



County of Fairfax, Virginia

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

October 20, 2009

Edward L. Donohue
Donohue and Blue, PLC
801 North Fairfax Street,
Suite 209
Alexandria, Virginia 22314

RE: Special Exception Amendment Application SEA 91-D-025-03

Dear Mr. Donohue:

At a regular meeting of the Board of Supervisors held on October 19, 2009, the Board approved Special Exception Amendment Application SEA 91-D-025-03 in the name of Cricket Communications, Incorporated. The subject property is located at 11000 Leesburg Pike on approximately 37,800 square feet of land zoned R-1 in the Dranesville District [Tax Map 12-1 ((1)) 36 pt]. The Board's action amends Special Exception Application SE 91-D-025, previously approved for a telecommunications facility to permit modifications to site design and development conditions, pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions dated August 26, 2009. These conditions supersede those approved with SEA 91-D-025-02, and all previous cases pertinent to this site; conditions carried over from previous approvals are marked with an asterix (*).

- *1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
- *2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

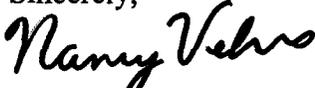
- *3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Amendment (SEA) Plat entitled "CNS Microwave", prepared by KCI Technologies and dated July 30, 2009, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The tower structure shall be limited to a maximum height of 190 feet, as shown on Sheet SE2 of the SEA Plat.
5. There shall be no outdoor storage of materials, equipment, or vehicles within the equipment compound for the telecommunications facility.
6. The equipment compound at the base of the tower shall be completely enclosed by an eight foot high, chain link fence.
7. Equipment cabinets shall be permitted within the enclosed equipment compound shown on the SEA 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 fourteen feet one inches (14'1").
8. The transitional screening yard located along the northern boundary is to be maintained in good condition and replaced as necessary to maintain screening consistent with Transitional Screening 1, as determined by Urban Forestry Management (UFM).
9. The telecommunications 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 tower. Access to telecommunications facility shall be restricted to routine maintenance visits and emergency visits.
10. No signals or lights or illumination shall be permitted on the tower unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or Fairfax County.
11. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunications facility. No commercial advertising or signs shall be allowed on antennas, antenna support structures or related equipment cabinets or structures.

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

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. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



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

APPLICATION No: SEA 91-D-025-3
 (Staff will assign)
 RECEIVED
 Department of Planning & Zoning

APR 09 2009

Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION
 (PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Cricket Communications, Inc.	
	MAILING ADDRESS 10307 Pacific Center Court San Diego, CA 92121	
	PHONE HOME ()	WORK (800) 274-2538
	PHONE MOBILE ()	
PROPERTY INFORMATION	PROPERTY ADDRESS 11000 Leesburg Pike (IAD333)	
	TAX MAP NO. 012-1-01-0036 <i>pt</i>	SIZE (ACRES/SQ FT) <i>2.83 acres 37,800 sq ft</i>
	ZONING DISTRICT R-1	MAGISTERIAL DISTRICT Dranesville
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A	
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION 2-514	
	PROPOSED USE Amend SE 91-D-025 previously approved for telecommunications facility to permit site modifications	
AGENT/CONTACT INFORMATION	NAME Marjorie K. Conner, Counsel	
	MAILING ADDRESS Donohue & Blue, PLC 801 North Fairfax Street, Suite 209 Alexandria, VA 22314	
	PHONE HOME ()	WORK (703) 549-1123 x 104
	PHONE MOBILE ()	
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact	
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Marjorie K. Conner</p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT SIGNATURE OF APPLICANT/AGENT <i>Marjorie K. Conner</i> <u>SEA 2009-0033</u></p>		

DO NOT WRITE IN THIS SPACE

Date Application accepted: 4/29/09 Application Fee Paid: \$ 5295.00

Virginia Ruffin

**ZAPS USER GENERATED REPORTS
ZONING APPLICATION SUMMARY REPORT
APPLICATION NUMBER: SEA 91-D -025-03**

DECISION DATE: 10-19-2009

HEARING BODY: BOS

CRD: NO

MAGISTERIAL DISTRICT: DRANESVILLE

APPLICANT NAME CRICKET COMMUNICATIONS, INC.

STAFF COORDINATOR: CDEMAN

ACTION: APPROVE

DECISION SUMMARY:

OCTOBER 19, 2009, THE BOARD UNANIMOUSLY APPROVED SEA 91
-D-025-03 ON A MOTION BY SUPERVISOR FOUST, SUBJECT TO D
EVELOPMENT CONDITIONS DATED AUGUST 26, 2009.

ZONING INFORMATION

EXISTING ZONING		APPROVED AREA		APPROVED USES
<u>DISTRICT</u>	<u>AREA</u>	<u>DISTRICT</u>	<u>AREA</u>	<u>ZO/USE</u>
R- 1	37,800.00 SQ FEET	R- 1	37,800.00 SQ FEET	03-0104/ 1-08
TOTAL	0.87 ACRES	TOTAL	0.87 ACRES	

TAX MAP NUMBERS

012-1- /01/ /0036-

APPROVED ZONING DISTRICT DATA

ZONING DISTRICT: R- 1

APROVED RESIDENTIAL DEVELOPMENT

APROVED NON-RESIDENTIAL DEVELOPMENT

LAND USE	<u>DWELLING</u>	<u>LAND</u>	<u>UNIT OF</u>	<u>NO.</u>	<u>FLOOR AREA</u>	<u>UNIT OF</u>	<u>LAND</u>	<u>UNIT OF</u>	<u>FAR</u>
	<u>UNITS</u>	<u>AREA</u>	<u>MEASURE</u>	<u>OF</u>		<u>MEASURE</u>	<u>AREA</u>	<u>MEASURE</u>	
MOBIL/TELE							06,875.99	SQ FEET	0.02
TOTAL					0.00	SQ FEET	9.34	ACRES	0.00

DEVELOPMENT CONDITION INFORMATION

DEVELOPMENT CONDITION STATEMENT DATE: 08-26-2009

<u>ITEM</u>	<u>DUE DATE</u>	<u>TRIGGER NO.</u>	<u>TRIGGER EVENT</u>	<u>CONTRIB AMT</u>	<u>EXPIRATION DATE</u>
EXPIRATION	01-01-0001	0	N/A	\$	01-01-0001
FENCE	01-01-0001	0	N/A	\$	01-01-0001
HEIGHT - BUILDING / STRUCTURE	01-01-0001	0	N/A	\$	01-01-0001
HOURS OF OPERATION	01-01-0001	0	N/A	\$	01-01-0001
LIGHTING/GLARE	01-01-0001	0	N/A	\$	01-01-0001
SIGNAGE	01-01-0001	0	N/A	\$	01-01-0001
SUBJECT TO SITE PLANS / SUBDIVISION	01-01-0001	0	N/A	\$	01-01-0001
TRANSITIONAL SCREENING	01-01-0001	0	N/A	\$	01-01-0001
USE RESTRICTIONS	01-01-0001	0	N/A	\$	01-01-0001

DEVELOPMENT CONDITION INFORMATION

DEVELOPMENT CONDITION STATEMENT DATE: 08-26-2009

<u>ITEM</u>	<u>DUE DATE</u>	<u>TRIGGER NO.</u>	<u>TRIGGER EVENT</u>	<u>CONTRIB AMT</u>	<u>EXPIRATION DATE</u>
APPROVED FOR LOCATION/STRUCTURE	01-01-0001	0	N/A	\$	01-01-0001

WAIVERS/MODIFICATIONS

APPROVED WAIVERS/MODIFICATIONS

SUPPLEMENTAL MOTIONS

SUPPLEMENTAL MOTIONS APPROVED
