

ATTACHMENT B – STAFF ANALYSIS

STAFF PERSON: Rebecca Ragsdale, Planning Manager
BOARD OF SUPERVISORS: July 19, 2023
PROJECT: SE202300022 1739 Avon Street Extended
PARCEL ID: 09100-00-00-00100

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 1,623 square inches to allow for a panel antenna with dimensions of 16.10 inches x 100.80 inches. The depth of the antenna would be 11.80 inches. The proposed antenna would comply with all other ordinance requirements, including flush-mounting requirements.

CHARACTER OF THE AREA:

The property is zoned R1 Residential and is adjacent to an Entrance Corridor Overlay District, Avon Street Ext. The 9.54-acre property is owned by the Albemarle County Service Authority and developed with a water tank, associated parking, and wireless facility. The majority of the parcel to the north and east is wooded. The wireless service facility is located approximately 500 feet from Avon St. Ext. The Millcreek neighborhood is located to the west along with undeveloped wooded parcels, industrial uses and Albemarle Health and Rehab to the south, undeveloped commercial uses and County-owned property to the north, and the Monticello Fire Rescue Station and undeveloped County-owned property to the east. (Attachment C - Location Map).

PLANNING AND ZONING HISTORY:

SP199600004- A special use permit was approved for a wireless facility not to exceed 100 feet in height (80 foot monopole and 20 foot antenna/lighting rod).

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 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 1,623 square inches is not expected to cause visual impacts. Adequate wooded areas and distance 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 antenna would be collocated on an existing structure, which is encouraged by the policy. Although the facility's size would marginally exceed (approximately 15%) the 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 1,623 square inches in size.