EXHIBIT NO.

4-14-07

Docket Item #4 SPECIAL USE PERMIT #2007-0010

Planning Commission Meeting April 3, 2007

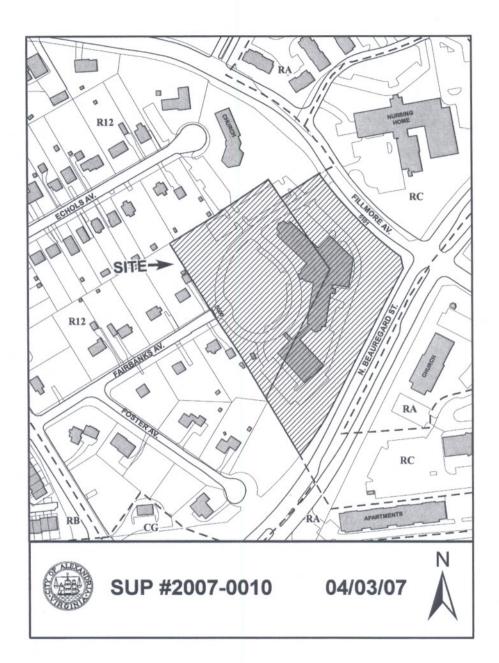
ISSUE:Consideration of a request for a special use permit to install a
communications array atop the existing building.APPLICANT:Nextel Communications of the Mid –Atlantic, Inc
By Ed Donohue, agentSTAFF:Richard Bray
richard.bray@alexandriava.govLOCATION:5000 Fairbanks AvenueZONE:RC/Residential

PLANNING COMMISSION ACTION, APRIL 3, 2007: On a motion by Mr. Komoroske, seconded by Mr. Dunn, the Planning Commission voted to <u>recommend approval</u> of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with staff's analysis.

<u>STAFF RECOMMENDATION</u>: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

SUP #2007-0010 5000 Fairbanks Avenue



I. DISCUSSION

REQUEST

The applicant, Nextel Communications of the Mid-Atlantic, Incorporated, requests special use permit approval for the installation of a communications array located on the existing building at 5000 Fairbanks Avenue.

SITE DESCRIPTION

The subject property is one lot of record at the terminus of Fairbanks Avenue, with approximately 355 feet of depth and a total lot area of 152,460 square feet. The site is developed with the Virginia Methodist Home for the Aged. Access to the property is from Fairbanks Avenue.

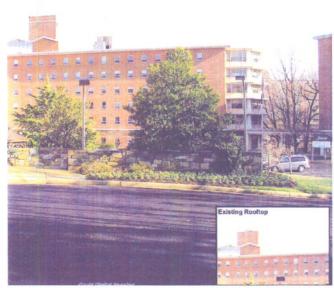


The surrounding area is occupied by a mix of

residential and institutional uses, including apartment buildings, churches, single family homes and a nursing home.

PROPOSAL

The applicant proposes to install 12 antennas, four feet in length, onto the top of the existing penthouse. The purpose of the proposed facility is to reduce load at existing Nextel sites and enhance coverage in the west end of the City. The total height increase to the penthouse will be five feet. There is also an equipment shelter proposed to rest on an elevated steel platform. The platform will be approximately three feet high and measure 12 feet by 33 The equipment shelter will feet. measure 12 feet by 20 feet and have a height of 10 feet, 10 inches. Both



the equipment shelter and penthouse extension will have façade treatments to match the existing building. The plans call for a generator to be installed on the steel platform at a later date. The proposed facility is a passive use that will be operational 24 hours a day, 365 days a year. There are no anticipated noise, traffic or trash impacts due to this facility.

PARKING

According to the Zoning Ordinance, a passive communications array does not require any additional off-street parking.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the RC, high density apartment zone. Section 7-1202(B)(1) of the Zoning Ordinance allows a communication facility in excess of 65 feet in height only with a special use permit.

II. STAFF ANALYSIS

Staff supports the proposed communications facility at 5000 Fairbanks Avenue. As this is a passive use, with no adverse traffic or noise effects, the only issue is the visual impact. Staff believes that the modest extension of the penthouse and the addition of the equipment shelter will not have a significant visual impact on the community. The generator must be screened with appropriate materials to mitigate visual impacts.

With the following conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

- 1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
- 2. The proposed generator must be screened to the satisfaction of the Director of Planning and Zoning prior to issuance of any required permits. (P&Z)
- 3. The proposed screening shall be consistent with what has been depicted in the Rooftop Simulation photos submitted with the application. The materials used shall match the existing building materials. (RP&CA)
- 4. A security survey is to be completed for the equipment shelter once construction is completed. The applicant is to contact the Community Relations Unit of the Alexandria Police at 703-838-4520 and reference scheduling for the survey. (Police)
- 5. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not

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corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning; Richard Bray, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- F-1 The applicant shall provide correct jurisdiction in correspondence. Letter dated September 21, 2006 the second paragraph states that "*the components have been designed in accordance with applicable codes and standards, as required by Fairfax County, Virginia.*" The applicant shall submit all documentation with the correct codes and standards naming the correct jurisdiction as the City of Alexandria, Virginia.
- F-2 A fire suppression/detection system will be required for the proposed project. The system shall interface with the existing building system and annunciate to the existing buildings annunciator panel showing location and system activated for responding Fire Suppression personnel.
- F-3 A rapid entry system (Knox-Box) shall be provided for 24-hour access to building for responding Fire Suppression personnel.
- C-1 A fire prevention permit is required for the storage and use of a flammable/combustible liquid (Emergency Generator).
- C-2 Any alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

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Health Department:

F-1 No comment.

Parks and Recreation:

R-1 Any proposed screening or structures shall be visually compatible with the existing building and landscape. Color renderings or photorealistic depictions of the roof treatment as seen from multiple locations shall be provided for review.

Police Department:

R-1 A security survey is to be completed for the equipment shelter once construction is completed. The applicant is to contact the Community Relations Unit of the Alexandria Police at 703- 838-4520 reference scheduling for the survey.

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APPLICATION

SPECIAL USE PERMIT # 2007-0010

SPECIAL USE PERMIT

PROPERTY LOCATION: 5000 Fairbanks Ave., Alexandria, VA 22312

| TAX MAP REFERENCE: | 011.01-01-04 | ZONE: | RC |
|--------------------|--------------|-------|----|
| APPLICANT | | | |

Name: Nextel Communications of the Mid-Atlantic, Inc.

Address: 6716 Alexander Bell Drive, Suite 230, Columbia, MD 21046

PROPERTY OWNER

Name: Virginia Methodist Home for the Aged, Inc.

Address: 5000 Fairbanks Ave., Alexandria, VA 22312

PROPOSED USE: <u>Telecommunications Facility to include 12 antennas and related equipment on the rooftop of an existing building</u>. [x] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[x] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 41404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[x] **THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Ed Donohue, Donohue & Blue Print Name of Applicant or Agent

801 N. Fairfax St., Suite 209 Mailing/Street Address

Alexandria, VA 22314 City and State Zip Code Ed Donshel Signature

703 549 5 Telephone # <u>7035495385</u>

ed.donohue@donohueblue.com Email address

1/17/0 Date

Application SUP.pdf

8/1/06 Pnz\Applications, Forms, Checklists\Planning Commission



APPLICATION

SPECIAL USE PERMIT

2007-0010

All applicants must complete this form. Supplemental signs are required for child care facilities, restaurants, automobile-oriented uses and freestanding signs requiring special use permit approval.

| 1. | The applicant is the (check one): | |
|----|-----------------------------------|--------------------------|
| | [] Owner | |
| | [] Contract Purchaser | |
| | [X] Lessee or | |
| | [] Other: | of the subject property. |
| | | |

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

[X] Yes. Provide proof of current City business license

[] No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

Please see plans attached.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should include such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary.)

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Nextel requests review and approval of a proposed telecommunications facility to be located on the rooftop of the existing seven story building located at 5000 Fairbanks Ave. The coordinates of the site are 38° 50' 12.47" N and 77° 06' 55.38" W. The site is zoned RC. The current use of the subject property is a nursing home. The purpose of the proposed facility is to reduce load at existing Nextel site #VA0406, located at 5107 Leesburg Pike, Falls Church, and to provide coverage along S. George Mason Dr., Seminary Rd., and the surrounding vicinity. The proposed facility will include installation of 12 antennas measuring 48" in length to be mounted to the upper penthouse wall at a height of 89'AGL centerline. The overall structure height will be 91.5'. Nextel proposed facility will include one 12'x20' equipment shelter, also with a brick façade to match the existing building. The proposed shelter will be located on the southern wing of the building's main rooftop on a steel platform at the base of the penthouse. The proposed facility will function as a base transmission station for Nextel's wireless telecommunication network. This digital network operates with a transmitting frequency between 851-866 megahertz and a receiving frequency between 806-821 megahertz.

The proposed use will be an unmanned facility; therefore, the traffic patterns will not be adversely affected. Once the facility is constructed, normal traffic will include approximately one visit per month by a service technician for regular maintenance. Nextel will utilize the existing access road and turnaround as reflected in the attached aerial photograph. No additional parking spaces will be required for the requested use. The proposed facility is a passive use that will be operational 24 hours per day, 7 days per week, 365 days per year. The requested facility will not produce noise, traffic, waste, or otherwise negatively impact the surrounding uses.

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USE CHARACTERISTICS

- The proposed special use permit request is for (check one):
 - [X] a new use requiring a special use permit,
 - [] a development special use permit,
 - [] an expansion or change to an existing use without a special use permit,
 - [] expansion or change to an existing use with a special use permit,
 - [] other. Please describe: _
- 5. Please describe the capacity of the proposed use:
 - A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

The number of subscribers is unknown at this time. Because the requested use is passive in nature, there

will be no users visiting the site.

B. How many employees, staff and other personnel do you expect?
 Specify time period (i.e., day, hour, or shift).
 <u>This site will have 5-7 contractors working during the construction period</u>. Once the construction is

completed the site will normally be visited during regular business hours by a technician once per month

to perform regular maintenance.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

7 days

24 hours

- 7. Please describe any potential noise emanating from the proposed use.
 - Describe the noise levels anticipated from all mechanical equipment and patrons.

The proposed use will not produce any noise except in the event of a power outage during which period a

generator would be utilized.

- B. How will the noise from patrons be controlled?
- The proposed facility will be unmanned. No patrons will visit the site.

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8. Describe any potential odors emanating from the proposed use and plans to control them:

The proposed use will not produce any odors.

9. Please provide information regarding trash and litter generated by the use.A. What type of trash and garbage will be generated by the use?

No trash or garbage will be generated by the proposed use.

B. How much trash and garbage will be generated by the use?

No trash or garbage will be generated by the proposed use.

C. How often will trash be collected?

No trash will be generated by the proposed use.

D. How will you prevent littering on the property, streets and nearby properties?

The proposed facility will be located in a secure area on the building's rooftop.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[] Yes. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

[] Yes. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A.

12. What methods are proposed to ensure the safety of residents, employees and patrons?

The proposed facility will be located on the buildings rooftop. A key is required for access to the facility. The facility will be

constructed in compliance with all federal, state and local codes, regulations and guidelines.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

[] Yes. [X] No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or offpremises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

N/A

PARKING AND ACCESS REQUIREMENTS

- 14. Please provide information regarding the availability of off-street parking.
 - A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

No additional parking spaces will be required for the proposed use.

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B. How many parking spaces of each type are provided for the proposed use:

0 Standard spaces

0 Compact spaces

0 Handicapped accessible spaces.

0 Other.

C. Where is required parking located? (check one) N/A
[] on-site
[] off-site

If the required parking will be located off-site, where will it be located?

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? N/A
- B. How many loading spaces are available for the use? N/A

C. Where are off-street loading facilities located? N/A

D. During what hours of the day do you expect loading/unloading operations to occur?

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

N/A

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(total)

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Existing street access to the subject property is adequate, no street improvements are required.

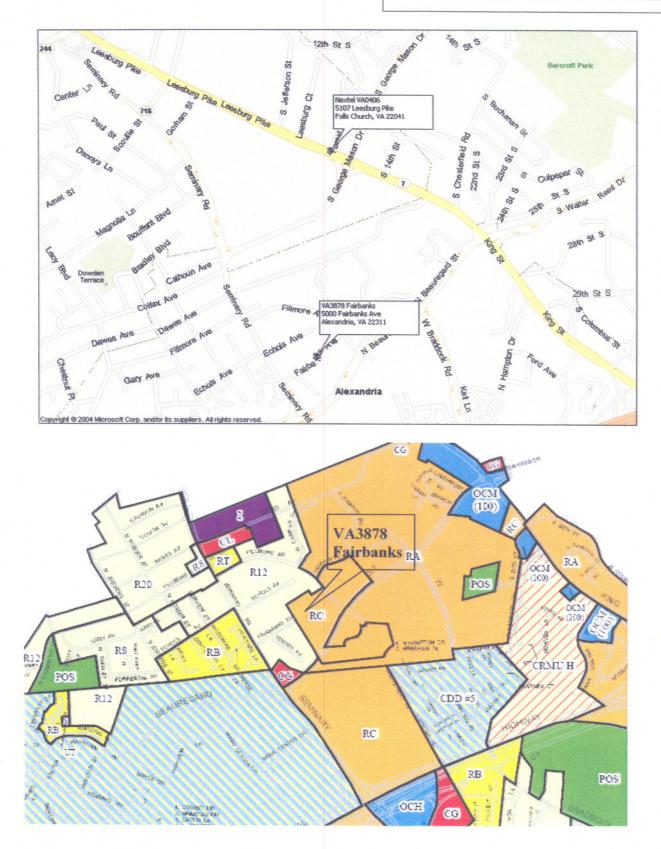
SITE CHARACTERISTICS

| 17. | Will the proposed uses be located in an existing building? | [X] Yes | [] No | |
|-----|--|------------------|--------------|---------|
| | Do you propose to construct an addition to the building? | [] Yes | [X] No | |
| | How large will the addition be? <u>N/A</u> square feet. | | | |
| 18. | What will the total area occupied by the proposed use be? | | | |
| | <u>396</u> sq. ft. (existing) + <u>N/A</u> sq. ft. (addition 396 sq. ft. of rooftop space for platform & shelter | if any) = | <u>396</u> s | iq. ft. |
| 19. | The proposed use is located in: (check one) | | | |
| | [X] a stand alone building [] a house located in a resident | ial zone [] a wa | rehouse | |
| | [] a shopping center. Please provide name of the center: | | | |
| | [] an office building. Please provide name of the building: _ | | | |

[] other. Please describe:

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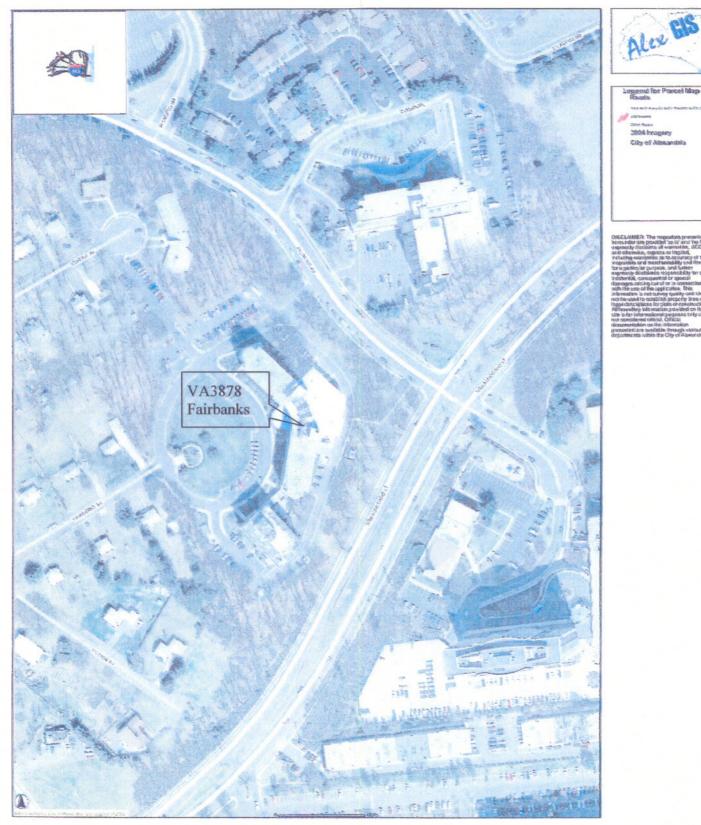
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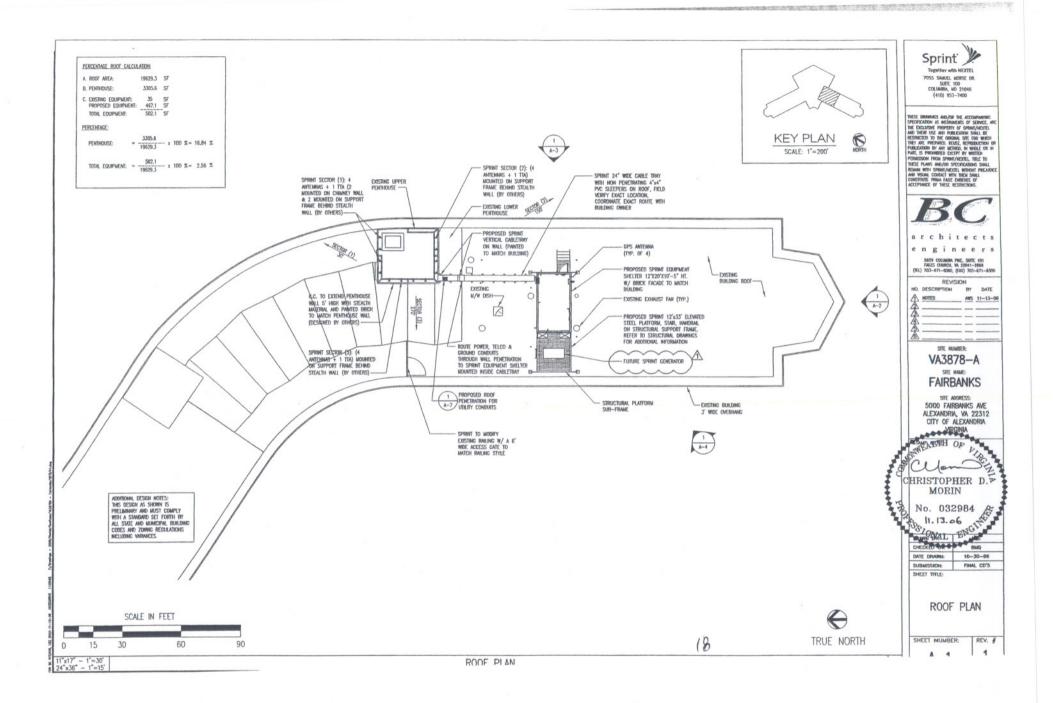


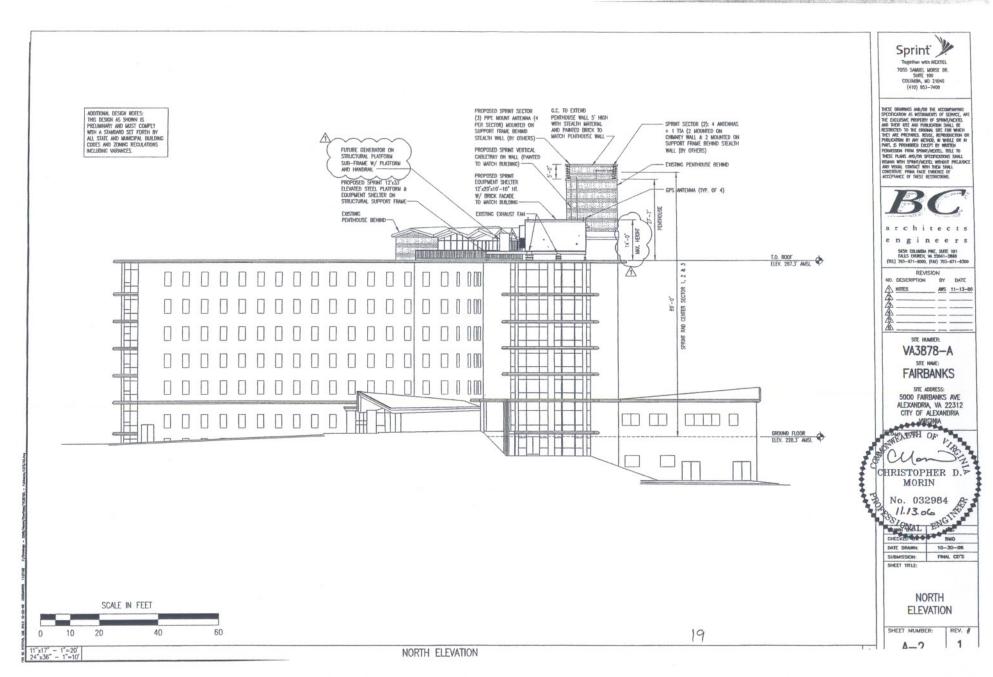
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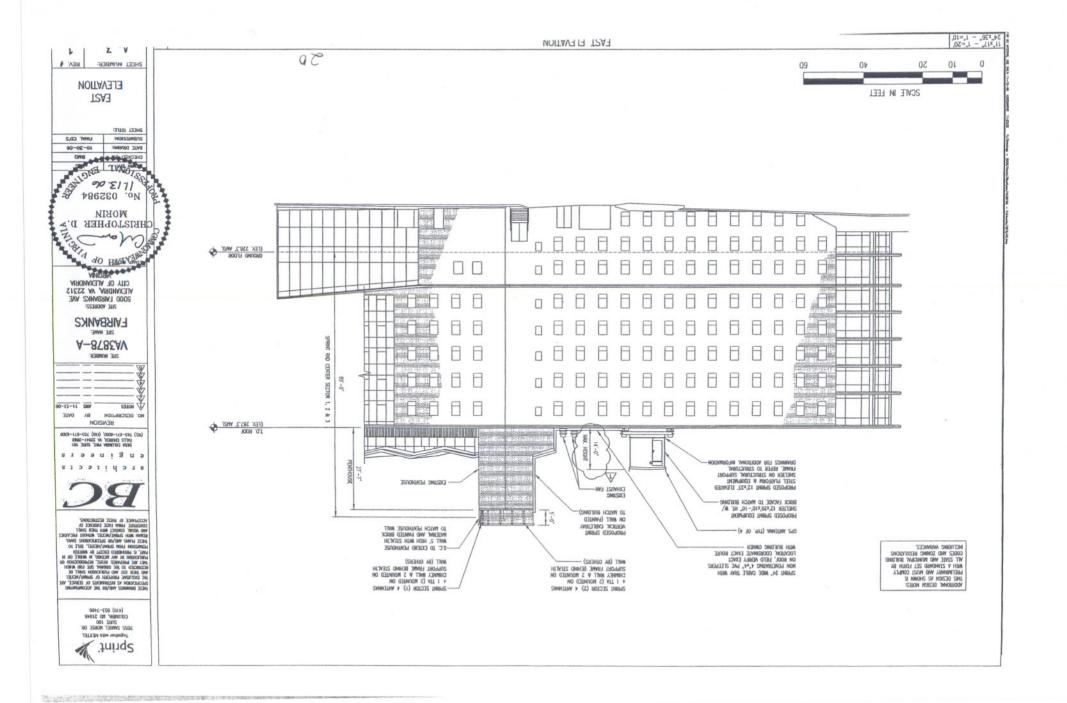
VA3878 Fairbanks

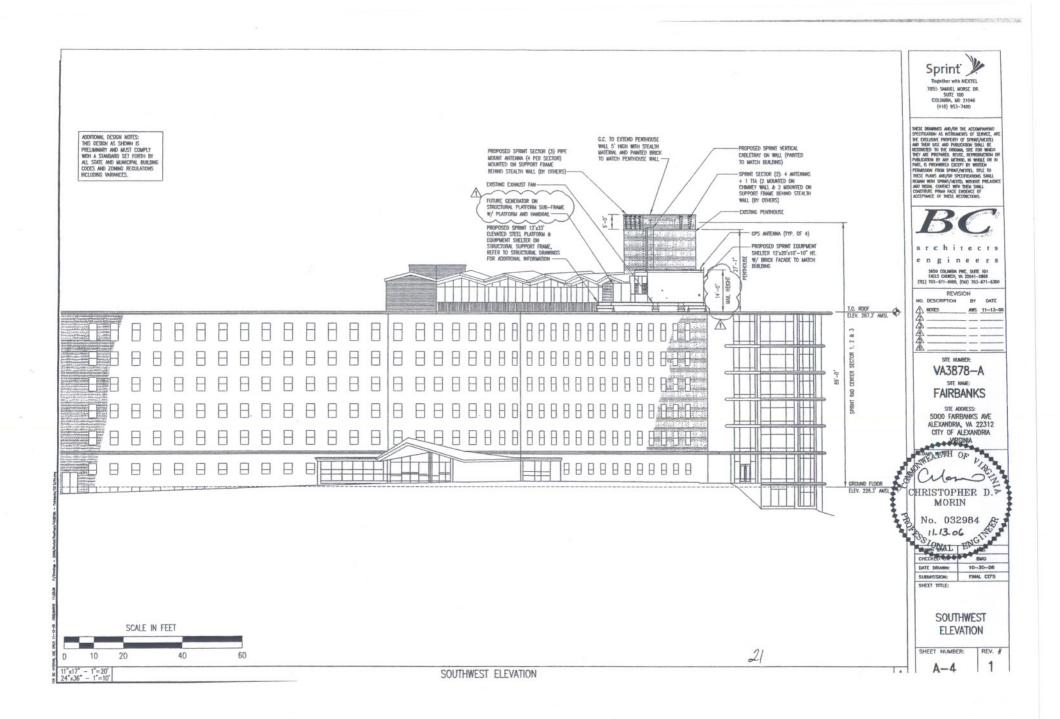
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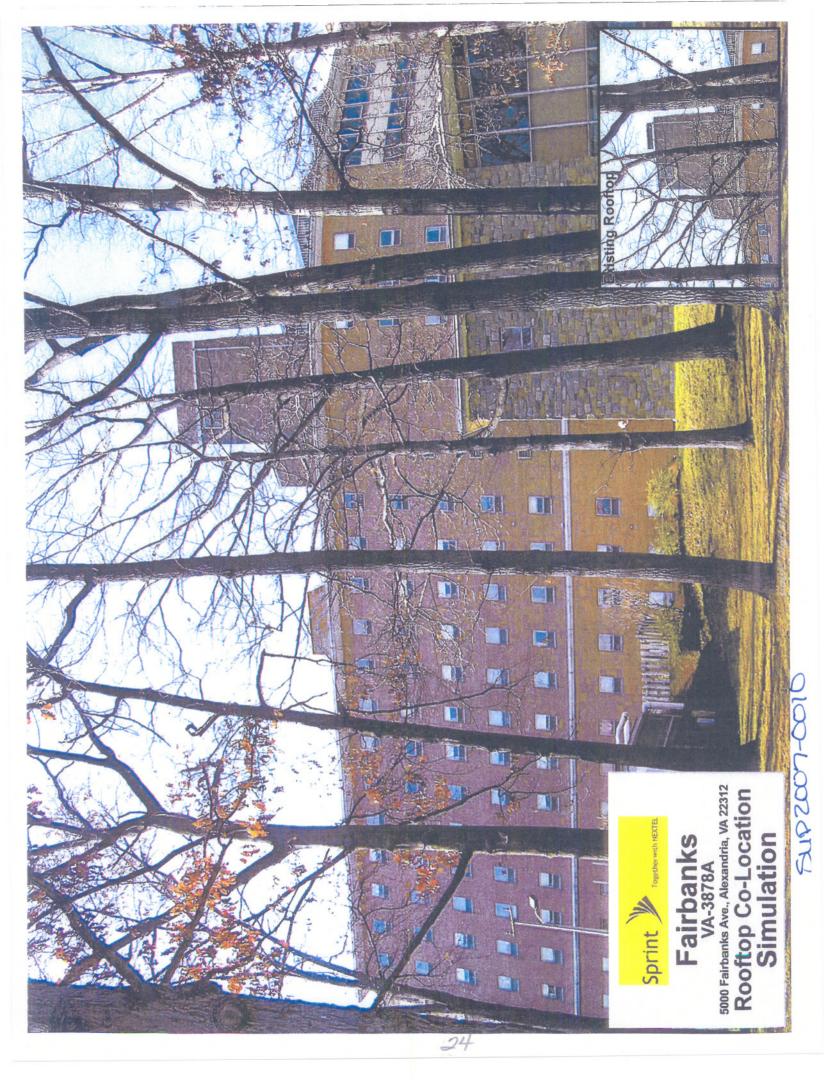












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| 5-35-5 | SPECIAL USE PERMIT | | |
| .4 <u>015</u> . | SPECIAL USE PERMIT # 2007-0010 | | |
| | CATION: _5000 Fairbanks Ave., Alexandria, VA 22312 | <u></u> | · · · · · · · · · · · · · · · · · · · |
| TAX MAP REI | FERENCE: 011.01-01-04 | ZONE: _ | RC |
| APPLICANT | | | |
| Name: <u>Nextel (</u> | Communications of the Mid-Atlantic, Inc. | | |
| Address: 6716 | Alexander Bell Drive, Suite 230, Columbia, MD 21046 | | |
| | WNER Methodist Home for the Aged, Inc. 0 Fairbanks Ave., Alexandria, VA 22312 | | |

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Ed Donohue, Donohue & Blue Print Name of Applicant or Agent

801 N. Fairfax St., Suite 209 Mailing/Street Address

Alexandria, VA 22314 City and State Zip Code Ed Donahul Signature

<u>703 549 538</u> Telephone # <u>7035495385</u> Fax#

ed.donohue@donohueblue.com Email address

____<u>||17/07</u> Date

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