



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201600005 Verizon Wireless "Southland"/River's Edge III, LLC	Staff: Rebecca Ragsdale, Senior Planner
Planning Commission Public Hearing: May 10, 2016	Board of Supervisors Hearing: June 8, 2016
Owners: Rivers Edge III LLC	Applicant: Verizon Wireless-c/o Stephen Waller
Acreage: Approximately 3 acres	TMP: 060A0090000400 Location: 320 Winding River Lane, approx. 200' west of Rt. 20 near Rt. 250 E
Magisterial District: Rivanna	Comp. Plan Designation:
Proposal: To install a personal wireless service facility consisting of a monopole with an antenna array mounted on a platform, all within an existing high tension power transmission lattice support structure.	Special Exception: Waive or modify § 18-5.1.40(b)(3) tree conservation plan and § 18-5.1.40(b)(2)(c) projection of antennas beyond 18 inches from tower structure
Character of Property: The site is centered in a small complex of office buildings within a power line easement.	Use of Surrounding Properties: The property is immediately surrounded by commercial uses, with nearby residential and park properties.
Factors Favorable: <ul style="list-style-type: none"> • This proposal is on an existing facility and the new monopole and antenna addition will not increase or cause any new impacts to adjacent properties or important resources. • Due to the height and scale of the existing structure the size difference will not have a significant impact to the structure. • The Architectural Review Board has recommended approval with conditions. 	Factors Unfavorable: <ul style="list-style-type: none"> • No unfavorable factors have been identified.
Zoning Ordinance Waivers and Recommendations: Based on findings presented in the staff report, staff recommends approval of the requested modification (special exception).	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rebecca Ragsdale, Senior
May 10, 2016
June 8, 2016

PETITION:

PROJECT: SP201600005 Verizon Wireless "Southland"/River's Edge, LLC.

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 078B0010010100

LOCATION: Winding River Lane, approximately 700 feet from the intersection of Route 250 and Route 20

PROPOSAL: Construction of PWSF on an existing high tension power transmission to include a monopole extension with antenna placed at 135' and associated ground equipment within a 450 square foot lease area

PETITION: Tier III PWSF under section 22.2.2(14) of the Zoning Ordinance

ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT: EC Entrance Corridor; FH Flood Hazard; Steep Slopes Overlay – Preserved Slopes; SC Scenic Byways

COMPREHENSIVE PLAN: Neighborhood 3-Pantops; Urban Density, River Corridor – parks, golf courses, greenways, natural features and supporting commercial and recreational uses

PROPOSAL:

This is a request for a Tier III facility to be located on an existing Dominion Power electric transmission tower. The facility would consist of a monopole installed inside the existing lattice structure. The top of the existing structure is 115'AGL. The top of the monopole will be 130' AGL with the top of the antenna reaching a maximum height of 135' AGL. The new monopole to be constructed within the lattice transmission tower would have a three-sectored platform measuring 14' 6" feet on each side for antenna. Ground equipment would be located under the tower between the foundation piers. A screening fence would be installed around the equipment to screen views from the Entrance Corridor and from within the office complex, along with ARB approved landscaping. The site would be accessed from an existing travel aisles in the office complex. This permit includes a special exception request to modify the requirements of Section 5.1.40b(2)(c) to allow the 14' 6" foot wide platform that would project beyond the ordinance limit of 18 inches from the tower structure. (Attachment B)

CHARACTER OF THE AREA:

This property is zoned C1 Commercial and is developed with an office building. The property is surrounded to the south with developed commercial uses. To the north is a new Neighborhood Model Development under construction called Riverside Village. Nearby to the west is the Rivanna River and greenway corridor and nearby to the north is Darden Towe Park and the Avemore and Fontana neighborhoods various residential neighborhoods. (Attachment A- Location Map)

PLANNING AND ZONING HISTORY:

There are no prior approvals for personal wireless service facilities on this site.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

Personal wireless facilities are primarily reviewed for visual impacts. Staff has considered not only the vantage points shown by the applicant in their photosimulation packet (Attachment C), but also considered visibility from several other points in the Pantops Neighborhood along Route 250, Fontana, Pavilions, Riverside Village, commercial areas and nearby parks. The site is only partially visible from most of these areas or cannot be seen at all, as it is set against the backdrop of the City or views are obscured by trees and other powerline structures.

Section 33.8 of the Zoning Ordinance requires that the Commission and Board reasonably consider the following factors when reviewing special use permits and staff has provided detailed comments below.

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

The site is highly visible from some locations along Route 20 close to the facility, while partially visible in areas along Free Bridge Lane, the River and in the nearby residential neighborhoods. (See Attachment C-photo simulations) It is not anticipated that the proposed monopole, with additional height, and the proposed antenna mounted on a platform will be of substantial detriment to the adjacent properties. The new antenna array will not substantially change the visual impact of the existing lattice tower due to the scale of the existing structure.

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

The equipment upgrades will not substantially change the visibility of the existing tower. The color of the proposed antennas will match that of the existing structure. No change to the character of the district is expected. This facility will be designed the same as the nearby facility at the Clean Machine carwash located on Route 250/Riverbend Drive.

The Architectural Review Board reviewed this item at their September 21, 2015 meeting. The ARB recommended approval with conditions (Attachment E). The plan set provided with the special use permit application reflect the ARB-approved landscaping plan.

Harmony. The proposed use will be in harmony with the purpose and intent of the chapter, with the uses permitted by right in the district, with the regulations provided in Section 5 as applicable, and with the public health, safety, and general welfare.

Staff finds that this request is consistent with the “purpose and intent” set forth in Sections 1.4 of the Zoning Ordinance which is to promote the health, safety, convenience and general welfare of the public. No conflict with uses permitted by-right in the C1 district are expected.

The public health, safety, and general welfare of the community is 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 and antenna array will provide more reliable access to the wireless communication market. This can be seen as contributing to the public health, safety, and welfare. Otherwise, no change to public, health safety welfare is expected.

The county’s specific design criteria for Tier III facilities as set forth in section 5.1.40. (see Attachment F) Only waiver or modification requests to Section 5.1.140 are discussed in detail here and the application otherwise complies with all other requirements of Section 5.1.40.

The request includes special exception requests to modify the following regulations in County Code § 18-5.1.40:

- 1) § 18-5.1.40(b)(3) tree conservation plan
- 2) § 18-5.1.40(b)(2)(c) projection of antennas beyond 18 inches from tower structure

Requests for special exceptions must be reviewed under the criteria established in County Code § 18-33.9(a), taking into consideration the factors, standards, criteria, and findings for each request; however no specific finding is required in support of a decision.

- 1) **§ 18-5.1.40(b)(3) tree conservation plan-** This facility would be located within an already developed office complex and no trees will be impacted. Sheet Z-1 of Attachment B shows the surveyed location of trees within the grassed island where the tower is located and they are not relied upon to provide screening. The applicant requests a special exception to waive the requirement to submit a tree conservation plan showing tree protection measures and identifying trees to be removed and dead and dying trees. Tree conservation plans are more relevant for treetop facilities with reference trees and vegetative screening. None of driplines of the existing small trees extend into the area below the power tower where the equipment is proposed, and they are not within the small area to be disturbed for this facility. Therefore, staff supports this request.
- 2) **§ 18-5.1.40(b)(2)(c) projection of antenna beyond 18" from tower structure-**The applicant requests a special exception to modify this requirement to allow the 14' 6" foot wide platform for antenna that would project beyond the ordinance limit of 18 inches from the proposed monopole structure. (Attachment B) This regulation, among others in Section 5.1.40, is meant to minimize the visual impacts of wireless facilities, consistent with the wireless policy. The policy recommends that antenna attachments to structures complement or match the structure, not overwhelm them. The "top hat" or platform mounted antenna array is specifically discouraged by the Wireless Policy. However, this is an existing lattice tower that has already created visual impacts. The proposed antenna platform will be painted to match the lattice structure and will not exceed the width of the existing power line structure. This antenna platform will be designed similarly to the nearby wireless facility at the Clean Machine carwash at the corner of Route 250 and Riverbend Drive. Due to the minimal increase in visibility that will occur if this request is approved, staff supports this modification request.

Consistency with the comprehensive plan. The use will be consistent with the comprehensive plan.

The property is located in the Pantops Neighborhood of the Comprehensive Plan. The site is designated Urban Density and River Corridor Overlay in the Pantops Master Plan.

A summary of the Personal Wireless Service Facilities Policy is below. This Policy allows for the location of personal wireless service facilities throughout the County.

- The 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.
- Facilities with limited visibility are encouraged.
- Personal wireless service facilities should not be located on ridgetops or along the ridgeline and they should be provided with an adequate backdrop so that they are not skylined.
- Personal wireless service facilities should not adversely impact resources identified in the Open Space Plan or designated as Avoidance Areas.
- Personal wireless service facilities should utilize existing structures where possible.
- Personal wireless service facilities, if appropriately sited and designed, may be appropriate in any zoning district.

- Ground based equipment should be limited in size and be designed in keeping with the character of the area. Antennas should be mounted close to the supporting structure and be designed to minimize visibility.

The proposal is consistent with the wireless policy because it will use an existing structure and is not in an avoidance area. Staff believes it is appropriately designed and sited to avoid additional negative visual impacts.

Tier III personal wireless service facilities 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. There are no resources located on the site proposed for the wireless facility. However, the site is located adjacent to Route 20, an Entrance Corridor and Scenic Byway, and the Rivanna River is nearby. The Comprehensive Plan recommends protection of the scenic qualities of Albemarle's rivers and streams. This proposal is to construct a wireless facility within an existing lattice powerline structure. The visual impacts to the Scenic Byway and river have already occurred and the addition of the wireless facility is not expected to increase visual impacts.

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.

In order 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 sighting 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 which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

- This proposal is on an existing facility and the new monopole and antenna addition will not increase or cause any new impacts to adjacent properties or important resources.
- Due to the height and scale of the existing structure the size difference will not have a significant impact to the structure.
- The Architectural Review Board has recommended approval with conditions.

Factors unfavorable to this request include:

- No unfavorable factors have been identified.

RECOMMENDATION: Staff recommends approval of SP201600005 Verizon Wireless"Southland"/River's Edge III,LLC with the conditions listed below, and the requested special exceptions based on the analysis provided herein.

CONDITION OF APPROVAL:

1. The monopole, platform, antennas, and all equipment shall be installed as depicted on the site plan referred to as "Verizon Wireless Site Name: Southland", prepared by Trent T. Snarr, P.E last revised November 5, 2015. (Attachment B)

Zoning Ordinance Special Exceptions:

Motions (Two Separate):

Motion One for Special Exceptions: The Planning Commission's role is to recommend approval or denial of the Special Exceptions to of the Zoning Ordinance to waive § 18-5.1.40(b)(3) tree conservation plan and modify § 18-5.1.40(b)(2)(c) projection of antennas beyond 18 inches from tower structure.

- A. Should the Planning Commission choose to recommend approval of the Special Exceptions requested.

I move to recommend granting the Special Exceptions for the reasons outlined in the staff report and with the following condition for the modification to § 18-5.1.40(b)(2)(c) projection of antennas beyond 18 inches from tower structure:

1. The platform shall not exceed fourteen and one-half (14.5) feet in width.

- B. Should the Planning Commission choose to recommend denial of these Special Exceptions:

I move to recommend denial of the Special Exceptions outlined in the staff report. (Planning Commission needs to give a reason for denial)

Motion Two for Special Use Permit: The Planning Commission's role in this case is to make a recommendation to the Board of Supervisors.

- A. Should the Planning Commission choose to recommend approval of this Tier III personal wireless service facility:

I move to recommend approval of SP201600005 Verizon Wireless"Southland"/River's Edge III,LLC with the conditions outlined in the staff report.

- B. Should the Planning Commission choose to recommend denial of this Tier III personal wireless service facility:

I move to recommend denial of SP201600005 Verizon Wireless"Southland"/River's Edge III,LLC. (Planning Commission needs to give a reason for denial)

ATTACHMENTS:

- A. [Location Map](#)
- B. [Site Plan](#)
- C. [Photo Simulations](#)
- D. [Applicant Description of Project](#)
- E. [ARB Action Letter and Approved Landscaping Plan](#)
- F. [Section 5.1.40](#)