



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

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| <b>Project Name:</b> SP201700012 – Carters Bridge PWSF Verizon - Tier III PWSF (Scottsville)                                                                                                                                                                                                                                                                                                                                           | <b>Staff:</b> Francis H MacCall, Principal Planner                                                                                                                                  |
| <b>Planning Commission Public Hearing:</b> July 11, 2017                                                                                                                                                                                                                                                                                                                                                                               | <b>Board of Supervisors Hearing:</b> Tentatively scheduled for August 9, 2017                                                                                                       |
| <b>Owners:</b> Llandaff LLC                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Applicant:</b> Verizon – Stephen Waller                                                                                                                                          |
| <b>Acreage:</b> 19.80 acres<br><b>(Lease Area:</b> 1,350 square feet)                                                                                                                                                                                                                                                                                                                                                                  | <b>Special Use Permit for:</b> 10.2.2(48) Special Use Permit, which allows for Tier III personal wireless facilities in the RA Zoning District.                                     |
| <b>TMP:</b> Tax Map 112 Parcel 9<br><b>Location:</b> 4319 Scottsville Road                                                                                                                                                                                                                                                                                                                                                             | <b>By-right use:</b> Rural Areas (RA), Entrance Corridor (EC),                                                                                                                      |
| <b>Magisterial District:</b> Scottsville                                                                                                                                                                                                                                                                                                                                                                                               | <b>Proffers/Conditions:</b> Yes                                                                                                                                                     |
| <b>Requested # of Dwelling Units/Lots:</b> N/A                                                                                                                                                                                                                                                                                                                                                                                         | <b>DA -                      RA – X</b>                                                                                                                                             |
| <b>Proposal:</b> To install a 106 foot tall steel monopole, one array of flush-mounted antennas, associated ground equipment in a 1,350 sf fenced compound, with associated access.                                                                                                                                                                                                                                                    | <b>Comp. Plan Designation:</b> Rural Area in Rural Area 4.                                                                                                                          |
| <b>Character of Property:</b> A moderately small property with open fields, wooded areas, and several rental houses located along Route 20.                                                                                                                                                                                                                                                                                            | <b>Use of Surrounding Properties:</b> Rural Area – Single family residential [See Attachment A for aerial photograph of the surrounding area.]                                      |
| <b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. The monopole is located so that only the top section of the monopole containing the antennas is expected to be visible.</li> <li>2. The Architectural Review Board (ARB) staff has recommended approval based on minimal visibility from Route 20, and Entrance Corridor.</li> <li>3. No objection has been received from the adjacent property owners.</li> </ol> | <b>Factors Unfavorable:</b> <ol style="list-style-type: none"> <li>1. The proposal is located within the Southern Albemarle Rural Historic District and Virginia Byways.</li> </ol> |
| <b>Zoning Ordinance Waivers and Recommendations:</b> <ol style="list-style-type: none"> <li>1. None.</li> </ol>                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                     |

**STAFF CONTACT:**

Francis MacCall, Principal Planner

**PLANNING COMMISSION:**

July 11, 2017

**BOARD OF SUPERVISORS:**

Tentatively scheduled for August 9, 2017

**PETITION:**

PROJECT: SP201700012 – Carters Bridge PWSF Verizon (Llandaff LLC) - Tier III Personal Wireless Service Facility (PWSF)

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 11200-00-00-00900

LOCATION: 4319 Scottsville Road, Charlottesville, VA 22902

PROPOSED: To install a 106-foot tall steel monopole, one array of flush-mounted antennas, associated ground equipment in a 1,350sf fenced compound, and associated access.

PETITION: 10.2.2.48 Special Use Permit, which allows for Tier III personal wireless facilities in the RA Zoning District (reference Section 5.1.40)

ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots). Southern Albemarle Rural Historic District

**CHARACTER OF THE AREA:**

The proposed facility is to be located on a 19.80 acre parcel located on the northeast side of Route 20, just north of Carter's Bridge [Attachment A]. The facility is to be situated approximately 800 ft. north of Route 20 in a wooded section of the parcel. The general character of the area is rural. There is a Personal Wireless Service Facility (PWSF) located approximately 68 feet from the proposed site, approved with SP2012-00017. The site is included within the Southern Albemarle Rural Historic District, a National Register district, as well as the Virginia Byways. The site adjoins the Carter's Bridge Agricultural/Forrestal District along the northern and eastern boundaries.

**RELAVENT PLANNING AND ZONING HISTORY:**

ARB-2017-40 Verizon - Carters Bridge PWSF – On June 5, 2017, the ARB considered the current proposal with regard to the visibility of the facility. The ARB found that the facility is expected to have minimal visibility and is not expected to have a negative visual impact on the Entrance Corridor. However, the following revisions to the plans are required for accuracy:

1. Revise the note on Sheet C5 that reads “proposed light pole” to read “proposed monopole.”
2. Revise the note on Sheet C5 to indicate that the distance from the back of the antenna to the face of the pole is 1' 2-7/16”.

On June 5, 2017, the ARB approved the certificate of appropriateness for the ground equipment and base station as proposed. [Attachment D]

The revised plan addressing these two items is now part of this report as Attachment B.

**DETAILS OF THE PROPOSAL:**

Request to install a 106-foot tall steel monopole, one array of flush-mounted antennas, associated ground equipment in a 1,350sf fenced compound, and associated access. The lease area is adjacent to the existing towers lease area and will be in a separately fenced compound. The existing access road will serve both the existing and proposed facilities. Thus no improvements to the access are proposed or required. The site is located Southern Albemarle Rural Historic District and is sited 118 feet from the northern property line. [Attachment B]

**ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:**

Section 33.8 of the Zoning Ordinance states that the Planning Commission (PC) and Board of Supervisors (BOS) shall reasonably consider the following factors when reviewing and acting upon an application for a Special Use Permit:

**No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.**

It is staff's opinion that the proposal will not be of substantial detriment to the adjacent properties because of the limited visibility of the facility. The property is located in the Southern Albemarle Rural Historic District and the Virginia Byways. The historic preservation planner determined that the proposal will not damage any historic

resource. The facility is located in a wooded area with lots of vegetation. The monopole will only be visible just above the treetops, and for a very short duration, just south of Carter's Bridge along Route 20 and for a short distance along Red Hill Road, Route 708.

**Character of district unchanged. The character of the district will not be changed by the proposed special use.**

It is staff's opinion that the character of the district will not be negatively affected by the use because of the limited visibility of the facility.

**Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.**

Staff has reviewed this request as it relates to the "purpose and intent" that is outlined in Sections 1.4 of the Zoning Ordinance, and as it relates to the intent specified in the Rural Areas chapter of the Zoning Ordinance (Section 10.1). This request is consistent with both sections, by not destroying or encroaching on identified natural, scenic or historic resources within the Rural Areas, and by utilizing the appropriate concealment techniques for PWSFs, so as to maintain the Rural Areas as an attractive and harmonious community.

**Harmony. The proposed special use will be in harmony with the uses permitted by right in the district**

The proposed facility will not restrict any nearby by-right uses within the Rural Areas district.

**Harmony. The proposed special use will be in harmony with the regulations provided in section 5 as applicable**

The location, height and design of the monopole, and the method of antenna attachment minimizes visibility and uses appropriate concealment techniques/elements established and relied upon by the County in siting PWSFs as provided for in section 5.1.40(b) of the zoning ordinance and the PWSF Policy/Comprehensive Plan.

*(See below for in-depth review of compliance with Section 5.1.40 of the Zoning Ordinance)*

**Harmony. The proposed special use will be in harmony with the public health, safety, and general welfare.**

The public health, safety, and general welfare of the community are protected through the special use permit process, which assures that uses approved by special use permit are appropriate in the location requested. The proposed monopole will provide more reliable access to the wireless communication market, to include schools and residences, thus can be seen as contributing to the public health, safety, and welfare. No negative change to the public health, safety and general welfare is expected with the approval of the new facility.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

The Comprehensive Plan designates this area as Rural Area 4. This designation includes preservation and protection of agricultural, forestal, and open space, and natural, historic and scenic resources.

Furthermore, the County adopted the Personnel Wireless Service Facilities Policy as a component of the Comprehensive Plan. The Policy was put in place to ensure that the construction of new facilities has limited visual impact on the community. The proposed facility meets the following principles of the policy:

- 1) *Be designed to minimize visibility* - the location, height, and design of the facility does minimize visibility.
- 2) *Utilize existing structures where possible* – Other than the existing tower onsite there are no existing structures suitable for being used for a new facility. The proposed facility would be the second facility within a 200' radius as the supplemental regulations permit.
- 3) *Mount antennas close to the supporting structure* – this is being met.
- 4) *Not be located on ridgetops or along the ridgeline, and be provided with an adequate backdrop so that they are not skylined* – this facility is slightly sky lit as viewed from Red Hill Road near Walton Middle School. The tower is a treetop facility, but because of the varying topography of the area, the tower appears to be well over the tree line while traveling on Red Hill Road, Route 708.
- 5) *Not adversely impact scenic resources* - the siting and design of the proposed facility do not adversely affect the scenic views and vistas of the area.

### **Compliance with Section 5.1.40 of the Zoning Ordinance**

Each Tier III facility may be established upon approval of a special use permit issued under Section 33.4 and 33.8 of this chapter, initiated upon an application satisfying the applicable requirements of subsection 5.1.40(a), and it shall be installed and operated in compliance with all applicable provisions of this chapter and the following:

1. The facility shall comply with subsection 5.1.40(b), 5.1.40(c), 5.1.40(d), 5.1.40(e), and 5.1.40(f) – (j) unless modified by the board of supervisors during special use permit review. No modifications are being sought by the applicant. [Attachment E]
2. The facility shall comply with all conditions of approval of the special use permit.

The applicable requirements of subsection 5.1.40(a) *application for approval* and the requirements of section 33.4 *uniform procedures for special use permits* have been met. The requirements of subsection 5.1.40(c) *applicability of other regulations in this chapter* have been met. The County's specific design criteria for Tier III facilities outlined in Section 5.1.40(b) are addressed as follows: **[Ordinance sections are in bold italics]**

**Subsection 5.1.40(b): Development requirements.** *Each facility or transmission equipment may be established upon approval as provided in subsection (c) provided that the application satisfies the applicable requirements of subsection (a) and demonstrates that the facility or transmission equipment will be installed and operated in compliance with all applicable provisions of this chapter, and the following:*

**1. General Design.** *The facility shall be designed, constructed and maintained as follows: (a) guy wires are prohibited (b) Outdoor lighting for the facility shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire shall be fully shielded as required by section 4.17; provided that these restrictions shall not apply to any outdoor lighting required by federal law. (c) Any ground equipment shelter not located within an eligible support structure or an existing building shall be screened from all lot lines either by terrain, existing structures, existing vegetation, or by added vegetation approved by the agent. (d) A whip antenna less than six (6) inches in diameter may exceed the height of the facility, the eligible support structure, or the existing building. (e) A grounding rod, whose height shall not exceed two (2) feet and whose width shall not exceed one (1) inch in diameter at the base and tapering to a point, may be installed at the top of the facility, the eligible support structure, or the existing building.*

The monopole does not require the installation of guy wires, nor will it be fitted with any whip antennas. No lighting is proposed with the facility. An 8-foot tall board on board fence painted java brown screens the ground equipment within the 1,350 sf lease area. The existing vegetation adequately screens the facility as well. A grounding rod meeting the above requirements is proposed atop the monopole. All requirements of the above section have been met.

**2. Antennas and associated equipment.** *Antennas and associated equipment that are not entirely within a proposed facility, an eligible support structure, or an existing building shall be subject to the following: (a) Number of arrays. The total number of arrays of antennas shall not exceed three (3). All types of antennas and dishes, regardless of their use, shall be counted toward the limit of three arrays. (b) Size. Each antenna proposed under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand four hundred (1400) square inches. (c) Projection. 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 twelve (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 eighteen (18) inches from the facility, structure, or building; and (d) Color. Each antenna and associated equipment shall be a color that matches the facility, structure or building.*

One array is proposed on the monopole. The array will be at 102' AGL. The proposed panel antennas are flush mounted and within the 1,400 square inch size limit.

The back of the antennas are 14.5" from the monopole. The antennas will be painted to match the color of the monopole. [Attachment B]

**3. Tree conservation plan; content.** *Before the building official issues a building permit for the facility, the applicant shall submit a tree conservation plan prepared by a certified arborist. The plan shall be submitted to the agent for review and approval to ensure that all applicable requirements have been satisfied. The plan shall specify tree protection methods and procedures, identify all existing trees to be removed on the parcel for the installation, operation, and maintenance of the facility, and identify all dead and dying trees that are recommended to be removed. In approving the plan, the agent may identify additional trees or lands up to two hundred (200) feet from the lease area to be included in the plan.*

As part of the request to develop the facility removal of three trees is proposed, a 16" pine and two hickory trees, 10" and 17". The applicant has acknowledged that a tree conservation plan will be submitted as required.

**4. Creation of slopes steeper than 2:1.** *No slopes associated with the installation of the facility and its accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the county engineer are employed.*

No 2:1 slopes are proposed with the installation of the facility.

**5. Ground equipment shelter; fencing.** *Any ground equipment shelter not located within an existing building shall be fenced only with the approval of the agent upon finding that the fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or, in the rural areas, to protect the facility from livestock or wildlife; (ii) would not be detrimental to the character of the area; and (iii) would not be detrimental to the public health, safety or general welfare.*

An 8-foot tall board on board fence painted java brown will screen the ground equipment within the 1,350 sf lease area. Surrounding the fence is existing vegetation. The fence is not expected to be visible from adjacent properties or Scottsville Road. The fence and ground equipment has received a certificate of appropriateness from the ARB.

**6. Screening and siting to minimize visibility.** *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 balloon test <sup>1</sup> was conducted on Wednesday, May 10<sup>th</sup> 2017 (see Attachment C for balloon test photographs and photo simulations). During the balloon test staff traveled Scottsville Road (Route 20), Carter's Mountain Road (Route 627) Red Hill Road (Route 708), Secretary's Road (Route 708), Secretary's Sand Road (Route 717), and Viewmont Farm to observe the visibility of the balloon.

The balloon was visible, and sky lit <sup>2</sup> along views from South of the site at Scottsville Road on Carter's Bridge (View 1); from Viewmont Farm (View 2); from North of the site at Walton Middle School and Red Hill Road (Views 3 and 4), the balloon disappeared just after the school before the intersection with Scottsville Road; from North of the site along Secretary's Sand Road (View 5), and along Scottsville Road (View 7), The balloon was not visible from Views 8-10. Page 57 of the County's Personal Wireless Service Facilities (PWSF) Policy, which is part of the County's Comprehensive Plan, explains that "in order to minimize visibility, the backdrop of the facility must be considered." Staff requested the applicant provide photo simulations from these vantage points. Upon review of these photos, the monopole is visible & sky lit from these views. Views noted above of the site are shown in the attached photo simulations. [Attachment C] The visual impacts of the site are most prevalent from these locations because of the topographic changes from each of the views.

The ARB at its June 5, 2017, meeting completed a preliminary review of the visibility of the monopole from Scottsville Road and provided the following recommendation to the Agent: "The ARB finds that the facility is expected to have minimal visibility and is not expected to have a negative visual impact on the Entrance Corridor."

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<sup>1</sup> A balloon test consists of raising one or more balloons from the site to a height equal to the proposed facility (County Code § 18-5.1.40(a)(6)(c)).

<sup>2</sup> "Sky lit" or "skylining" refers to the backdrop of the facility being sky.

**7. Open space plan resources. The facility shall not adversely impact resources identified in the natural resources chapter of the county's comprehensive plan and the parks and green systems chapters in any county master plan.**

The County's PWSF policy encourages facilities with limited visibility, facilities with an adequate backdrop, and facilities that do not adversely impact scenic resources. Staff's analysis of this request addresses the concern for the possible loss of aesthetic/scenic resources. As stated previously, it is staff's opinion that this facility does not adversely impact scenic resources in the county by it being sited such that it is visible and sky lit.

**11. Color of monopole, antennas, and equipment. Each monopole shall be a dark brown natural or painted wood color that blends into the surrounding trees. The antennas, supporting brackets, and all other equipment attached to the monopole shall be a color that closely matches that of the monopole. The ground equipment, the ground equipment shelter, and the concrete pad shall also be a color that closely matches that of the monopole, provided that the ground equipment and the concrete pad need not closely match the color of the monopole if they are enclosed within a ground equipment shelter or within or behind an approved structure, façade or fencing that: (i) is a color that closely matches that of the monopole; (ii) is consistent with the character of the area; and (iii) makes the ground equipment, ground equipment shelter, and the concrete pad invisible at any time of year from any other parcel or a public or private street.**

The color of the monopole, antennas, fence and ground equipment will be the required dark brown color known as Java Brown.

**13. Special use permit conditions. All conditions of approval of a special use permit.**

The facility shall comply with all conditions of approval of the special use permit.

**Section 704(a) (7) (b) (I) (II) of The Telecommunications Act of 1996:**

*This application is subject to the Telecommunications Act of 1996, which provides in part that the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof (I) shall not unreasonably discriminate among providers of functionally equivalent services; (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C.*

To operate this facility, the applicant is required to comply with the FCC guidelines for radio frequency emissions that are intended to protect the public health and safety. Neither the Comprehensive Plan nor the Zoning Ordinance prohibits the provision of personal wireless services. However, both do implement specific policies and regulations for the siting and design of wireless facilities. In its current state, the existing facilities and their mounting structure all offer adequate support for providing personal wireless communication services. The applicant has not provided any additional information regarding the availability, or absence of alternative sites that could serve the same areas that would be covered with the proposed antenna additions at this site. Therefore, staff does not believe that the special use permitting process nor the denial of this application would have the effect of prohibiting or restricting the provision of personal wireless services.

**SUMMARY:**

Staff has identified factors that are favorable and unfavorable to this proposal:

**Factors favorable to this request include:**

1. The location, height and design of the monopole, and the method of antenna attachment minimize visibility and provide concealment techniques/elements established and relied upon by the County in siting PWSFs as specified in section 5.1.40(b) of the zoning ordinance and the PWSF Policy/Comprehensive Plan.
2. The ARB supports the request because of the limited visibility of the monopole from the entrance corridor.

**Factors unfavorable to this request include:**

1. The proposal is located within the avoidance areas described as the Southern Albemarle Rural Historic District and Virginia Byways.

**RECOMMENDATION:** Staff recommends approval of SP201700012 with conditions

***If*** the PC recommends approval of this application, staff recommends the following conditions:

### **CONDITIONS OF APPROVAL:**

1. The development of the site and any modifications to the array shall be in general accord with the plan titled “Verizon: CARTERS BRIDGE 4319 SCOTTSVILLE ROAD” dated 6/27/17 (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 and techniques, as shown and described on the Conceptual Plan and mentioned below:
  - a. Color (*monopole - dark brown*) (*antennas – dark brown*) (*remote radio heads – dark brown*) (*ground equipment – dark brown*).
  - b. Location of ground equipment

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

**Motion for Special Use Permit:** The Planning Commission’s role in this case (SP201700012) is to make a recommendation to the Board of Supervisors.

- A. Should the Planning Commission **choose to recommend denial** of this Tier III personal wireless service facility:  
**I move to recommend denial of SP201700012. (*Planning Commission needs to give a reason for denial*)**
- B. Should the Planning Commission **choose to recommend approval** of this Tier III personal wireless service facility:  
**I move to recommend approval of SP201700012 with the conditions outlined in the staff report.**

### **ATTACHMENTS:**

- A. Parcel and Location Map
- B. Concept Plan/Site Plan
- C. Photos from the balloon test & photo simulations
- D. ARB action letters and staff report
- E. Chapter 18 Section 5.1.40 in effect at the time of application review/action