

**ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY**

Project Name: SP202000004 Wild Turkey (Cross Property) - Tier III Personal Wireless Service Facility	Staff: Andrew Knuppel, Planner
Planning Commission (PC) Hearing: June 16, 2020	Board of Supervisors (BOS) Hearing: to be determined
Owner: Robert L. Cross and Jeanne K. Cross, Trustees of the Cross Living Trust	Applicant: Nathan Holland – GDN Sites on behalf of Verizon Wireless
Acreage: 6.0 acres	Special Use Permit for: Tier III personal wireless facility under Section 10.2.2 (48) of the zoning ordinance.
Tax Map Parcel (TMP): 05700-00-00-041L0	Zoning/by-right use: RA Rural Area, EC Entrance Corridor
Magisterial District: White Hall	Location: Near southeast corner of intersection of Rockfish Gap Turnpike (Route 250) and Wild Turkey Lane, immediately west of existing personal wireless service facilities on property.
School Districts: Brownsville – Elementary, Henley – Middle, and Western Albemarle – High	Conditions: Yes
Development Area: Rural Area 3	Requested # of Dwelling Units/Lots: N/A
Proposal(s): Request for approval of a Tier III personal wireless service facility located within an avoidance area with a steel monopole that would be approximately 116.7 feet tall. The facility would be located within a 30' x 30' lease area and accessed via a 20' access & utility right-of-way with 12' access road. Request for a Special Exception to modify Section 5.1.40 (b)(2)(c) of the zoning ordinance to allow the closest point of the back of antenna to be more than 12 inches from the monopole. No dwelling units proposed.	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
Character of Property: There are two existing treetop facilities near the property boundary with Route 250, as well as two rental dwellings accessed from Wild Turkey Lane. Property is cleared near dwellings and the immediate vicinity of the monopoles, with mature trees near the Route 250 right-of-way. The eastern half of the property is heavily wooded and slopes upwards from the Mechums River.	Use of Surrounding Properties: Rural/residential with single-family dwellings on wooded lots oriented to Route 250 or residential cul-de-sacs, generally less than 21 acres.
Factors Favorable: <ol style="list-style-type: none"> 1. The proposed facility would be screened and sited to minimize visibility from the Rockfish Gap Turnpike (Rt. 250) Virginia Scenic Byway and avoidance area. 2. The proposed facility would be screened and sited to minimize visibility from the 	Factors Unfavorable: <ol style="list-style-type: none"> 1. The proposed facility would be skylit from the southeast. However, the adjacent parcel is under the same ownership and impacts to parcels across Mechums River are mitigated by distance and/or backdropping.

<p>Rockfish Gap Turnpike (Rt. 250) Entrance Corridor.</p> <ol style="list-style-type: none"> 3. The proposed facility would be located in an Opportunity Site. 4. Improving wireless coverage would support improved public safety and welfare by expanding access to emergency services and online resources. 	
<p>Recommendation: Staff recommends approval of SP202000004 with conditions, and recommends approval of the special exception request (to modify the antenna projection distance) with conditions.</p>	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Andrew Knuppel, Planner
June 16, 2020
August 5, 2020

PETITION(s):

PROJECT: SP202000004 – Wild Turkey (Cross Property) - Tier III Personal Wireless Service Facility
MAGISTERIAL DISTRICT: White Hall
TAX MAP/PARCEL: 05700-00-00-041L0
LOCATION: Near southeast corner of intersection of Rockfish Gap Turnpike (Route 250) and Wild Turkey Lane, immediately west of existing personal wireless service facilities on property.
PROPOSAL: Request for approval of a Tier III personal wireless service facility located within an avoidance area with a steel monopole that would be approximately 116.7 feet tall. The facility would be located within a 30' x 30' lease area and accessed via a 20' access & utility right-of-way with 12' access road.
PETITION: Tier III personal wireless facility under Section 10.2.2 (48) of the zoning ordinance on a 6 acre parcel. Request for a Special Exception to modify Section 5.1.40 (b)(2)(c) of the zoning ordinance to allow the closest point of the back of antenna to be more than 12 inches from the monopole. No dwelling units proposed.
ZONING: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).
ENTRANCE CORRIDOR: Yes
PROFFERS: No
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 3 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots).

CHARACTER OF THE AREA:

The subject property is a 6 acre parcel within located on the southeast side of Rockfish Gap Turnpike (Rt. 250), approximately halfway (1 mile) from its intersection with Three Notch'd Road (Rt. 240) at Mechum's River and the Clover Lawn shopping center (Attachment 1).

The property is bounded on the north by Rockfish Gap Turnpike and on the west by Wild Turkey Lane. There are two existing treetop facilities near the property boundary with Route 250, as well as two rental dwellings accessed from Wild Turkey Lane. The area in the vicinity of the dwellings and monopoles is cleared, with mature trees near the Route 250 right-of-way. The eastern half of the property is heavily wooded and slopes downwards as it approaches the Mechums River.

Nearby are single-family homes on lots zoned Rural Areas, with variable lot sizes generally below 21 acres. Most parcels are wooded and oriented to Rockfish Gap Turnpike (Rt. 250) or adjacent cul-de-sacs

servicing small rural residential subdivisions. The Foxchase subdivision is located across Rockfish Gap Turnpike (Rt. 250) approximately ¼ mile northwest of the proposed facility site.

Rockfish Gap Turnpike (Rt. 250) is designated as an Entrance Corridor as well as a Virginia Scenic Byway. The corridor has two travel lanes with a center left-turn lane, and is wooded on both sides.

PLANNING AND ZONING HISTORY:

Two personal wireless service facilities currently exist on the property.

SP199900009 / VA199900009: This approval was conditioned on the height of the tower not exceeding 7 feet above the height of the tallest tree within 25 feet of the tower. The original wooden monopole was replaced with a 90.9' steel monopole.

SP200700015 / SDP200700024 / ARB200700033: Approval of a 98' Tier II treetop facility. The monopole was initially constructed to the incorrect height, though height was later corrected to 82' tall per the most recent building permit file available for this site (B201601269ATWR).

SDP201900077: This application was originally submitted as a Tier II personal wireless service facility. A balloon test was held for this application on January 16, 2020. However, it was recognized that though the proposed facility met the design standards for a Tier II treetop facility, the proposed location was within an avoidance area (located within 200' of a state scenic byway) and would need to be reviewed as a Tier III personal wireless service facility and thus a Special Use Permit. This application was withdrawn on January 17, 2020 and resubmitted as SP202000004 on January 21, 2020.

DETAILS OF THE PROPOSAL:

The applicant is requesting a Special Use Permit to construct a Tier III personal wireless service facility with a steel monopole that would be approximately 116.7 feet tall. The facility would be located within a 30' x 30' lease area adjacent and to the west of the two existing monopoles, and located within a 25'x30' wooden fenced compound. The monopole would be 28 feet and 5 inches from the Rockfish Gap Turnpike right-of-way. Access would be provided by a 20' access & utility right-of-way with new 12' gravel access road. One 86' oak tree would be removed for the access road. 3,335 square feet of land would be disturbed for the equipment compound and access road, and this land disturbance would not be subject to the Virginia Erosion and Sediment Control Program or Virginia Stormwater Management Program (Attachments 2 & 3).

The facility would include a single array of six flush-mounted antennas. The applicant has requested a Special Exception to modify Section 5.1.40 (b)(2)(c) of the zoning ordinance to allow the closest point of the back of antenna to be more than 12 inches from the monopole (Attachment 4).

The proposed facility satisfies design standards for a Tier II ("treetop") facility, with the exception of the projection requirement mentioned above. However, it is subject to review as a Tier III facility due to its location within an avoidance area (within 200 feet of the Rockfish Gap Turnpike/Rt. 250 Virginia Scenic Byway) as defined in the Zoning Ordinance:

Avoidance area. "Avoidance area" means an area having significant resources where the initial siting of personal wireless service facilities could result in adverse impacts as follows... ... (v) any location within 200 feet of any state scenic highway or by-way."

COMMUNITY MEETING

The applicant conducted the required community meeting with the Crozet Community Advisory Committee on Wednesday, March 11, 2020.

During the meeting, community members asked about the public benefit to be received from improved cell service (propagation of signal and whether 5G service would be offered) and the status of the two existing towers on the site. Community members referenced prior code compliance issues with the second tower constructed on the site and expressed concerns about the height of the proposed facility relative to the existing towers.

Concerns were expressed regarding the January 2020 balloon test, including an assessment of how the trees that are to be removed will impact visibility of the proposed tower and impacts from wind. The January 2020 balloon test was held for the earlier submission (SDP201900077). The applicant agreed to hold a second balloon test on Thursday, April 2, 2020. The applicant and staff photographed the balloon from various vantage points on nearby streets as well as properties upon request of nearby property owners.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.39(B) states that the Commission, in making its recommendation, shall consider the same factors found in Section 33.40(B):

1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

No substantial detriment to adjacent parcels is expected from this proposal. There are currently two similar facilities on the parcel which have not resulted in substantial detriment. Visibility from adjacent parcels is mitigated by screening, backdropping, and distance, as discussed below.

2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

The character of the adjacent parcels and the nearby area would not be changed by the proposed special use. Two existing personal wireless service facilities are located on the subject property. The addition of a third facility meeting similar design standards would not cause a change to the character, and the presence of existing facilities makes this site an opportunity site that could prevent the introduction of facilities to other areas. The proposed development appears to be generally similar to and consistent with the existing character of the adjacent parcels in the RA district.

3. Harmony.

Whether the proposed special use will be in harmony with the purpose and intent of this chapter,

The intent of the RA Rural Areas district includes preservation of agricultural and forestal lands and activities, water supply protection, limited service delivery to the rural areas, and conservation of natural, scenic, and historic resources. The requested use is permissible by special use permit in all zoning districts. The proposed facility would not interfere with agricultural or forestal activities, would have a negligible impact on water supplies due to minimal on-site grading, and would not incur additional needs for public service delivery. There are no impacts to natural and historic resources and impacts to visual resources are mitigated. No conflict has been found between this request and the intent of the Zoning Ordinance.

with the uses permitted by right in the district,

The requested use does not restrict by-right uses within the district. The facility's design is substantially consistent with design standards for a by-right Tier II personal wireless service facility.

with the regulations provided in Section 5 as applicable,

Personal wireless service facilities are subject to supplementary regulations in Section 5.1.40 of the Zoning Ordinance.

The proposal satisfies the development requirements and design standards in Section 5.1.40(b), with the exception of the "projection" (or "standoff") requirements for antennas and associated equipment specified in Section 5.1.40(b)(2)(c). The applicant has requested a Special Exception to modify this requirement to allow the closest point of the back of the antenna to be greater than 12 inches from the face of the monopole. This request is analyzed below in "Special Exception Request to Modify Antenna Projection Requirements".

Section 5.1.40(b)(6), "Screening and siting to minimize visibility", requires that:

The site shall provide adequate opportunities for screening and the facility shall be sited to minimize its visibility from adjacent parcels and streets, regardless of their distance from the facility. The facility also shall be sited to minimize its visibility from any entrance corridor overlay district, state scenic river, national park or national forest, regardless of whether the site is adjacent to the district, river, park or forest. If the facility would be located on lands subject to a conservation easement or an open space easement, or adjacent to a conservation easement or open space easement, the facility shall be sited so that it is not visible from any resources specifically identified for protection in the deed of easement.

A detailed discussion of visibility is below, however, staff's opinion is that the site provides adequate opportunities for screening and the facility is sited to minimize its visibility from adjacent parcels and streets as well as from entrance corridor overlay districts. There are no adjacent conservation easements with specifically identified resources.

and with the public health, safety, and general welfare.

The proposal is in harmony with public health, safety, or general welfare. Improved wireless coverage could improve public safety for motorists and residents by improving access to emergency services from cellular devices, as well as the general welfare of nearby residents by improving access to wireless and broadband service. Wireless facilities can provide broadband Internet service, which has become more recognized as necessary for public education, convenience, and the economic well-being of the community.

4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.

Historic, Cultural, and Scenic Resources Goal: “Albemarle’s historic, cultural, and scenic resources will be preserved. Attractive entrance corridors will welcome visitors and residents to and within the County.”

Historic, Cultural, and Scenic Resources Objective 7: “Maintain or improve the visual quality of all of Albemarle’s roadways.”

Historic, Cultural, and Scenic Resources Objective 8: “Maintain the visual integrity of Albemarle’s Entrance Corridors.”

Strategy 8b: Continue to use the Entrance Corridor design guidelines to help maintain the integrity of Entrance Corridors in Albemarle County.

Rockfish Gap Turnpike (Rt. 250) is both a Virginia Scenic Byway and an Entrance Corridor. Trees near the front of the site and within the right-of-way provide screening and mitigate the proposed facility’s visibility from Rockfish Gap Turnpike. At its meeting on February 4, 2020, the Architectural Review Board found that the proposed location will sufficiently minimize the visibility of the monopole from the Entrance Corridor, based on continued existence of trees in the right-of-way (Attachment 5).

Community Facilities Objective 10: “Support provision of private electric, telephone, natural gas, wireless, and fiber optic service when its provision is in keeping with other aspects of the Comprehensive Plan.”

Strategy 10e: Continue to ensure that personal wireless facilities are provided in accordance with the County’s personal wireless service policy.

A detailed analysis of the proposed facility’s consistency with the Policy’s recommendations follows.

PERSONAL WIRELESS SERVICE FACILITIES POLICY & VISIBILITY ANALYSIS

The County’s Personal Wireless Service Facilities Policy provides guidance for the siting and design of wireless facilities. Analysis of visibility is based on the results of balloon tests and photosimulations of the proposed facility (Attachment 6).

Facilities with limited visibility are encouraged.

Per the Policy, the primary concern for the location of wireless facilities is visual impact. The Policy was put in place to ensure that the construction of new and modified facilities have limited visual impact on the community. The Policy does not require facilities to be invisible, mitigation strategies can reduce potential impacts from visibility. County staff conducted an analysis of potential visibility using geographic information systems (GIS) software (Attachment 7), which uses elevation and land cover data to estimate where a facility may be visible. This does not indicate a degree of visibility, only if the facility could potentially be seen. This analysis was used to identify areas where the balloon may be visible and was used in conjunction with photographs from the balloon test.

Facilities should not be located on ridgetops or along the ridgeline.

Rockfish Gap Turnpike (Rt. 250) follows a ridgeline dividing the Mechums River and Lickinghole Creek watersheds. Though not as topographically prominent as a mountaintop, the facility's site is somewhat elevated relative to Mechums River and properties to the southeast. The facility's siting would not be substantially elevated from the scenic byway.

Facilities should be provided with an adequate backdrop so that they are not skylined.

The "treetop" design of the proposed facility requires some clearance above nearby trees, with a low degree of skylining that is acceptable under the by-right Tier II standard, provided that it is not substantially taller than nearby trees. While the proposed facility would be screened from Rockfish Gap Turnpike by trees, the proposed facility would be visible from some areas to the northwest within the Foxchase subdivision, as well as some parcels to the southeast on Broad Axe Road, due to their lower elevation and the cleared areas that prevent screening. Portions of Wild Turkey Lane immediately to the southeast of the proposed site that are cleared would exhibit some skylining.

Staff believes that the degree of skylining is acceptable. There is not substantial variation from nearby tree cover when viewed from the northwest, and that distance from the facility (over ½ mile) mitigates negative visual impacts to parcels to the southeast on Broad Axe Road. The areas of Wild Turkey Lane where the balloon test was skylit are under the same ownership as the proposed facility site.

Facilities should not adversely impact resources identified in the Open Space Plan or designated as Avoidance Areas.

The proposed facility would not adversely impact the Rockfish Gap Turnpike (Virginia Scenic Byway) Avoidance Area. The presence of screening trees sufficiently minimizes its visibility from the byway.

Facilities should utilize existing structures where possible.

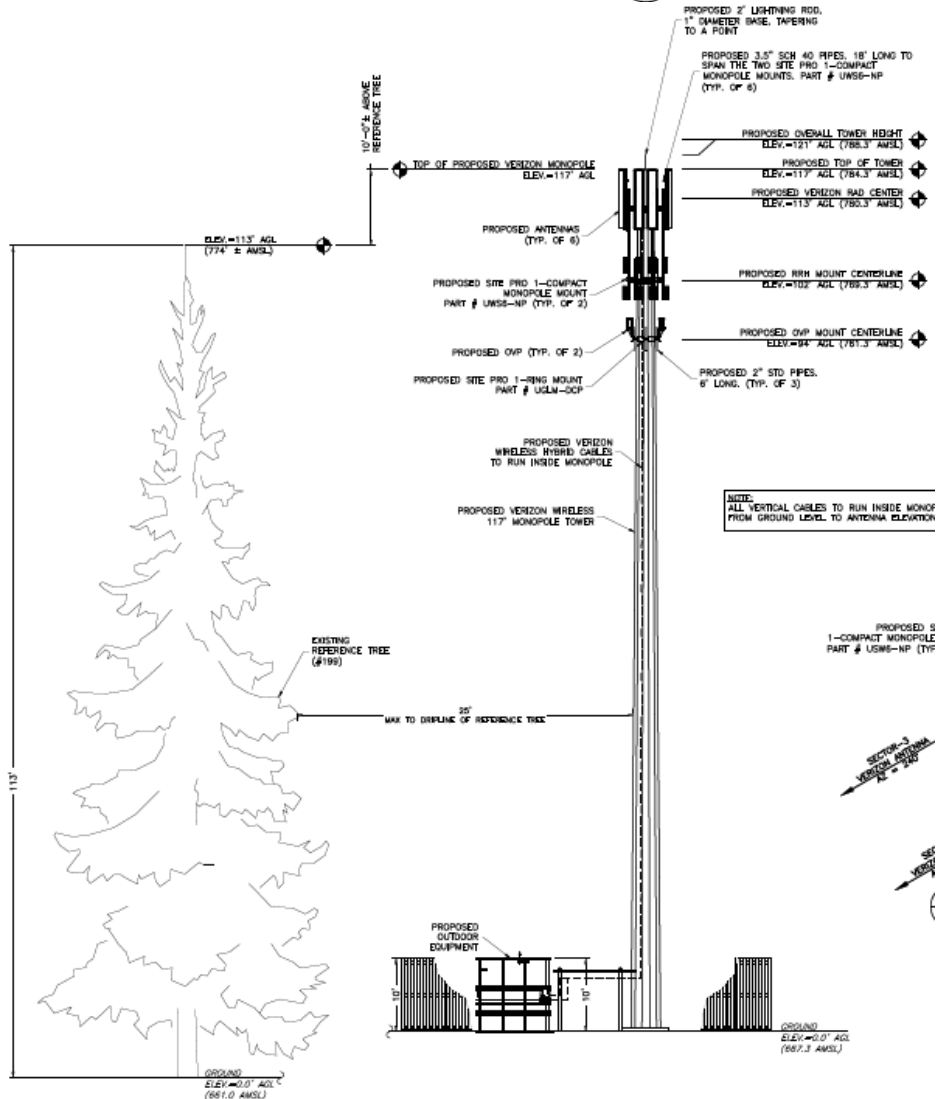
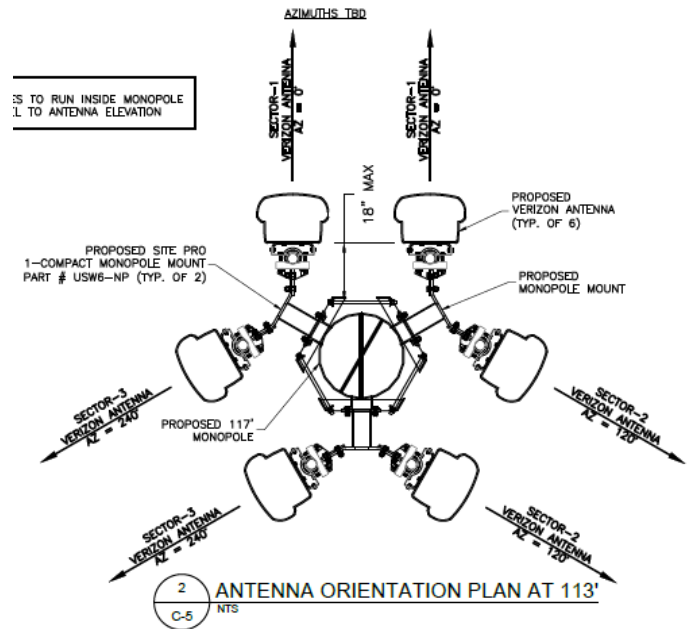
Two other eligible support structures exist on the site. Per the applicant, these monopoles were not designed to extend and install a second carrier's equipment and could not be utilized.

Ground-based equipment should be limited in size and be designed in keeping with the character of the area.

At its meeting on February 4, 2020, the Architectural Review Board reviewed the design of the ground equipment and base station and recommended approval of the Certificate of Appropriateness with conditions. These conditions have been addressed and a Certificate of Appropriateness was issued on April 28, 2020.

Antennas should be mounted close to the supporting structure and be designed to minimize visibility.

The proposed facility will utilize flush mounts to minimize the distance between the monopole and antennas. A special exception was requested to modify the “projection” (or “standoff”) requirements for antennas and associated equipment specified in Section 5.1.40(b)(2)(c) and allow the closest point of the back of the antenna to be greater than 12 inches from the face of the monopole, allowing all antennas to be mounted on a single array. However, the farthest point of the back of antenna will not be greater than 18 inches from the monopole. Staff believes that this design would minimize visibility.



SUMMARY:

After review of this request, staff have identified the following factors of this proposal which are favorable and unfavorable:

Factors favorable to this request include:

1. The proposed facility would be screened and sited to minimize visibility from the Rockfish Gap Turnpike (Rt. 250) Virginia Scenic Byway and avoidance area.
2. The proposed facility would be screened and sited to minimize visibility from the Rockfish Gap Turnpike (Rt. 250) Entrance Corridor.
3. The proposed facility would be located in an opportunity site.
4. Improving wireless coverage would support improved public safety and welfare by expanding access to emergency services and online resources.

Factors unfavorable to this request include:

1. The proposed facility would be skylit from the southeast. However, the adjacent parcel is under the same ownership and impacts to parcels across Mechums River are mitigated by distance and/or backdropping.

RECOMMENDED ACTIONS:

Based on the findings described in this report and factors identified as favorable, **staff recommends approval of special use permit application SP202000004 with the following conditions** (below).

- 1) The development of the site, and any modifications to the arrays, shall be in general accord with the plan titled "Wild Turkey, Wild Turkey Lane, Charlottesville, VA, 22903, Albemarle County" dated 4/20/2020 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, including but not limited to all concealment elements, concealment technique, and concealment elements of the eligible support structure, as shown and described on the Conceptual Plan and mentioned below and in Condition 2:
 - a) Color (equipment and monopole – Sherwin Williams – Java Brown #6090)
 - b) Flush mounting of antenna (18 inch maximum standoff distance)
 - c) Location of ground equipment
 - d) Diameter of monopoleMinor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Albemarle County Zoning Ordinance.
- 2) As a concealment element to minimize skylining, the height of the tower shall not exceed 117 feet above ground level (AGL) or ten feet taller than the tallest tree within 25 feet of the monopole as measured in elevation above mean sea level, whichever is less. Measurement of height shall include any base, foundation or grading that raises the monopole above the pre-existing natural ground elevation.
- 3) The following shall be submitted with the building permit application:
 - a) certification by a registered surveyor stating the height of the reference tree that is used to determine the permissible height of the monopole; and
 - b) a final revised set of plans for the construction of the facility.The agent shall review the surveyor's certificate and the plans to ensure that all applicable requirements have been satisfied.

SPECIAL EXCEPTION REQUEST TO MODIFY ANTENNA PROJECTION REQUIREMENTS

The applicant has requested a Special Exception pursuant to Zoning Ordinance Section 33.49, to modify the “projection” requirements for antennas and associated equipment specified in Section 5.1.40(b)(2)(c).

Summary of Request

Specifically, the applicant has requested modification of the maximum standoff distance to the closest point of the back of the antenna in Section 5.1.40(b)(2)(c), as shown in the Special Exception Request application materials. (Attachment 4)

Applicable Zoning Ordinance Sections

Section 5.1.40(b)(2)(c) of the Zoning Ordinance states that “No antenna shall project from the facility, structure or building beyond the minimum required by the mounting equipment, and in no case shall the closest point of the back of the antenna be more than 12 inches from the facility, structure, or building, and in no case shall the farthest point of the back of the antenna be more than 18 inches from the facility, structure, or building” (emphasis added).

Staff Analysis

This proposal includes a special exception request to modify the requirements of County Code § 18-5.1.40(b)(2)(c), which limits the standoff distance to 12” from the tower structure to the closest point on the back of the antenna. This request is necessary to utilize a mount type that will allow Remote Electrical Tilt antennas to be used and all six antennas to be mounted in a single array. Although the distance to the closest point of the back of the antenna would be increased, the distance to the farthest point of the back of the antenna would still comply with this section. The proposed site provides adequate screening and minimizes visibility from adjacent parcels and streets, including the Route 250 Entrance Corridor and Scenic Byway, as determined from a balloon test. No additional visual impact is anticipated.

RECOMMENDED ACTION – SPECIAL EXCEPTION:

In consideration of the information provided by the applicant, as well as the staff identified in this report, the special exception request seems acceptable. **Staff recommends approval of the requested Special Exception** to modify the antenna projection requirements specified in Section 5.1.40(b)(2)(c) of the Zoning Ordinance **with the following conditions:**

1. The antenna shall be installed as depicted on Sheet C-5 of the site plan referred to as “Wild Turkey, Wild Turkey Lane, Charlottesville, VA, 22903, Albemarle County” prepared by John A. Daughtrey III, last revised on April 20, 2020.
2. No antenna authorized by this special exception shall project more than eighteen inches (18”) from the monopole to the back of the antenna.

ATTACHMENTS:

- 1 – [Location Map](#)
- 2 – [Application Materials: Project Narrative](#)
- 3 – [Application Materials: Conceptual Plan \(dated April 20, 2020\)](#)
- 4 – [Special Exception Request \(dated February 6, 2020\)](#)
- 5 – [Architectural Review Board Action Letter \(dated February 4, 2020\)](#)
- 6 – [Balloon Test Photographs & Photosimulations](#)
- 7 – [Viewshed Analysis Map](#)
- 8 – [Memo Discussing FCC Rules Related to Eligible Support Structures](#)