the FDPA Plat.
3. The telecommunications facility shall be limited as follows
  - \*a. The treepole shall not exceed 120 feet in height.
  - b. Equipment cabinets shall be permitted within the enclosed equipment compound shown on the FDPA Plat. No shelters or other structures, located outside of the equipment compound are permitted in conjunction with the telecommunications facility. Equipment shelters/cabinets located in the enclosed compound shall have a maximum height of twelve (12) feet.
  - c. The equipment compound at the base of the treepole shall be completely enclosed by an eight foot high, solid wood fence.
- \*4. This facility shall be operated as an unstaffed facility 24 hours a day with the exception of periodic monthly maintenance inspections by each of the companies with installations on the treepole. Access to the site shall be restricted to routine maintenance visits and emergency situations. Care shall be exercised to ensure that the privacy of adjacent residential units is preserved and that access to the facility does not become a nuisance to adjacent residential development.
- \*5. Access to the monopole shall be via the existing 16 foot wide AT&T easement as shown on the FDPA Plat to the extent feasible without necessitating the removal of any trees. In the

event that staying strictly within the AT&T easement would require the removal of trees or tree limbs, best efforts shall be made to utilize the adjoining FCWA easement, while remaining within the AT&T easement as much as possible, rather than remove trees on the church property. The easements used for construction access to the treepole shall be restored to their original condition upon the completion of construction, or after any action by the applicant which causes damage to the easements.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by the Planning Commission.

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

## REZONING AFFIDAVIT

DATE: April 29, 2009  
(enter date affidavit is notarized)

I, Edward L. Donohue, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)             applicant  
                              applicant's authorized agent listed in Par. 1(a) below

104303a

in Application No.(s): FDPA 78-C-118-18  
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Trustees of the Community of Faith United Methodist Church	13004 Mt. Auburn Ct. Herndon, VA 20171	Owner/Lessor
Dianne J. Hannum	13007 Mt. Auburn Ct., Herndon, VA 20171	Trustee
Laurence R. Gittings	13372 Glen Taylor Ln, Herndon, VA 20171	Trustee
Robert J. Warmbrunn	14020 Rose Lodge Ct., Chantilly, VA 20151	Trustee
Barbara F. Reiff	12123 Basset Ln., Reston, VA 20191	Trustee
Lynn D. Mowery	13133 Ladybank Ln., Herndon, VA 20171	Trustee
Russell E. Averill	4413 Fallen Oak Drive, Chantilly, VA 20151	Trustee
Rory A. Maynard	3007 Jeannie Anna Ct., Herndon, VA 20171	Trustee
Edwin J. Young	13215 Caroline Court, Herndon, VA 20171	Trustee
Cricket Communications, Inc.	10307 Pacific Center Court San Diego, CA 92121	Applicant/Lessee #5

(check if applicable)             There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Rezoning Attachment to Par. 1(a)**

DATE: April 29, 2009  
 (enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
 (enter County-assigned application number (s))

**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Edward L. Donohue Marjorie K. Conner M. Colleen Canovas Donohue & Blue, PLC	801 N. Fairfax St., Suite 209 Alexandria, VA 22314	Attorney/Authorized Agent " " "
APC Realty and Equipment Co., LLC ✓	6200 Sprint Parkway Overland Park, KS 66251	Lessee #1
New Cingular Wireless PCS, LLC ✓	7150 Standard Dr. Hanover, MD 21076	Lessee #2 and Lessee #4
Nextel Communications of Mid-Atlantic, Inc. ✓	2001 Edmund Halley Dr. Reston, VA 20191	Lessee #3
Crown Castle International Corporation ✓	2000 Corporate Dr. Canonsburg, PA 15317	Lessee/Landlord/Owner of Telecommunications Tower

(check if applicable)  There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

**(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)**

CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Cricket Communications, Inc.  
10307 Pacific Center Court  
San Diego, CA 92121

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Leap Wireless International, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Rezoning Attachment to Par. 1(b)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

164303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Leap Wireless International, Inc.  
10307 Pacific Center Court  
San Diego, CA 92121

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

MHR Fund Management, LLC  
Harbinger Capital Partners Master Fund I, Ltd.  
T. Rowe Price Associates, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

MHR Fund Management, LLC  
40 West 57 Street, 24th Floor  
New York, NY 10019

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Dr. Mark H. Rachesky

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

American Personal Communications Holdings, Inc. ✓  
6200 Sprint Parkway  
Overland Park, KS 66251

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

American PCS, L.P.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SWV One, Inc.  
6200 Sprint Parkway  
Overland, KS 66251

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Sprint Nextel Corporation

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
SWV Four, Inc. ✓  
6200 Sprint Parkway  
Overland Park, KS 66251

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)  
Sprint Nextel Corporation ✓

---

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

---

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Sprint Nextel Corporation ✓  
6200 Sprint Parkway  
Overland Park, KS 66251

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

---

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SWV Three, Inc.  
6200 Sprint Parkway  
Overland Park, KS 66251

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Sprint Nextel Corporation

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SWV Six, Inc.  
6200 Sprint Parkway  
Overland, KS 66251

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Sprint Nextel Corporation

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

UCOM, Inc.  
6200 Sprint Parkway  
Overland, KS 66251

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Sprint Nextel Corporation

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

US Telecom, Inc.  
6200 Sprint Parkway  
Overland, KS 66251

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Sprint Nextel Corporation

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SWV Two, Inc.  
6200 Sprint Parkway  
Overland, KS 66251

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Sprint Nextel Corporation

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

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**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

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**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

New Cingular Wireless PCS, LLC  
7150 Standard Dr.  
Hanover, MD 21076

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Cingular Wireless II, LLC

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Cingular Wireless II, LLC  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

New Cingular Wireless Services, Inc.  
Cingular Wireless, LLC

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
New Cingular Wireless Services, Inc.  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)  
Cingular Wireless, LLC

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Cingular Wireless, LLC  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
SBC Long Distance, Inc.     BLS Cingular Holdings, LLC  
SBC Alloy Holdings, Inc.     Bell South Mobile Data, Inc.  
Cingular Wireless Corp.

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)      There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Long Distance, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

SBC Telecom, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Telecom, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Teleholdings, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Teleholdings, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Communications, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Alloy Holdings, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

SBC Teleholdings, Inc.	↓	Southern New England	↓	Pacific Telesis Group	↓
New Southwestern Bell Mobile Systems, Inc.	↓	Telecommunications Corp	↓	SBC Services, Inc.	↓
AWACS, Inc.	↓	New SBC Wireless, Inc.	↓	SBC Management Services, LP	↓

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

New Southwestern Bell Mobile Systems, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

AWACS, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Southern New England Telecommunications Corporation  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

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for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

New SBC Wireless, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Pacific Telesis Group  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
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**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
SBC Services, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)  
SBC Communications, Inc.

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Cingular Wireless Corporation  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
SBC Communications, Inc.  
Bell South Corporation

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Bell South Corporation  
1155 Peachtree Street, NE  
Atlanta, GA 30309

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

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**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

---

---

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

BLS Cingular Holdings, LLC  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

AB Cellular Holding, LLC  
Wireless Telecommunications Investment Company, LLC

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**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
AB Cellular Holding, LLC  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)  
Bell South Mobile Data, Inc.  
RAM Broadcasting Corporation

---

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

---

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Wireless Telecommunications Investment Company, LLC  
1155 Peachtree Street  
Atlanta, GA 30309

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Bell South Mobile Data, Inc.

---

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Bell South Mobile Systems, Inc.  
1155 Peachtree Street  
Atlanta, GA 30309

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Bell South Corporation

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

RAM Broadcasting Corporation  
1155 Peachtree Street  
Atlanta, GA 30309

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Bell South Mobile Data, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Bell South Mobile Data, Inc.  
1155 Peachtree Street  
Atlanta, GA 30309

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Bell South Mobile Systems, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC-MSI, LLC  
175 East Houston Street  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Southwestern Bell Texas Holdings, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Southwestern Bell Texas Holdings, Inc.  
175 East Houston Street  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

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**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

---

---

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Nextel Communications of the Mid-Atlantic, Inc.  
2001 Edmund Halley Dr.  
Reston, VA 20191

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Nextel Communications, Inc.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Nextel Communications, Inc.  
2001 Edmund Halley Dr.  
Reston, VA 20191

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Sprint Nextel Corporation

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Crown Castle International Corporation  
2000 Corporate Dr.  
Canonsburg, PA 15317

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

---

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

---

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

---

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state and zip code)

Harbinger Capital Partners Fund I, L.P. ✓  
555 Madison Avenue  
16th Floor  
New York, NY 10022

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

Harbinger Capital Partners GP, LLC ✓  
General Partner

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

**Rezoning Attachment to Par. 1(c)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

American PCS, L.P.  
6200 Sprint Parkway  
Overland Park, KS 66251

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Sprint Spectrum Holding Company, L.P.  
General Partner

MinorCo, L.P.  
Limited Partner

(check if applicable)  There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

**Rezoning Attachment to Par. 1(c)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303 a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)**

Sprint Spectrum Holding Company, L.P.  
6200 Sprint Parkway  
Overland Park, KS 66251

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)**

- SWV One Telephony Partners  
General Partner ✓
- Sprint Enterprises, L.P.  
General Partner ✓
- SWV Six, Inc.  
General Partner ✓
- SWV Four, Inc.  
General Partner ✓

(check if applicable)  There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

**Rezoning Attachment to Par. 1(c)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

MinorCo, L.P.  
6200 Sprint Parkway  
Overland Park, KS 66251

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

- Sprint Enterprises, L.P.  
General Partner ✓
- SWV One, Inc.  
General Partner ✓
- SWV Six, Inc.  
General Partner ✓
- SWV Two Telephony Partnership  
General Partner ✓

(check if applicable)  There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

**Rezoning Attachment to Par. 1(c)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

Sprint Enterprises, L.P.  
6200 Sprint Parkway  
Overland Park, KS 66251

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

- UCOM, Inc.                   ✓  
General Partner
- US Telecom, Inc.         ✓  
General Partner

(check if applicable)  There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

**Rezoning Attachment to Par. 1(c)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

SWV One Telephony Partners  
6200 Sprint Parkway  
Overland Park, KS 66251

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

SWV One, Inc.		
General Partner	✓	✓
SWV Two, Inc.		
General Partner	✓	✓

(check if applicable)  There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

**Rezoning Attachment to Par. 1(c)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

SWV Two Telephony Partnership  
6200 Sprint Parkway  
Overland Park, KS 66251

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,  
**General Partner, Limited Partner, or General and Limited Partner**)

SWV Three, Inc.  
General Partner

SWV Four, Inc.  
General Partner

(check if applicable)  There is more partnership information and Par. 1(c) is continued further on a  
"Rezoning Attachment to Par. 1(c)" form.

**Rezoning Attachment to Par. 1(c)**

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

SBC Management Services, L.P.  
175 Houston Street  
San Antonio, TX 78205

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

SBC-MSI, LLC, General Partner ✓

Southwestern Bell Texas Holdings, Inc.,  
Limited Partner ✓

(check if applicable)  There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

REZONING AFFIDAVIT

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: April 29, 2009  
(enter date affidavit is notarized)

104303a

for Application No. (s): FDPA 78-C-118-18  
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

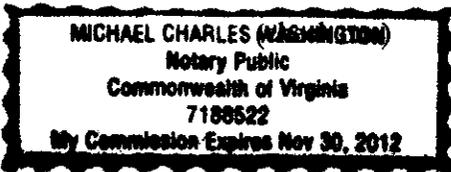
None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:



Edward L. Donohue  
[ ] Applicant [x] Applicant's Authorized Agent

Edward L. Donohue - Authorized Agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29 day of April, 2009, in the State/Comm. of Virginia, County/City of Alexandria

M. W. [Signature]  
Notary Public

My commission expires: Nov 30, 2012

JUN 11 2009

## STATEMENT OF JUSTIFICATION

Zoning Evaluation Division

IN SUPPORT OF THE APPLICATION FOR FINAL DEVELOPMENT PLAN  
AMENDMENT BY CRICKET COMMUNICATIONS INC**Introduction**

Cricket Communications Inc. ("Cricket" or "Applicant") is a wireless communications provider licensed to provide service in the Baltimore/Washington/Virginia markets, which includes Fairfax County. Cricket is a new entrant into this market and as such is just starting to build its network in Fairfax County. In accordance with the applicable requirements of the Zoning Ordinance of Fairfax County, Cricket hereby furnishes the following statement of justification for a Final Development Plan Amendment ("FDPA") relating to the proposed use of the subject property.

**Proposed Use**

American PCS, L.P. obtained FDPA approval in 1997 (FDPA 78-C-118-10 ("1997 FDPA") & 456-Y96-13) for a monopole not to exceed 120 feet in height and ground equipment (together, the "Facility") at the Church located at 13224 Franklin Farm Road, Herndon, VA. In 1999, the 1997 FDPA was amended to allow AT&T Wireless (now New Cingular Wireless PCS, LLC) to add its antennas to the tree pole (FDPA 78-C-118-11). In 2002, the 1997 FDPA was amended to allow Nextel Communications of the Mid-Atlantic to add its antennas to the tree pole (FDPA 78-C-118-12). In 2003, the 1997 FDPA was amended again to allow AT&T Wireless to install additional equipment cabinets at the site (FDPA 78-C-118-13).

With this application, Cricket proposes to again amend the approved development conditions in order to permit the addition of three (3) panel antennas to the existing pole and ground equipment to the Facility in a minor expansion to the compound. This amendment will allow the installation of telecommunications equipment that is necessary to meet Cricket's coverage objections along Fairfax County Parkway and adjoining areas.

By way of this Final Development Plan Amendment (FDPA), Cricket proposes to collocate its telecommunications equipment on an existing structure consistent with the recommendations of Fairfax County's Comprehensive Plan. Together with this FDPA, Cricket has filed for review under Section 15.2-2232 of the Code of Virginia 1950, as amended, for a determination that the proposed installation satisfies the criteria of "location, character and extent" as required under the Code of Virginia and is therefore in substantial accord with the Comprehensive Plan. A copy of that application is attached as Exhibit A.

This site was selected because it allowed Cricket to use an existing tower enabling it to provide service quicker to its customers and to negate the need to build an additional

tower or other type of support structure. This site will provide coverage and will hand off to other proposed sites in Cricket's network. In addition, the existing monopole is designed to resemble a tree and this stealth design further diminishes the visual impact of the facility on the nearby residential community. Cricket's ground equipment will be placed in the existing equipment compound.

For commercial wireless service providers, like Cricket, quality of service is the number one concern of the more than 216 million Americans who subscribe to wireless telecommunications services. In order to provide quality service, carriers must develop a network of wireless facilities, all of which must be within a certain proximity to each other. Otherwise, network "dead spots" exist, causing dropped calls or an inability to access the wireless network. In Cricket's case, since it is a new entrant, its customers will only have coverage as wireless facilities are added to its network. This proposed facility will allow Cricket to provide coverage with no adverse impact to the public.

Because wireless communications facilities operate at low power levels, wireless service providers such as Cricket must locate antenna sites according to a network design based on interconnecting cells (coverage areas) so that a wireless call can be seamlessly handed off from one wireless communications facility to the next as a user travels throughout the area. Without a sufficient number of wireless communications facilities, calls will drop and disconnect as the user approaches the outer limits of a cell. In order to achieve maximum efficiency from each wireless communications facility in the network, the carrier attempts to locate wireless communications facilities at optimum locations within each cell so that it can attain the broadest pattern of signal distribution and the widest possible spacing between its wireless communications facilities. In order to build its network as efficiently and quickly as possible, Cricket is collocating its equipment on existing towers and other suitable support structures in Fairfax County.

Dropped calls are not only an inconvenience and an annoyance for mobile phone users, but a network with significant gaps in coverage also diminishes the important emergency services component of wireless telephone service. Signal quality and network access are what matter most to wireless users. This is particularly important to a new entrant like Cricket who does not have an existing network in Fairfax County at this time.

Cricket has no coverage in the area surrounding the existing wireless communications facility and by collocating on the existing communications facility, Cricket will be able to begin providing coverage to the surrounding area.

### **External Impact**

The proposed collocation facility will have no impact on air quality, water quality, radiation exposure, light pollution, noise pollution or traffic congestion or circulation. The proposed antennas emit no noise, light or odors. Cricket does not know of any hazardous or toxic substances on the site. The facility will typically receive just one or two service/maintenance calls per month so it will have no discernible traffic impact.

Cricket is licensed by the FCC and operates its equipment in full compliance with FCC rules and regulations. The antenna and compound equipment is similar to other existing equipment located at the site and will only slightly add to the visual effect of the facility.

### **Relationship to Comprehensive Plan**

The proposed use will be located on a parcel zoned PDH-2 and designated Residential 2 DU/AC on the Comprehensive Land Use Plan. It will be located in an institution-owned suite that has been developed, in accordance with a Final Development Plan, for use as a church, a use that is allowed in the residential district. The proposed facility is permitted by right in the PDH-2 District on an institutional use site, subject to a Final Development Plan Amendment (FDPA).

Applicant's proposed use will conform to the provisions of all applicable ordinances, regulations, adopted standards and applicable regulations.

### **Statement of Use**

Cricket proposes to mount three (3) antennas on the existing pole within its tree camouflage. An equipment cabinet and an equipment shelter will be installed near the base of the tree pole and will result in a minor expansion of the fenced equipment area. The only utilities which the facility will require are electricity and land telephone lines. Both already exist on the premises. The ground equipment will be unmanned and will operate 24 hours a day, 7 days a week, 365 days each year. Routine maintenance will occur once or twice per month, performed by a service technician driving a standard sized vehicle.

### **Conclusion**

This proposed amendment to the Final Development Plan will not adversely affect the use of the property subject to the final development plan and conditions. It will not inhibit, adversely affect, or preclude in any manner the fulfillment of the final development plan. Finally, it will not increase the overall approval density/intensity for the development. Accordingly, it is respectfully requested that this FDPA be approved.

**COUNTY OF FAIRFAX  
PLANNING COMMISSION OFFICE**

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*Clerk to the Commission*

January 10, 2003

Edward L. Donohue, Esquire  
Cole, Raywid & Braverman, LLP  
1919 Pennsylvania Ave., NW; Suite 200  
Washington, DC 20006

**RE: FDPA-78-C-118-13 & FSA-Y99-15-1**  
AT&T Wireless, Sully District

Dear Mr. Donohue:

The purpose of this letter is to formally advise you, as the agent for the applicant on the above referenced case, that on Wednesday, January 8, 2003, the Planning Commission voted unanimously (Commissioners Harsel and Smyth absent from the meeting) to approve FDPA-78-C-118-13, subject to the development conditions dated November 6, 2002, as attached, and concur with the determination of the Director of the Department of Planning and Zoning that the proposed use under FSA-Y99-15-1 is a "feature shown" of the Comprehensive Plan.

Also attached for your records is a copy of a verbatim transcript of the Commission's action. If you need additional information, please let me know.

Sincerely,

*Barbara J. Lippa*

Barbara J. Lippa  
Executive Director  
Planning Commission Office

Attachments (a/s)

cc: Ron Koch, Sully District Planning Commissioner  
Tracy Swagler, Zoning Evaluation Division, DPZ  
Will Hagan, Planning Division, DPZ  
1/8/03 Date File  
Y-2 File

**PROPOSED DEVELOPMENT CONDITIONS**

FDPA 78-C-118-13

November 6, 2002

If it is the intent of the Planning Commission to approve FDPA 78-C-118-13 for a church and telecommunications facility (monopole) to permit an expansion of a previously approved telecommunications facility located at Tax Map 35-1 ((4)) (19) C2, staff recommends that such approval be subject to the following conditions. These conditions supersede those approved with FDPA 78-C-118-12, and all previous cases; conditions substantially carried over from previous approvals are marked with an asterix (\*).

- \*1. Development of the application property shall be in conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan FDPA 78-C-118-13, prepared by URS Telecommunications, dated February 13, 2002, as revised through June 20, 2002, and these conditions. With the exception of Development Condition 2 below, this FDPA shall be applicable to the proposed telecommunications facility (treepole) and shall not be deemed to add new restrictions or limitations on the existing church and related facilities.
- \*2. In order to ensure that the visual impacts of the proposed treepole are minimized, there shall be no disturbance to the existing tree cover on the site except for the 2,500 square foot leased area shown on the FDPA.
- \*3. The treepole shall not be altered from the schematic shown on the FDPA Plat or from the specifications approved with FDPA 78-C-118-13.
- \*4. The telecommunications facility shall be limited as follows
  - \*a. The treepole shall not exceed 120 feet in height,
  - \*b. At 95 feet above grade, up to a maximum of 12 panel antenna measuring 66"x9"x3" shall be permitted. These antenna shall be located on the treepole such that they are hidden and/or blend in with the artificial branches of the treepole and with the surrounding cover,
  - \*c. At 85 feet above grade, up to a maximum of 9 panel antenna measuring approximately 4 to 5 feet by 12 inches shall be permitted. These antenna shall be located on the treepole such that they are hidden and/or blend in with the artificial branches of the treepole and with the surrounding cover,
  - \*d. At 75 feet above grade, up to a maximum of 12 panel antenna measuring approximately 4 to 5 feet by 10 inches shall be permitted. These antenna shall be located on the treepole such that they are hidden and/or blend in with the artificial branches of the treepole and with the surrounding cover,
  - \*e. Equipment cabinets shall be permitted as shown on the FDPA Plat. No shelters or other structures, not shown on the FDPA Plat, are permitted in conjunction with the equipment cabinets.
  - \*f. No additional telecommunications equipment such as whip or dish antenna may be placed on the treepole without an amendment to this FDPA application.

- g. The equipment compound at the base of the treepole shall be completely enclosed by a six foot high, solid wood fence.
- \*5. This facility shall be operated as an unstaffed facility 24 hours a day with the exception of periodic monthly maintenance inspections by each of the three companies with installations on the treepole. Access to the site shall be restricted to routine maintenance visits and emergency situations. Care shall be exercised to ensure that the privacy of adjacent residential units is preserved and that access to the facility does not become a nuisance to adjacent residential development.
- \*6. Temporary construction access from the Fairfax County Parkway may be permitted subject to the approval of VDOT and provided that such temporary construction access does not require any clearing, grading, or tree disturbance.
- \*7. Access to the monopole shall be via the existing 16 foot wide AT&T easement as shown on the FDPA Plat to the extent feasible without necessitating the removal of any trees. In the event that staying strictly within the AT&T easement would require the removal of trees or tree limbs, best efforts shall be made to utilize the adjoining FCWA easement, while remaining within the AT&T easement as much as possible, rather than remove trees on the church property. The easements used for construction access to the treepole shall be restored to their original condition upon the completion of construction, or after any action by the applicant which causes damage to the easements.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

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













**FAIRFAX COUNTY COMPREHENSIVE PLAN, 2007 Edition AREA III Upper Potomac Planning District, as amended through 3-30-2009, page 165, the Plan states:**

The West Ox Community Planning Sector is largely developed with stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

**FAIRFAX COUNTY COMPREHENSIVE PLAN, 2007 Edition POLICY PLAN Land Use, as amended through 9-22-2008, pages 5-6 and 9-10, the Plan states:**

**Objective 8: Fairfax County should encourage a land use pattern that protects, enhances and/or maintains stability in established residential neighborhoods.**

Policy a. Protect and enhance existing neighborhoods by ensuring that infill development is of compatible use, and density/intensity, and that adverse impacts on public facility and transportation systems, the environment and the surrounding community will not occur.

Policy b. Discourage commercial development within residential communities unless the commercial uses are of a local serving nature and the intensity and scale is compatible with surrounding residential uses.

Policy c. Discourage the consolidation of residential neighborhoods for redevelopment that is incompatible with the Comprehensive Plan.

Policy d. Implement programs to improve older residential areas of the County to enhance the quality of life in these areas.

Policy e. Encourage land owners within residential conservation and revitalization areas to contribute to the funding of these efforts.

**Objective 14: Fairfax County should seek to achieve a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses.**

Policy a. Locate land uses in accordance with the adopted guidelines contained in the Land Use Appendix.

Policy b. Encourage infill development in established areas that is compatible with existing and/or planned land use and that is at a compatible scale with the surrounding area and that can be supported by adequate public facilities and transportation systems.

- Policy c. Achieve compatible transitions between adjoining land uses through the control of height and the use of appropriate buffering and screening.
- Policy d. Employ a density transfer mechanism to assist in establishing distinct and compatible edges between areas of higher and areas of lower intensity development, to create open space within areas of higher intensity, and to help increase use of public transportation at Transit Station Areas.
- Policy e. Stabilize residential neighborhoods adjacent to commercial areas through the establishment of transitional land uses, vegetated buffers and/or architectural screens, and the control of vehicular access.
- Policy f. Utilize urban design principles to increase compatibility among adjoining uses.
- Policy g. Consider the cumulative effect of institutional uses in an area prior to allowing the location of additional institutional uses.
- Policy h. Utilize landscaping and open space along rights-of-way to minimize the impacts of incompatible land uses separated by roadways.
- Policy i. Minimize the potential adverse impacts of the development of frontage parcels on major arterials through the control of land use, circulation and access.
- Policy j. Use cluster development as one means to enhance environmental preservation when the smaller lot sizes permitted would compliment surrounding development.
- Policy k. Provide incentive for the preservation of EQCs by allowing a transfer of some density potential on the EQC area to less sensitive portions of a site. The development allowed by the increase in effective density on the non-EQC portion of the site should be compatible with surrounding area's existing and/or planned land use. It is expressly intended that in instances of severely impacted sites (i.e. sites with a very high proportion of EQC), density/intensity even at the low end of a range may not be achievable.
- Policy l: Regulate the amount of noise and light produced by non-

**9-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

### **9-104 Standards for all Category 1 Uses**

In addition to the general standards set forth in Sect. 006 above, all Category 1 special exception uses shall satisfy the following standards:

1. Category 1 special exception uses shall not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located.
2. No land or building in any district other than the I-5 and I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.
3. If the proposed location of a Category 1 use is in an R district, there shall be a finding that there is no alternative site available for such use in a C or I district within 500 feet of the proposed location; except that in the case of electric transformer stations and telecommunication central offices, there shall be a finding that there is no alternative site available in a C or I district within a distance of one (1) mile, unless there is a substantial showing that it is impossible for satisfactory service to be rendered from an available location in such C or I district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

**GLOSSARY**

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		