

ATTACHMENT B – STAFF ANALYSIS

STAFF PERSON: Rebecca Ragsdale, Planning Manager
BOARD OF SUPERVISORS: June 12, 2024
PROJECT: SE202300034 Nix Way Tier II Wireless
PARCEL ID: 09200-00-00-056B3

PROPOSAL

The applicant has requested a special exception from the antenna size requirements on an existing personal wireless service facility. County Code § 18-5.1.40(b)(2)(b) requires:

(b) Size. Each antenna proposed under the pending application shall not exceed the size shown on the application, which size shall not exceed 1,400 square inches.

This special exception would increase the size of the antenna from 1,400 square inches to 1,882 square inches to allow for a panel antenna with dimensions of 95.98 inches x 19.606 inches. The depth of the antenna would be 7.75 inches. The proposed antenna would comply with all other ordinance requirements, including flush-mounting requirements.

CHARACTER OF THE AREA:

The property is zoned Rural Areas (RA) and is within the Entrance Corridor Overlay District for Route 53 (Thomas Jefferson Parkway). The 8.98-acre property is entirely wooded. The majority of the properties to the south, east, and west are wooded. To the north are single family lots. The parcel to the east also contains a single-family residence. The wireless service facility is located approximately 35 feet from Thomas Jefferson Parkway in a wooded area that mitigates visibility. The property is under an Albemarle Conservation Easement Authority (ACEA) easement. (Attachment C - Location Map).

PLANNING AND ZONING HISTORY:

SP201100024- A special use permit was approved for a wireless facility not to exceed 89.5 feet in height, not including the lighting rod (1841 Thomas Jefferson Parkway). This site also has a second wireless facility that was originally approved with SP200000044 (1875 Thomas Jefferson Parkway).

PERSONAL WIRELESS FACILITY POLICY:

The wireless policy encourages the construction of facilities that have limited visual impact on the community. Visibility is the primary focus in the review of personal wireless service facilities, and facilities with limited visibility are encouraged. The policy encourages the use of existing structures where possible. The County's wireless service facilities policy encourages facilities with adequate wooded backdrop and facilities that do not adversely impact Avoidance Areas (including Entrance Corridors and historic resources).

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:

The Board of Supervisors may approve a special exception pursuant to County Code § 18-33. The following criteria for reviewing this special exception are found in County Code § 18-5.1 and § 18-33.9:

Sec. 5.1 - Supplementary regulations. The following supplementary regulations apply to referenced uses in all districts whether or not such uses are permitted by right or by special use permit. These supplementary regulations are in addition to all other requirements of this chapter, the Code, and all other applicable laws. Unless a waiver or modification is expressly prohibited, any requirement of section 5 may be modified or waived in an individual case, as provided herein:

- a. The Board of Supervisors may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of this

chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in [section 4](#) or any district regulation. In granting a modification or waiver, the commission may impose conditions as it deems necessary to protect the public health, safety, or welfare.

Sec. 33.9 - Special Exceptions; Relevant Factors to be Considered; Conditions; Revocation.

Special exceptions are also subject to the following provisions:

- A. *Factors to be considered when acting.* In acting upon a special exception, the Board of Supervisors will consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter. The Board is not required to make specific findings in support of its decision.
- B. *Conditions.* In approving a special exception, the Board of Supervisors may impose reasonable conditions to address any possible impacts of the special exception. Except as the Board may specify in a particular case, any condition imposed on a special exception will be deemed essential and non-severable from the special exception itself, and the invalidation of any condition will invalidate the entire special exception.
- C. The Board of Supervisors may revoke a special exception if the Board determines, after a public hearing, that the permittee or any successor has not complied with any conditions of the special exception. Notice of the public hearing will be provided pursuant to [section 33.10](#).

The proposed increase in antenna size from 1,400 square inches to 1,882 square inches is not expected to cause visual impacts. Adequate wooded areas and distance would help to mitigate visibility of the tower. The proposed antenna would comply with all other concealment elements, including flush-mounting of the antenna.

The proposed increase in antenna size does not conflict with the ACEA easement on the property. The facility existed at the time of the easement donation and antenna replacement/maintenance is permitted under the easement.

The proposed antenna would be collocated on an existing structure, which is encouraged by the policy. Although the facility's size would exceed (by approximately 34%) the current wireless ordinance design guidelines, the increase in antenna size is not expected to have negative visual impacts.

RECOMMENDATION: Staff recommends approval of the special exception proposal based upon the analysis provided herein, provided that no antenna exceed 1,882 square inches in size.