

**Albemarle County Planning Commission
February 2, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, February 2, 2016, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Mac Lafferty, Daphne Spain, Karen Firehock, Pam Riley, Jennie More, Bruce Dotson, and Tim Keller, Chair. Bill Palmer, UVA Representative, was present.

Other officials present were Bill Fritz, Chief of Special Projects; Sarah Baldwin, Senior Planner; Ron Higgins, Chief of Zoning; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission; Mark Graham, Director of Community Development and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Keller, Chair, called the meeting to order at 6:00 p.m. and established a quorum.

Public Hearing Item

B-2015-02132 TWR Dominion Power Antenna Platform Co-Location

PROPOSAL: Alteration to an existing 110 foot power tower to add antenna on a 10' wide platform for wireless communication at a new top height of 120 feet and ground equipment in an approximately 400 square foot lease area.

WAIVERS: Yes – 5.1.40b (2) (c)-Projection of antenna beyond 18 inches from the tower structure for the proposed platform.

ZONING CATEGORY/GENERAL USAGE: RA Rural Areas

LOCATION: 195 Georgetown Road

TAX MAP/PARCEL: 060A0090000400

(Rebecca Ragsdale)

Ms. Ragsdale presented a PowerPoint presentation on Verizon Wireless Dominion Power Tower Collocation Special Exception Application entitled Albemarle County Planning Commission - February 2, 2016 195 Georgetown Road Charlottesville, VA 22901 "SEMINOLE SQUARE". The request is for a waiver modification associated with a new personal wireless service facility to be collocated on an existing Dominion Power transmission line on Georgetown Road. The Planning Commission is asked for comment and recommendation on the request. As a special exception it is not actually required to come before the Planning Commission. However, it is our policy since staff is recommending denial to bring it before the Planning Commission. Ultimately, it will be scheduled for the Board of Supervisors to act on the request. As part of the special exception process and a requirement of the ordinance the abutting owners have been notified. The regulation is in Section 5.1.40 of the Zoning Ordinance, which has an extensive and detailed set of regulations that regulate wireless service facilities. This type of facility would normally be a building permit if it complied with the antenna projection requirements. Staff will go into a little bit more detail about that.

Staff included more background in the staff report about the Wireless Policy that was developed in 2000. In 2005 revisions were made to the ordinance to comply with the 1996 Telecom Act

and FCC regulations. However, the regulations are geared towards, as staff noted in the report, addressing the visual impacts of facilities.

Staff would go through some information about the location and then some particulars about this request. The site is located along Georgetown Road between Hydraulic and Barracks Road. The property is zoned Rural Areas and in the rural areas of the Comprehensive Plan on the border of the development area. It is a 3 acre site with a single-family residence on it near the Hessian Hills neighborhood. Staff pointed out the location of the Dominion Powerline Structure on the property, which also gave some context for the existing neighborhood and where the trees are located. There are a number of single-family residential lots abutting the property and some apartment complexes in the neighborhood.

The powerline easement is about 100 feet in width so there is a clear zone around the tower. The proposal is to use the existing driveway. There would not be any tree disturbance associated with the request. There would be an associated ground equipment area near the base of the tower that would be screened from adjoining properties. Those aspects of the proposal comply with the ordinance. The top of the existing power structure and the platform structure would be extended 10' high above it; the platform is 10' in width; and the mounting pipe is about 6" in diameter that extends above it. (A detail of was shown in the slide.) The ordinance would require that the antenna be flush mounted and project no more than 18" from the power structure.

Staff had some concerns about the request, as noted in the staff report, about this particular site being within a dense residential area. The Wireless Policy speaks specifically to these types of structures and collocations, and while recognized opportunity sites there are existing structures that wireless providers can collocate on. Staff has particular concerns about this type of antenna platform not being mitigated or camouflaged in any way and adding to the visual impacts of the structure. For those reasons, staff recommends not to approve this special exception.

Staff has found some factors favorable. It is an existing structure that already has visual impacts in the neighborhood and they would be utilizing that. It is not in an avoidance area since it is not on a property that is within an historic district, along a scenic highway, agricultural/forestall district or conservation easement property. As mentioned, the abutting property owners were notified and staff has not received any objections. So those were the factors favorable that staff found.

Staff Recommendation:

Staff recommends denial of the special exceptions and would be happy to answer questions.

Mr. Keller invited questions for staff.

Mr. Lafferty asked if staff had any idea the amount of additional coverage or how many new people this would serve.

Ms. Ragsdale replied that in the written justification for the special exception there was a need to provide additional coverage and capacity in this area; however, the applicant can give a better sense of what that need is. She referred the question to the applicant.

Mr. Lafferty pointed out there was a request shortly coming up for a tower near Albemarle High School. He asked would that take care of the coverage.

Ms. Ragsdale replied she was not familiar with that request or if it was from a different provider or not.

Ms. Baldwin noted that the special use permit has not actually been filed yet. However, it is the same applicant and they can probably speak to that as well.

Mr. Kamptner asked Ms. Ragsdale to go back to the findings slide. The first favorable factor is the facility would fill in the coverage gaps. Just to be clear for the record that is based upon Verizon's assertions in their documents that they submitted and not staff's independent analysis.

Ms. Ragsdale agreed.

Ms. More said she had a question about any concerns expressed from neighbors. She asked if the adjacent property owners are notified by letter, or what is the process that staff would hear from neighbors.

Ms. Ragsdale replied that adjacent property owners receive a notice in the mail. One property owner called to get some more information. She emailed him the copies of the plans and everything, but have not received any objections.

Ms. Riley asked has there been other applicants with these top hat antennas approved in other locations.

Ms. Ragsdale replied yes, there have been at least one recent example from 2012. Each site is reviewed on a case by case basis based on the topography, the tree cover and the visibility of the site. However, they are few and far between. There are some examples in the county that predate the Wireless Policy. One example on Barracks Road from 1996 is in the Wireless Policy; and, she thinks there may have been two within the last three years.

Ms. Riley noted the preference for the flush mounted antennas and asked if that is an option in this situation.

Ms. Ragsdale replied that the applicant can give a little bit more background. Since the adoption of the Wireless Policy Dominion Power had a change to their safety guidelines that require these platforms and all the work to be done by the Dominion Power employees on the tower.

Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Lori Schweller, an attorney with LeClair Ryan in Charlottesville representing Verizon Wireless, and Stephen Waller who was a zoning consultant with GDN Sites and Verizon Wireless represented the request.

Ms. Schweller presented a PowerPoint presentation to explain the proposal for a special exception. This is a Tier One Personal Wireless Facility so the collocation is permitted by right. However, they are requesting a special exception because the standoff of the proposed antennas, the distance from the monopole to the antennas, is greater than the restriction

permitted under Albemarle County's current Zoning Ordinance. This is a very densely populated area with a lot of traffic, lots of single-family homes, multi-family homes and businesses. It is very difficult to construct a personal wireless service facility in a residential area, which is not favored in Albemarle County. So this is an excellent opportunity to bring the necessary service without constructing a new tower. That is one of the reasons why existing power towers are considered opportunity sites in the Comprehensive Plan and the Wireless Policy, which is part of the Comprehensive Plan.

Next, the slide shows just a view of Georgetown Road driving north. She takes this drive every day to take my son to school and actually had not noticed the site before because it not in your field of vision when you are driving southbound. However, when you turn in the distance or foreground you can see some existing poles in the Dominion Power easement. The first white one in the far distance is the one they are proposing to add the facility to. So with very little visual impact we can add a full wireless service facility in a very densely populated residential area. We consider this a prime opportunity site. In the full view looking down the driveway of the residence where the lease area is located you can see the tower.

So again, we are simply requesting the Planning Commission's recommendation for approval of the special exception because of the standoff, which currently is only permitted to be 18". In 2012, Dominion Power came up with new guidelines for installing wireless facilities on its existing towers. Previously the carriers had been able to install the facilities themselves. However, that is no longer permitted at all. Dominion Power does this for safety reasons and there are new guidelines for installing those facilities. Antenna array design is necessary to comply with Dominion Power safety guidelines (2012). Telecommunications antenna arrays must be above the static line, not below. Therefore, it needs to be taller than it used to be. It used to be they could squeeze them in as low as possible. Also, the array needs to incorporate a platform for technicians to stand on. They were sent a bulletin, (Division of Occupational Safety and Health Bulletin - 2013) by one of the engineers at Dominion Power when she was working on the zoning ordinance in Chesterfield County. Chesterfield County because they were concerned about these safety concerns of Dominion Power have a different standoff standard for power towers than for a communications facility that a carrier or tower company might construct. The standoff for power towers in Chesterfield County is 7' from the tower. She would show the Commission why that makes sense in the next slide.

Robert Capehart at Dominion Power sent me photographs at that time to show some facilities. Those are flush mount arrays constructed on top of power towers that they consider unsafe designs. Because of the way the engineers have to climb the poles to install those towers there is nowhere for them to stand, which obviously makes it unsafe for installing and maintaining the tower. Ms. Schweller noted the types of facilities that Albemarle County has preferred in the past. Another example of a poor design was noted because of where the antennas are located, which was contrasted to a design showing technicians standing on the platform being able to reach the antennas. You can see the power tower under it and how relatively small the array is compared to the existing tower itself. Next, she pointed out the prototype of the platform that Dominion Power would like to see, which is quite similar to the one being proposed. She noted the context of an antenna array on top of an electric power tower. There are many of these in Albemarle County. An example is at the intersection of the Bypass and Hydraulic Road.

What we are trying to do in the proposal is minimize the standoff because we understand the concern. Because we are using a smaller pipe mount we are able to do a standoff that is 5' instead of 7 ½', and so the distance on each side of the triangle is a total of 10'. Again, though power towers are opportunity sites collocations are not a good option, and are inferior both for

safety purposes and for providing the service that we are trying to provide. We have done these in the past. Of course, the tower needs to be at least 10' taller because we need all of our services. Verizon Wireless provides four different services and you need all of those provided on the antennas. So you will need two sets of flush mounted arrays, which they have done in the past but it is much inferior to just having it all in one location. As she said, with Dominion Power's new safety concerns it is not an option.

Again, we consider these opportunity sites. The Wireless Policy although acknowledging these are opportunity sites, prefers not to see the full arrays. However, this is the direction we are going because of the safety concerns and the need to provide this services. She would also submit that it does not greatly increase the visual impact given how large these towers are already existing.

Ms. Schweller pointed out an example where the antennas are not attached where they replaced an existing tower that was structurally insufficient at our antennas. This is an option where we can just put a new pole and take down the old tower; and, then you have a slimmer profile and a much stronger facility. Verizon Wireless did this in 2014, and at the time the Board of Supervisors was very supportive. Supervisor Palmer was very pleased about opportunity sites. She lauded the Owensville site as a "wonderful site" – the idea of placing cell tower antennas on power towers was a great plan that should be supported without obstacles -- and asked staff for a list of similar sites and information on obstacles to making zoning such sites easier. The Board fully supported our placing that tower and using non-flush-mounted antennas. We hope when the county addresses the upcoming personal wireless service facilities zoning ordinance amendments for standoff and for antenna sizes that we can add to that a discussion about increasing standoff for Dominion Power towers for the reasons she discussed, and also replacing weak towers as a by right modification for safety reasons and not adding to the visual impact. She would be happy to take any questions.

Mr. Keller invited questions for the applicant.

Mr. Lafferty asked if the increase in height is due to getting the antennas above this because every time one of the carriers come in they are always increasing the height.

Ms. Schweller pointed out this existing electric tower is 110'. Therefore, there is a need to increase the height by 10' to install the antennas. That is typical. As mentioned about the flush mounted antennas if we had to do 2 sets of antennas, like we did at Colthurst Farm, we would need to increase it 20' because you need the separation between the antennas. So we are keeping this as low as we possibly can. It is not even a 10 percent increase, which would not be a substantial increase under the spectromat if that were to apply here. So it is a minimal increase.

Mr. Lafferty said when you increase the tower with a monopole are you talking about the tower being the lattice tower.

Ms. Schweller replied in that case it was since the Owensville Road tower was an old typical power tower with the arms and lattices. That was replaced with a monopole, which is what this is. It is a monopole with the arms.

Mr. Lafferty asked does the monopole go all way to the ground and you are replacing the whole lattice work.

Ms. Schweller replied yes. In this case what we are doing is attaching a pole to the top of an existing pole.

Mr. Lafferty said it would certainly be less visual impact if you replace it with a monopole, which he assumed is much more expensive than just tagging a pole.

Ms. Schweller pointed out it just can't be done if the structural evaluation in the case that it is not strong enough to hold the antennas. So it just was not feasible and more expensive to replace it.

Mr. Lafferty asked do you determine that or does Vepco.

Ms. Schweller replied that Dominion Power that structure.

Mr. Keller invited other questions for the applicant.

Mr. Dotson noted further out Barracks Road we saw a slide showing one of the top hats. Just going out there today there was also a flush mount a few towers back from that. He asked was that done before Dominion's 2012 policy. Is that how that was able to happen or is there something else going?

Ms. Schweller replied that she was not familiar with that site and did not know whether those were Verizon facilities. However, having done a number of LTE upgrades with Stephen Waller she asked him to comment.

Stephen Waller, consultant for Verizon Wireless with a company called GDN Sites, said that was the site that Ms. Schweller was speaking of, the Colthurst site where we have two sets of flush mounted arrays. It was done while Dominion was developing this policy; but, it was before they took a real hard line on the policy. It has two sets of flush mounted stacked one above the other. So in that case if there was really concern for increasing the visibility or the visual impacts of the site we actually increased it by going up. With going up with two sets of arrays stacked vertically we increased the viewshed of that tower. So it basically expands the area from which that tower would be visible whereas in this case we are only going up 10', even though we are going farther out with a 10' spread on the antennas. In a perfect world or in a likened like situation of dealing with the same elevation of the same topography and same types of trees around them that tower with the flush mounts would actually be more visible than this tower would be.

Mr. Dotson asked Ms. Schweller to respond to Commissioner Lafferty's question about the Albemarle High site.

Ms. Schweller apologized to Mr. Dotson because she did not realize he meant that site. Around that same time we did do some other LTE upgrades that were full arrays. It depended on the site whether we were going to minimize the height or whether that was an important site. She was glad Mr. Waller was able to answer that question. She responded that the Albemarle High site was not a Verizon Wireless site. However, she represented the applicant, Milestone Communications, and that site was proposed for the school board to have top level and AT&T to have the second level. So it is not within the Verizon Wireless network.

Mr. Lafferty asked how many additional customers will served by putting this array in place.

Ms. Schweller replied they have propagation maps that she did not receive in time to submit with the application for the special exception. However, she does have the propagation maps to describe and pass around

Mr. Lafferty pointed out at one time the Commission requested having those so they could see the actual impact of what the neighborhood would be versus the visual impact.

Ms. Schweller passed out the two propagation maps. (Two Attachments - Proposed Coverage only Seminole Square @ 116' AGL and Existing Coverage NO Seminole Square 02-02-2016 submitted by Lori Schweller) (Available with written minutes in the clerk's office) The first map was computer modeling that is showing coverage that exists in this area without the requested site. The green area is showing excellent coverage both building and car coverage. The yellow area shows less good coverage, but sufficient. The red area shows minimal coverage. The white areas are where there is no coverage. So you can see in this area there is a white spot, excuse me yellow spot, where coverage is not as good as in the surrounding green. The proposed facility will provide coverage in that area. We are not talking only about coverage, but also about capacity. There are areas that may have coverage, but don't have sufficient capacity because of the number of users in the area. This is a relatively tall tower so this signal will go all the way out to shops at Stonefield, for example, and won't only serve the residential neighborhoods. So then when you turn that on within the existing network it fills in that gap so we have continuous coverage all up and down Georgetown and surrounding roadways.

Mr. Keller invited public comment. There being none, Mr. Keller invited the applicant for rebuttal.

Ms. More asked if the maps being passed around show the coverage gaps. So they are assuming that there are coverage gaps along Georgetown Road currently.

Ms. Schweller replied that was correct. She pointed out that Verizon Wireless when it needs to fill in coverage gaps or needs to add additional capacity to an area always looks for existing towers before asking to construct something new. That is good sense both on a zoning and planning perspective, and from an economic perspective. So this tower is where it needs to be for us to attach antennas to accomplish that.

Mr. Keller asked as a hypothetical if this was not approved what would be your next move. Would you be looking for another stand-alone site?

Ms. Schweller replied that it is very difficult to construct a tower in a residential area since the parcels simply are not large enough. There is already a tower on this site so it would be ridiculous for us to request a special use permit to construct a new one on the very same parcel that already has a tower on it. So if you were not to recommend approval and the Board did not approve this special exception she was not sure what the next step would be. She would have to consult with Verizon Wireless. It would be unusual. She has never had a special exception request not granted because normally it is considered reasonable to deviate from Albemarle County's limitations when the upsides justify.

Mr. Dotson said he had a question of the applicant or perhaps staff. Ms. Schweller mentioned revisions to the County's Personal Wireless Facility Policy and he knows she has worked on that with staff. He asked where that stands. He knows the Commission has seen pieces of it, but did not know if they have seen all of the pieces or whether there is more working taking place.

Ms. Baldwin pointed out the Commission has not seen all of the pieces and there is more work taking place. Staff hopes to bring the next ZTA in front of the Commission within the next couple of months.

Mr. Dotson asked if this particular situation has not been addressed thus far in those revisions.

Ms. Baldwin replied it has not, but staff has been talking about it.

Mr. Dotson asked as a staff member does it make sense to do something like what Chesterfield did to have a different standard for power towers.

Ms. Baldwin replied that we have been seeing more power towers come in. From a staff perspective it has been difficult for us to figure out ways to approve them or administer them with the policy. She thinks it would be worth looking into what other localities do to see if we can make some changes.

Mr. Keller closed the public hearing to bring the matter back to the Commission for discussion and action.

Mr. Lafferty said that he drives by this site all the time and he had to go out and look for the towers. About the only way you can see it from Georgetown Road is to line yourself up with the transmission lines and look down through. He also knows a person who lives at what is known as 301 in Attachment A, which is contiguous with where the tower is going to be, and he has never noticed a tower from her house. So in looking down the transmission lines there are already lots of lines and stuff that would be an eyesore. However, it is already there and we need it. Since the tower was on the land of the house next to it that he assumed they were getting some benefit from this. So he would be reluctant to turn it down.

Mr. Dotson said he shared the observation having going out and looked at it today. Even with the leaves off the trees today, it was not that highly visible except when you look down the easement area. So he agreed with Mr. Lafferty. He understands the safety concern and Dominion's policy. He did not want us to lose this kind of opportunity site so was probably leaning positively toward this with the notion that it would be a good idea for staff and those that they are working with to consider a Chesterfield kind of approach as the rest of the ordinance amendments are brought forward.

Ms. Spain said she was confused about the policy that staff is working on. It seems as though staff is trying to follow the policy and it does not yet include the power tower considerations. Is that the basis of your decision and the explanation for our differing opinions?

Ms. Baldwin replied that the policy does consider existing powerlines and we have approved some. This particular one seemed a little bit bigger and beyond and the visual impact was something staff thought was worth bringing before the Commission to have that discussion.

Mr. Lafferty noted as he understands it one of our overall concerns is with the visual pollution. He thinks this is minimized in this case because you have to look down the powerlines that has all those powerlines going right over your head going to this tower. He was sensitive to the visual impact, but he was just not sure this can be seen from that many neighbors.

There being no further comments, Mr. Keller asked for a motion.

Mr. Lafferty noted that he could not say it will have no negative visual impacts, and Ms. Firehock suggested he could say minimal.

Motion: Mr. Lafferty moved and Ms. Firehock seconded to recommend approval of the modification (special exception) for B2015-02132 TWR Dominion Power Antenna Platform Co-Location based on the determination it will have minimal negative visual impacts.

The motion carried by a vote of 7:0.

Mr. Keller noted that B2015-02132 would be forwarded to the Board of Supervisors with a recommendation for approval of the special exception (modification) on a date to be determined

(Recorded and transcribed by Sharon Taylor, Clerk to Planning Commission)