



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

<b>Project Name:</b> SP201600004 – Albemarle High School Communications Facility - Tier III PWSF (Jack Jouett)	<b>Staff:</b> Christopher P. Perez, Senior Planner
<b>Planning Commission Public Hearing:</b> August 9, 2016	<b>Board of Supervisors Hearing:</b> Tentatively scheduled for September 7, 2016
<b>Owners:</b> County of Albemarle School Board	<b>Applicant:</b> Milestone Communications, Kristen Stelzer
<b>Acreage:</b> 216.69 acres <b>(Lease Area:</b> 3,610 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 60 Parcel 78A <b>Location:</b> 2775 Hydraulic Road	<b>By-right use:</b> Rural Areas (RA), Entrance Corridor (EC), Airport Impact Area Overlay District (AIA)
<b>Magisterial District:</b> Jack Jouett	<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 125 foot tall steel monopole, three arrays of platform-mounted antennas, associated ground-equipment in a 3,610 sf fenced compound, and a small gravel parking area for the school.	<b>Comp. Plan Designation:</b> Rural Area in Rural Area 1.
<b>Character of Property:</b> A large partially developed county owned property that is used as a public school complex and houses Albemarle High School, Jouett Middle School, Greer Elementary School, Ivy Creek School, and Piedmont Regional Education Program. The complex also contains paved parking/travelways, and outdoor athletic fields.	<b>Use of Surrounding Properties:</b> Residential developments surround the school property. [See Attachment A for aerial photograph of the surrounding area.]
<b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. None.</li> </ol>	<b>Factors Unfavorable:</b> <ol style="list-style-type: none"> <li>1. The location, height and design of the monopole, and the method of antenna attachment does not minimize visibility and defeats 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.</li> <li>2. The proposal fails to meet section 5.1.40(b)(6) of the ordinance because the facility is not adequately screened and sited to minimize its visibility from the entrance corridor and adjacent parcels.</li> <li>3. The proposal fails to meet section 5.1.40(b)(2) of the ordinance because the facility does not meet the flush mount provisions of the ordinance.</li> <li>4. The Architectural Review Board (ARB) does not support the request for the special exceptions because of the visibility of the monopole from the entrance corridor.</li> <li>5. Under FCC regulations if approved the monopole would be permitted to increase in height by 20 feet and install antenna extending up to 20 feet from the monopole.</li> </ol>
<b>Zoning Ordinance Waivers and Recommendations:</b> <ol style="list-style-type: none"> <li>1. Included are special exceptions (SE) for Sections 5.1.40(b)(2)(c) (antenna projection) and 5.1.40(b)(11) (color). Based on the findings presented in the staff report, staff recommends denial of SP201600004 and the SE to Section 5.1.40(b)(2)(c) (antenna projection). <i>Staff has no objections to the approval of the SE to section 5.1.40(b)(11) (color).</i></li> </ol>	

**STAFF CONTACT:**

Christopher P. Perez, Senior Planner

**PLANNING COMMISSION:**

August 9, 2016

**BOARD OF SUPERVISORS:**

Tentatively scheduled for September 7, 2016

**PETITION:**

PROJECT: SP201600004 – Albemarle High School Communication Facility - Tier III PWSF

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL: 06000-00-00-078A0

LOCATION: 2775 Hydraulic Road, Charlottesville, VA 22901

PROPOSED: To install a 125 foot tall steel monopole, three arrays of platform-mounted antennas, associated ground-equipment in a 3,610 sf fenced compound, and a small gravel parking area for the school. Two special exceptions are requested: the 1st to allow the color of the monopole to remain grey galvanized steel, and the 2nd to allow mounting equipment a standoff distance greater than 18” from the monopole.

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. Airport Impact Area Overlay District – overlay to minimize adverse impacts to both the airport and the surrounding land.

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 1 - 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 school property is an unusually large parcel of land for this area of the County, approximately 216.69 acres, located in a heavily developed area of the county, which is less than a mile from the City of Charlottesville. The property fronts on Hydraulic Road. The road acts as a division line separating the County’s development area of Neighborhood 1 - Places 29 to the east and the Rural Areas to the west. The topography on either side of this road also provides a natural division line between these two areas. West of Hydraulic Road, into and beyond the school property, the topography gently slopes downward into a valley of heavily forested land with the mountain ridges in the background. East of Hydraulic Road, is a sharp incline in topography with development along the ridge line, which levels off and begins to negatively slope as you move further east. Generally, Hydraulic Road runs on a ridge with property to the west (including this property) draining to the reservoir and property to the east draining away from the reservoir.

Directly across from the school, east of Hydraulic Road, is developed with a mix of high density institutional, residential and commercial uses on small lots, under an acre in size. North of the school is developed with single family homes on heavily wooded lots ranging from 2 acres to 12 acres in size. West of the school development is comprised of larger rural lots ranging from 12 acres to 156 acres, some vacant and heavily wooded, others developed with single family homes, and others remain as farm land. South of the school is fully developed with a mix of attached multifamily units and single family detached homes on lots ranging from 0.53 acres to 6 acres in size. Adjacent to the monopole site, approximately 207 feet from the facility, along the southern border of the property is Georgetown Green Subdivision which consists of 110 multifamily attached units on small lots less than half an acre. [See Attachment A for aerial photograph of the surrounding area]

The areas topography, the large acreage of the parcel, and the existing vegetation limit the visual impacts of the facility from surrounding residential uses to the north and to the west. For this reason the visual impacts of the facility have been narrowed to Hydraulic Road and south of the school property.

**RELAVENT PLANNING AND ZONING HISTORY:**

**ARB-2016-18 Albemarle High School PWSF** – On April 18, 2016 the ARB considered the current proposal with regard to visibility of the facility. The ARB did not support the request for the special exceptions and finds that:

- 1) The location of the facility does not serve to minimize visibility of the facility.
- 2) The height of the facility and the method of antenna attachment do not serve to minimize visibility.
- 3) The addition of the facility, as designed, does not respect existing views and vistas.
- 4) Telecommunications facilities to be constructed on County property should meet the County’s established design standards and the PWSF policy, which is a component of the Comprehensive Plan.

On May 2, 2016 the ARB approved the certificate of appropriateness for only the ground equipment and base station. [Attachment I]

**DETAILS OF THE PROPOSAL:**

Request to install a 125 foot tall steel monopole, three arrays of platform-mounted antennas, associated ground-

equipment in a 3,610 sf fenced compound, and a small gravel parking area for the school. The site will be accessed by an existing access road through the school property served by Lambs Lane. The site is located behind Albemarle High School's football stadium, adjacent to the baseball field, and is sited 207 feet from the southern property line. [Attachment B]

Associated with the request are two SE, the 1st to allow the color of the monopole to remain grey galvanized steel, and the 2nd to allow mounting equipment a standoff distance greater than 18" from the monopole.

**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.

**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 be negatively affected by the use through a change in visibility within the district along the skyline and mountainous views. Siting a monopole of such height and bulk in such a visible location with little screening and no backdrop goes against the County's established PWSF policy which requires less visible and less intrusive siting of these facilities. [See Attachment C for an example of less intrusive as it relates to this property]

**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 set forth in Sections 1.4.3 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 not consistent with either section. Section 1.4.3 states that the zoning ordinance is designed "to facilitate the creation of a convenient, attractive and harmonious community". The siting of this proposed facility does not create an attractive community. Section 10.1 states that the Rural Areas district is established with the intent of: "conservation of natural, scenic, and historic resources". The siting of this proposed facility does not conserve or preserve the natural/scenic views and vistas of the area.

**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 does not minimize visibility and defeats 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 is protected through the special use permit process, which assures that uses approved by special use permit are appropriate in the location requested. The Albemarle County Department of Fire Rescue and the Albemarle County Police Department have endorsed the proposal because the uppermost array is anticipated to enhance coverage in the north and northwest portions of the County, including adding capacity and redundancy at the Foxfield race track for public safety's annual presence there. The enhanced system is also thought to provide an alternative or redundant system for first responders. Fire Rescue has confirmed the need and added benefit the facility may bring to E911 services within the county (see Attachment D). Also, the proposed facility is anticipated to enhance coverage to the public school system and provide broadband service to students within a 1.5 – 2 mile radius of the site. This is generally seen as contributing to the public health, safety and welfare.

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

The Comprehensive Plan designates this area as Rural Area 1. This designation includes preservation and protection of agricultural, forestal, and open space, and natural, historic and scenic resources. The siting and design of the proposed facility does not conserve or preserve the natural/scenic views and vistas of the area.

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 have limited visual impact on the community. The proposed facility does not meet the following principles of the policy:

- 1) *Be designed to minimize visibility* - the location, height, and design of the facility fails to minimize visibility.
- 2) *Utilize existing structures where possible* – to the contrary this facility incentivizes the removal of an existing facility atop the high school.
- 3) *Mount antennas close to the supporting structure* – the extent of the special exception request to the flush mount provisions of the ordinance fails to meet this principle.
- 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 highly sky lit as viewed from Hydraulic Road and from the centrally located homes within the Georgetown Green Subdivision, as well as the northern portion of the loop road serving the subdivision.
- 5) *Not adversely impact scenic resources* - the siting and design of the proposed facility adversely impacts 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 pursuant to 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. [Attachment K]
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 set forth 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. The ground equipment is screened by an 8 foot tall slatted chain link fence that surrounds the 3,610 sf lease area. Surrounding the fence are 34 new plantings of agent approved evergreen screening trees (*Eastern Arborvitae*) that shall be 4 - 5 foot tall at the time of planting. 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.***

Three arrays are currently proposed on the monopole. The uppermost array, at 125' AGL, is intended to be dedicated to Albemarle County. The middle array, at 115' AGL, is proposed to be used by AT&T and is comprised of 3 sector arrays with 4 panel antennas per sector, along with radio heads, and related equipment. The proposed panel antennas are within the 1,400 square inch size limit. The lowest array, at 105' AGL, is a future array which has yet to be leased to a service provider. Final designs for the uppermost array and the lowest array have not been determined or finalized at the time of the application; however, antenna array parameters for all 3 arrays shall not exceed maximum dimensions of the middle array which is proposed for use by AT&T.

The applicant requests a special exception to section 5.1.40(b)(2)(c) of the ordinance to increase the permitted mounting distances of the antennas from the monopole for all three (3) arrays. They request the closest point of the back of the antenna be 4 foot 6 inches from the monopole, which is 3 foot 6 inches further than the 12 inch maximum permitted by the ordinance. They also request the farthest point of the back of the antenna be 5 foot 7 inches from the monopole, which is 4 foot 1 inch further than the 18 inch maximum permitted by the ordinance.

The facility utilizes a platform design to mount the antennas. The platforms themselves extends beyond the distances requested in the special exception, for a maximum projection of 6 foot 3 inches from the monopole at the locations where each of the sides of the platform meet. Each side of the platform measures 12 foot 6 inches in length across the face (see sheet A-1 of the site plan, Attachment B). While this type of mounting technique is not specifically addressed in the ordinance, as the county regulations for projection are intended to limit antenna projection from the monopole, the mass and bulk of the platform should be considered during review of the special exception request. As the intent of 5.1.40(b)(2)(c) is to insure minimal visibility of antennas on a monopole and a modification of this provision is generally discouraged.

Staff does not support the special exception request because it grossly defeats concealment elements established by section 5.1.40 of the ordinance by deviating from the county's preferred mounting technique/requirement that antennas be mounted closer to the tower. The request goes against the County's most important principle for siting PWSF as mentioned in the PWSF policy, minimizing visibility. The visual impacts of approving the special exception request would exacerbate the visual impacts of the proposed monopole by increasing the area and bulk of the three arrays.

All antennae will be painted to match the color of the monopole. [Attachment J]

***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 3 trees are to be removed ranging in height between 51 foot – 80 foot. In an effort to mitigate the visual impacts of the facility to the neighboring residential development of Georgetown Green Subdivision and other surrounding residential properties the agent has required a tree preservation area of 200 foot radius along the southern property line as depicted on sheet Z-1 of the site plan (Attachment B). The agent acknowledges that this buffer does little to screen the 3 arrays from neighboring properties due to the height of the monopole but provide some screening of the monopole itself and aids in sufficiently screening the ground equipment. Within the preservation area the top tree elevation is 650 AMSL, the proposed monopole is 694 AMSL, thus the monopole is 44 foot taller than the trees in the preservation area. 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 to be created 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.*

The ground equipment is screened by an 8 foot tall slatted chain link fence that surrounds the 3,610 sf lease area. Surrounding the fence are 34 new plantings of agent approved evergreen screening trees (Eastern Arborvitae) that shall be 4 - 5 foot tall at the time of planting. Staff has determined that a fence is necessary because of the proximity to the school and associated playing fields. The fence will aid in preventing trespass. The fence is not expected to be visible from adjacent residential properties or from Hydraulic 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, March 16<sup>th</sup> 2016 (see Attachment E for balloon test photographs). During the balloon test staff traveled Hydraulic Road (Route 743), Georgetown Green Road, George Town Road (Route 656), Bear Run, Terrell Road East, Terrell Road West, Barclay Place Court, Court Place, Turtle Creek Road, Arbor Crest Drive, Whitewood Road, Lambs Lane, and visited abutting and surrounding parcels to observe the visibility of the balloon.

The balloon was highly visible and sky lit <sup>2</sup> along views from Hydraulic Road, from approximately 200 feet north of Lambs Road intersection (at the Connect Church, TMP 06100-00-00-00600) to the intersection with Georgetown Road (approximately 1,200 foot of frontage). 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 highly visible & sky lit from these views. The visual impacts of the site are most prevalent from these locations because of the monopole height above the existing trees (44 foot taller than the nearby trees) in addition to the downward sloping topography of the school site and properties beyond, with Hydraulic Road being high ground. [Attachment E]

The ARB at its April 18, 2016 meeting completed a preliminary review of the visibility of the monopole from Hydraulic Road and provided the following recommendation to the Agent: *"The ARB does not support the request for special exceptions and finds that: 1) The location of the facility does not serve to minimize visibility of the facility. 2) The height of the facility and the method of antenna attachment do not serve to minimize visibility. 3) The addition of the facility, as designed, does not respect existing views and vistas. 4) Telecommunications facilities to be constructed on County property should meet the County's established design standards and the PWSF policy, which is a component of the Comprehensive Plan."*

The balloon was also highly visible from twelve (12) centrally located residences within the Georgetown Green Subdivision (TMP 060F0-00-0M-00100 through 060F0-00-0M-00600, and TMP 060F0-00-0N-00100 through TMP 060F0-00-0N-00600), as well as the entire expanse of the northern portion of the loop road serving the development (Georgetown Green Road). Staff requested the applicant provide photo simulations from these vantage points. Upon review of these photos, the monopole is highly visible and sky lit. [Attachment E & F]

The balloon was also visible, but to a lesser degree, from many residences on the northern side of the development adjacent to the site (TMP 060F0-00-0I-00100 through TMP 060F0-00-0I-00600, TMP 060F0-00-0H-00100 through TMP 060F0-00-0H-00500, and TMP 060F0-00-0G-00100 through 060F0-00-0G-00800). The view from these homes is more in line with a treetop tower; however, due to the proximity of the site to the homes (approximately 267 feet at their closest point), the height of the monopole, and the lack in depth of the existing vegetative buffer, during portions of the year without leaves on the trees the net effect will be that the monopole is looming above the homes behind a thin veil of woods. The visual impacts of the site from these properties is due to the monopole height above the existing trees in addition to the topography between the site and the subdivision, which forms a gully between the two properties. [Attachment E & F]

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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 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 adversely impact scenic resources in the county by it being sited such that it is highly 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 applicant requests a SE to section 5.1.40(b)(11) of the ordinance to allow the color of the monopole and antenna to deviate from the required dark brown color and instead permit the monopole to remain matt galvanized steel [Attachment J]. As part of the request the antennas will be painted a non-reflective gray to match the monopole. The remote radio heads, which are mounted behind the antennas shall be painted white to blend with the antennas and platform. The color of the ground equipment is not being modified from the required dark brown color. Staff is in support of the SE request because of the monopole's height and lack of screening and the applicants claim it would resemble existing stadium light poles. However, it should be noted that the proposed facility would only look like the existing ball field pole lights if the monopole height and diameter matched the height of the ball field poles and if the array standoff distance from the monopole matched the ball field attachments, which it does not.

**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.*

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.

**Other Relevant Information**

FCC regulations would apply to a tower constructed as proposed in this application. The regulations would limit the County's ability to review additional uses and modifications to the facility once approved. The County may only deny changes to the facility *if*:

- The tower is increased in height by more than 20 feet; or
- Antenna or other equipment would protrude more than 20 feet from the tower; or
- More than 4 ground-based cabinets are added; or
- Excavation occurs outside the lease area; or
- The change would defeat concealment elements.

Simply stated, if the County approves this monopole at 125 foot, the applicant can administratively apply for a one time increase in height by 20 foot for a total height of 145 foot. It also means that if the county approves the special

exception request to increase the standoff distance of the antenna, the applicant can administratively request an increase in standoff distance to a maximum of 20 foot. [See Attachment G for additional information on this issue.]

It is staffs opinion that any increase in height or antenna standoff would increase the negative impacts of the facility.

**SUMMARY:**

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

**Factors favorable to this request include:**

1. None.

**Factors unfavorable to this request include:**

1. The location, height and design of the monopole, and the method of antenna attachment does not minimize visibility and defeats 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.
2. The proposal fails to meet section 5.1.40(b)(6) of the ordinance because the facility is not adequately screened and sited to minimize its visibility from the entrance corridor and adjacent parcels.
3. The proposal fails to meet section 5.1.40(b)(2) of the ordinance because the facility does not meet the flush mount provisions of the ordinance.
4. The ARB does not support the request for the special exceptions because of the visibility of the monopole from the entrance corridor.
5. Under FCC regulations if approved the monopole would be permitted to increase in height by 20 feet and install antenna extending up to 20 feet from the monopole.

**RECOMMENDATION:** Staff recommends denial of SP201600004 and the SE to Section 5.1.40(b)(2)(c) (antenna projection) based on the analysis provided herein. *Staff has no objections to the approval of the SE to section 5.1.40(b)(11) (color).*

*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 arrays, shall be in general accord with the plan titled "*Milestone Communications Site Name: Albemarle High School, New 3,610 SF fenced compound and new 125'- 0" monopole.*" prepared by Andrew M. Miller, and dated 7/25/16 (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:
  - a. Color (*monopole - matt galvanized steel*) (*antennas non-reflective gray*) (*remote radio heads – white*) (*ground equipment – dark brown*).
  - b. Location of ground equipment
  - c. 200 foot tree preservation area

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

2. The uppermost array, at 125' AGL, shall be dedicated to Albemarle County.
3. 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.

**Zoning Ordinance Special Exceptions:**

1. Section 5.1.40(b)(2)(c) - Modification to the flush mount provisions of the ordinance to increase the mounting distances of the antennas from the monopole for all three (3) arrays. They request the closest point of the back of the antenna be 4 foot 6 inches from the monopole, which is 3 foot 6 inches further than the 12 inch maximum permitted by the ordinance. They also request the farthest point of the back of the antenna be 5 foot 7 inches from the monopole, which is 4 foot 1 inch further than the 18 inch maximum



permitted by the ordinance.

2. Section 5.1.40(b)(11) – Modification to allow the color of the monopole and antenna to deviate from the required dark brown color and instead permit the monopole to remain matt galvanized steel. As part of the request the antennas will be painted a non-reflective gray to match the monopole. The remote radio heads, which are mounted behind the antennas shall be painted white to blend with the antennas and platform. The color of the ground equipment is not being modified from the required dark brown color.

**Motions (Two Separate):**

**Motion One for Special Exceptions:** The Planning Commission's role is to recommend approval or denial of the Special Exceptions to section 5.1.40(b)(2)(c) (antenna projection) and section 5.1.40(b)(11) (*color*) of the Zoning Ordinance.

- A. Should the Planning Commission choose to follow staff's guidance and recommend approval of the SE to section 5.1.40(b)(11) (*color*) and recommend denial of the SE to section 5.1.40(b)(2)(c) (antenna projection):  
**I move to recommend granting the Special Exception to section 5.1.40(b)(11) and recommend denial of the Special Exception to section 5.1.40(b)(2)(c) for the reasons outlined in the staff report.**  
*(Planning Commission needs to give a reason for denial)*
- B. Should the Planning Commission choose not to follow staff's guidance and recommend approval of both Special Exceptions:  
**I move to recommend granting the Special Exceptions to section 5.1.40(b)(11) & section 5.1.40(b)(2)(c).**
- C. Should the Planning Commission choose to recommend denial of both 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 (SP201600004) 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 SP201600004. (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 SP201600004 with the conditions outlined in the staff report.**

**ATTACHMENTS:**

- A. [Parcel and Location Maps](#)
- B. [Concept Plan/Site Plan](#)
- C. [Less visible and less intrusive \(policy and existing light poles\)](#)
- D. [Endorsement from the ACF, ACP, and CBIC](#)
- E. [Photos from the balloon test & photo simulations](#)
- F. [Visual impacts to Georgetown Green Subdivision](#)
- G. [Memo from Bill Fritz discussing FCC rules related to eligible support structures](#)
- H. [Community meeting notes and citizen correspondence](#)
- I. [ARB action letters and staff report](#)
- J. [Example of monopole color](#)
- K. [Chapter 18 Section 5.1.40 in affect at the time of application review/action](#)