

**COUNTY OF ALBEMARLE**  
**TRANSMITTAL TO THE BOARD OF SUPERVISORS**  
**SUMMARY OF PLANNING COMMISSION ACTION**

<b>AGENDA TITLE:</b> SP202200022 and SE202200047 Verizon – Walnut Creek Park – Tier III Personal Wireless Service Facility and Special Exception Application.	<b>AGENDA DATE:</b> November 15, 2023
<b>SUBJECT/PROPOSAL/REQUEST:</b> A request for a special use permit under Section 18-10.2.2(48) of the Zoning Ordinance to construct a 195-foot-tall monopole tower to be used as a Personal Wireless Service Facility. In addition, a request for a special exception under Section 18-5.1(a) to allow the antenna to be mounted 18 inches from the face of the tower instead of 12 inches.	<b>STAFF CONTACT(S):</b> Filardo, McDermott, Ragsdale, McCollum
<b>SCHOOL DISTRICT:</b> Red Hill Elementary, Walton Middle, Monticello High	<b>PRESENTER(S):</b> Kevin McCollum, Senior Planner II

**BACKGROUND:**

At its meeting on November 22, 2022, the Planning Commission (PC) voted 5:1 to recommend denial of both the proposed special use permit (SP202200022) for the wireless facility and the proposed special exception (SE202200047) due to the visibility of the tower, and its lack of concealment that a treetop tower, no more than 10' above the tree line, would have afforded.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes. The applicant has not submitted additional information or made revisions since the PC action.

At its meeting on September 20, 2023, the Board of Supervisors by a vote of 5:1 adopted a resolution to authorize a lease of approximately 2,500 square feet of land (and associated easements) at Walnut Creek Park, to Cellco Partnership (doing business as Verizon Wireless). The sole subject of that public hearing was the proposed leasing of the property. This proposed special use permit has been reviewed separately from the lease matter and must be acted on based on the merits of the special use permit request. If the special use permit application were not approved, Verizon would have the right to cancel the lease.

**DISCUSSION:**

The PC discussion on the tower primarily focused on visibility and aesthetic impacts due to the proposed height of the tower. These concerns were also raised by several members of the public who spoke during the meeting. The PC noted that it may have recommended approval of a shorter tower, such as a Tier II PWSF ("tree top tower").

Though staff agrees that a tree top tower would have less visual impact than the tower as proposed, staff believes the proposed facility is well-sited and provides ample opportunities for screening to minimize its visibility from adjacent parcels and streets. Most of the visibility is from within Walnut Creek Park itself. As indicated in the staff report, where the proposed tower would be visible from adjacent parcels and streets, the view would be mitigated by distance and existing vegetation.

**RECOMMENDATIONS:**

Staff recommends that the Board adopt the attached Resolutions to approve SP202200022 (Attachment D) and SE202200047 (Attachment E) Verizon – Walnut Creek Park Tier III Personal Wireless Service Facility with the conditions as proposed in the staff report.

Alternatively, if the Board wishes to follow the recommendations of the Planning Commission to disapprove these applications, staff has also prepared alternate resolutions to disapprove SP202200022

(Attachment F) and SE202200047 (Attachment G)

**PROPOSED MOTIONS (Staff recommendations):**

To approve Special Use Permit SP202200022:

*I move to adopt the resolution attached to the staff report as Attachment D.*

To approve Special Exception SE202200047:

*I move to adopt the resolution attached to the staff report as Attachment E.*

**ALTERNATE MOTIONS (Planning Commission recommendations):**

To disapprove Special Use Permit SP202200022:

*I move to adopt the resolution attached to the staff report as Attachment F.*

To disapprove Special Exception SE202200047:

*I move to adopt the resolution attached to the staff report as Attachment G.*

**ATTACHMENTS:**

A – November 22, 2022 Planning Commission Staff Report

A1: Location Maps and Aerial Imagery

A2: Application Narrative

A3: Site Development Plans

A4: Tower Viewshed Analysis

A5: Staff Photo Map and Balloon Photos

A6: Photo Simulations

A7: County Code § 18-5.1.40

A8: Nearby Conservation Easements Map

A9: Federal Telecommunications Act of 1996 and Virginia Code Provisions

B – November 22, 2022 Planning Commission Action Letter

C – November 22, 2022 Planning Commission Minutes

D – Resolution to Approve SP202200022

E – Resolution to Approve SE202200047

F – Resolution to Disapprove SP202200022

G – Resolution to Disapprove SE202200047