

FOR OFFICE USE ONLY ZTA # \_\_\_\_\_

Fee Amount \$ 1,000.00 Date Paid 3/16/15 By who? NTelos wireless Receipt # 99085 Ck# 680216

## Application for Zoning Text Amendment



Before the completion of this application, a preliminary conference should be held with Planning Staff & Zoning Administrator.

A copy of the review schedule will be provided.

Zoning Text Amendment = \$1000

### To be paid after staff review for public notice:

Most applications for a Zoning Text Amendment require at least one public hearing by the Planning Commission and one public hearing by the Board of Supervisors. Virginia State Code requires that notice for public hearings be made by publishing a legal advertisement in the newspaper. Therefore, at least two fees for public notice are required before a Zoning Text Amendment may be heard by the Board of Supervisors. The total fee for public notice will be provided to the applicant after the final cost is determined and must be paid before the application is heard by a public body.

Contact Person (Who should we call/write concerning this project?): Valerie Long, Williams Mullen

Address 321 East Main Street, Suite 400 City Charlottesville State VA Zip 22902

Daytime Phone (434) 951-5709 Fax # ( ) 817-0977 E-mail vlong@williamsmullen.com

Applicant (Who is the Contact person representing?): Virginia PCS Alliance, L.C., d/b/a NTELOS, a Virginia limited liability company

Address 1150 Shenandoah Village Drive City Waynesboro State VA Zip 22980

Daytime Phone (540) 941-4220 x 3073 Fax # ( ) \_\_\_\_\_ E-mail wilmerj@ntelos.com

**ATTACH A COPY OF THE ACTUAL ZONING ORDINANCE TEXT: (attach any additional information as necessary)**

Amend Section 5.1.40(c) (3) of the Albemarle County Zoning Ordinance as reflected on the attachment.

**JUSTIFICATION: (please attach additional information as necessary)**

Please see the attached information.

County of Albemarle Department of Community Development  
401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

Owner/Applicant Must Read and Sign

I hereby certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge and belief.

Valerie W. Long  
Signature of Applicant or Agent

March 16, 2015  
Date

Valerie W. Long, Agent to Applicant  
Print Name

434-951-5709  
Daytime phone number of Signatory

**OFFICE USE ONLY**

Date of Preliminary Conference/Staff: \_\_\_\_\_

Ordinance Section: \_\_\_\_\_

Zoning Administrators Review (initials): \_\_\_\_\_

Planner: \_\_\_\_\_ Recommendation: \_\_\_\_\_



Direct Dial: 434.951.5709  
vlong@williamsmullen.com

March 16, 2015

**VIA HAND DELIVERY**

Albemarle County Department of Community Development  
401 McIntire Road  
Charlottesville, VA 22902

Re: **Justification for Proposed Zoning Text Amendment  
Section 5.1.40(c)(3) – Personal Wireless Service Facilities**

Dear Albemarle County Staff:

On behalf of our client NTELOS Wireless, I hereby submit a proposed Zoning Text Amendment to amend section 5.1.40(c)(3) of the County Zoning Ordinance (Personal Wireless Service Facilities).

As we have discussed recently with Sarah Baldwin, Bill Fritz, Greg Kamptner and the Planning Commission, the Board of Supervisors, and others on the County staff, NTELOS is in the process of enhancing its existing 3G voice and data network by replacing old network equipment with 4G/LTE (Long Term Evolution) equipment that will provide improved call performance, expanded coverage, faster downloads, and stronger indoor signals. However, due to the system requirements, the antenna panels needed to meet the system requirements are larger than the maximum size permitted by Section 5.1.40(c)(3) of the County Zoning Ordinance. That provision limits antenna panels to a maximum of 1,152 square inches, a size limit that was established in approximately the year 2000, and codified in Section 5.1.40 in 2004. With the changes in technology that have occurred over the past 15 years, we think it is reasonable to update the wireless ordinance to permit a larger antenna size to accommodate the current technology. NTELOS' proposal represents an increase in only 248 square inches in size – just a bit larger than a sheet from its zoning drawings, which are printed on 11 x17 inch paper.

Similarly, the way the ordinance requires antennas to be mounted is also a challenge to NTELOS. The ordinance requires that the face of the panel antenna may not project more than twelve (12) inches from the facility that it is mounted to. The newer panel antennas are thicker than older models, usually by several inches. With the required space for a mounting bracket and other mounting equipment, the additional inches in depth of the panel antennas make it impossible for NTELOS to comply with the 12-inch limit. To address this situation while still furthering the requirement that antennas be flush-mounted, we propose to revise the ordinance to provide that the distance be measured to the back side of the panel antenna rather than the front side.

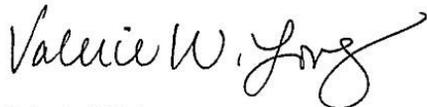
March 16, 2015  
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Enclosed for your review is a blackline of the current Section 5.1.40(c)(3) of the Zoning Ordinance, reflecting minor modifications to the text that will implement the changes that NTELOS is proposing.

NTELOS' network equipment upgrades will affect over fifty of its wireless facilities in Albemarle County. If this proposal is enacted, these upgrades will qualify as Tier 1 applications that will require only a building permit. By contrast, under the current ordinance these applications will be reviewed and processed as either a Tier 2 or Tier 3 application. Furthermore, under the proposed ZTA 2015-00001, which we expect will go into effect on April 8, 2015, these applications each would still require the approval of a Special Exception even though they are a Tier 1 application. If this proposal were enacted along with ZTA 2015-0001, or as part of it, then NTELOS' applications would be exempt collocations and would be processed more quickly, and at tremendous cost-savings to the County and to NTELOS.

We appreciate the opportunity to submit this application, and look forward to discussing it with the appropriate staff and the Planning Commission and Board of Supervisors. Please feel free to contact me with any questions or if you require anything further to process this application.

Sincerely,



Valerie W. Long

cc: Jessie Wilmer & Debbie Balsler, NTELOS Wireless

§5.1.40 (c) (3): *Antennas and associated equipment.* Antennas and associated equipment that are not entirely within a proposed facility, an existing facility, an existing structure, or an existing building shall be subject to the following: (i) the total number of arrays of antennas shall not exceed three (3), and each antenna proposed under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand ~~one~~four hundred ~~forty-two~~ (1,400) square inches; (ii) no antenna shall project from the facility, structure or building beyond the minimum required by the mounting equipment, and in no case shall any point on the faceback side of an antenna project more than twelve (12) inches from the facility, structure or building; and (iii) each antenna and associated equipment shall be a color that matches the facility, structure or building. For purposes of this section, all types of antennas and dishes, regardless of their use, shall be counted toward the limit of three arrays.