



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201700015 – Stony Point Volunteer Fire Co - Tier III PWSF (Rivanna)	Staff: Christopher P. Perez, Senior Planner
Planning Commission Public Hearing: October 10, 2017	Board of Supervisors Hearing: Tentatively scheduled for November 8, 2017
Owners: Stony Point Volunteer Fire Co, Incorporated	Applicant: Milestone Communications, Lori Schweller
Acreage: 8.02 acres (Lease Area: 2,500 square feet)	Special Use Permit for: Section 12.2.2 (16), which allows for Tier III personal wireless facilities in the Village Residential zoning district.
TMP: Tax Map 48 Parcel 18D Location: 3827 Stony Point Road	By-right use: Village Residential (VR), Entrance Corridor, Southwest Mountains Rural Historic District, and Scenic Byway (Rte. 20)
Magisterial District: Rivanna	Proffers/Conditions: No
Requested # of Dwelling Units/Lots: N/A	DA - RA – X
Proposal: To install a 135-foot tall steel monopole, four flush mounted arrays, associated ground-equipment in a 2,500 sf fenced compound, and a gravel access road. Associated with the request are two special exceptions (SEs).	Comp. Plan Designation: Rural Area 2
Character of Property: An 8.02 acre partially developed, mostly wooded property, home to the Stony Point Volunteer Fire Station.	Use of Surrounding Properties: Stony Point Elementary School, single-family detached residential (small lot size to the west, and larger lot sizes to the east and south). [See Attachment A for aerial photograph of the surrounding area.]
Factors Favorable: <ol style="list-style-type: none"> 1. The proposed facility has minimum visibility due to the proposed height, location, and method of antenna attachment, which are “concealment elements”. 2. The Architectural Review Board (ARB) has no objections to the special exceptions and finds that the proposed location sufficiently minimizes the visibility of the monopole from the entrance corridor. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. The proposal is located within the avoidance areas described as the Southwest Mountains Rural Historic District, and the Scenic Byway (Rte. 20).
Zoning Ordinance Waivers and Recommendations: <ol style="list-style-type: none"> 1. Included are SEs for Section 5.1.40(b)(2)(a) (number of arrays) and Section 5.1.40(b)(2)(c) (antenna projection). Based on the findings presented in the staff report, staff recommends approval of SP201700015 and both SEs. 	

STAFF CONTACT:

Christopher P. Perez, Senior Planner

PLANNING COMMISSION:

October 10, 2017

BOARD OF SUPERVISORS:

Tentatively scheduled for November 8, 2017

DETAILS OF THE PROPOSAL:

Request to install a 135-foot tall steel monopole, four arrays of flush-mounted antennas, associated ground-equipment in a 2,500 square foot fenced compound, and a 10 feet wide gravel access road through the Fire Station property. Associated with the request are two Special Exceptions (SEs), the first to allow more than three arrays on the monopole (a total of up to 4 arrays), and the second to allow the closest point of the back of the antenna to be more than 12 inches from the facility; however, the furthest point of the back of the antenna remains compliant with the County Ordinance, in that the furthest point of the back of the antenna shall not be more than 18 inches from the monopole. [Attachment B]

CHARACTER OF THE AREA:

The proposed facility is located on a partially developed 8.02 acre parcel, which is home to the Stony Point Fire Station. The property fronts Route 20, abuts the Stony Point Elementary School, and is surrounded by residential lots of varying size (smaller lots to the North and to the West, and larger lots to the East and the South) [Attachment A]. The facility is to be situated in a wooded section of the parcel approximately 706 feet south of the school, 657 feet east of Route 20, and 300 feet from the nearest residence. The property is located within the Southwest Mountains Rural Historic District and the Entrance Corridor. Route 20 is a Scenic Byway.

RELAVENT PLANNING AND ZONING HISTORY:

ARB-2017-73 Stony Point Volunteer Fire Co PWSF Tier III – On September 18, 2017 the ARB unanimously recommended approval of the proposed facility, the ground equipment, and the special exceptions. They found that the proposed location sufficiently minimized the visibility of the monopole from the Entrance Corridor.

SDP2013-37 Stony Point Fire Station (Tier II) – 109.5 feet tower with reference tree. The location of the proposed facility was closer to Rte. 20 and sited just behind the fire station. Approved on December 2, 2013 but has not been constructed.

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 section 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 section 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 F]
2. The facility shall comply with all conditions of approval of the special use permit.

The applicable requirements of section 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 section 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) have been met, with the exception of section 5.1.40(b)(2)(a) and section 5.1.40(b)(2)(c), which the applicant has requested SEs to modify or waive these design requirements. Analysis of the SE requests are provided below. Additionally, below staff has provided analysis of the visibility of the facility as viewed during the balloon test. [**Ordinance sections are in bold italics**]

Section 5.1.40(b)(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 ¹ was conducted on Tuesday, August 22, 2017. During the balloon test staff traveled Stony Point Road (Rte. 20), Watts Passage (Route 600), Sacre Meadow Lane, Merrie Meadows Lane, Stony Point Pass, and November Hill Farm Rd to observe the visibility of the balloon from these streets as well as adjacent residential parcels. The balloon was only visible just above the treetops and for a very short duration along Rte. 20, west of the

¹ 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)).

site. These views are shown in the attached balloon test photos [Attachment C]. On September 18, 2017 the ARB unanimously recommended approval of the proposed facility, the ground equipment, and the special exceptions. They found that the proposed location sufficiently minimized the visibility of the monopole from the Entrance Corridor.

The topography and existing vegetation of the site and surrounding properties, categorized as “the location”, work together to minimize visibility of the proposed facility from adjacent parcels and streets. The facility is proposed on a partially developed 8.02-acre parcel, deep within a heavily wooded area of the site, surrounded on all sides by existing forest. The ground elevation of the facility is 480 feet above mean sea level (AMSL). The topography west of the facility gradually increases to 500 feet AMSL at Rte. 20. Between the facility and Rte. 20 are 5 single-family residential homes on small lots ranging in size from 0.83 acres to 1.88 acres. Of these, the 2 lots that abut the fire station property have very little existing vegetation. The remaining 3 lots fronting Rte. 20 have large trees stands throughout the properties. The topography north of the facility gradually increases to 548 feet AMSL at the Stony Point Elementary School. Between the proposed facility and the school are large amounts of undeveloped heavily wooded portions of the Fire Station property and the School property. The topography south of the facility gradually increases to 488 feet AMSL at addressed structure 3775. This lot is roughly 13 acres in size and has sparse stands of existing vegetation throughout the property. The topography east of the facility gradually rises to 532 feet AMSL and is categorized by large heavily wooded parcels.

Of the trees proposed to be removed with the installation of the facility, only 2 are of comparable size (approximately 89 feet tall & 97 feet tall) and location to the remaining trees relied upon for screening of the monopole from Rte. 20, west of the site. The loss of these 2 trees is not paramount to maintain the screening of the facility; however, remaining trees onsite to the west and to the south of the facility provide screening of the monopole and ground equipment from adjacent residential properties, as well as aid in the screening from Rte. 20. To ensure this existing screening is maintained, the agent has required the applicant preserve existing wooded areas on the fire station property in excess of the required 100 feet required by the ordinance. The additional tree preservation areas have been identified with hatching, depicted, and labeled on sheet Z-1 of the plan. This tree preservation area shall be included on the required tree conservation plan as required under section 5.1.40(b)(3).

The site provides adequate opportunities for screening and the facility is appropriately sited to minimize its visibility from adjacent parcels and streets, including but not limited to the Entrance Corridor.

Section 5.1.40(b)(2)(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.*

The SE request seeks to permit 4 arrays instead of the 3 arrays permitted by the ordinance. The request is being made because the applicant plans to lease space on the facility to a large carrier, which will likely require at least 2 array positions on the monopole to provide their services because of the flush mount design requirements. As discussed above the monopole will be visible just above the treetops, and for a very short duration along Rte. 20, west of the site. Because the site provides adequate opportunities for screening and the facility is appropriately sited to minimize its visibility from adjacent parcels and streets, including but not limited to the Entrance Corridor the additional array is not anticipated to have a negative effect on the facility’s visibility. For the above reasons staff supports the request and recommends approval of the SE request.

Section 5.1.40(b)(2)(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.*

The SE request seeks to permit the closest point of the back of the antenna to be more than 12 inches from the monopole; however, the request does not seek to permit the furthest point of the back of the antenna to be further than 18 inches from the monopole. The intent of this dual requirement is to maintain flush mounting while permitting tilt of antennas. The proposed facility does not utilize tilt in the antenna attachment or arrangement; rather, the antenna are to remain vertical to the monopole. The maximum standoff distance of the furthest point of the back of the antennas shall remain no further than 18 inches from the monopole. Granting this request maintains the flush mount provisions in the ordinance and does not affect visibility. For the above reasons staff recommends approval of the SE request.

Section 5.1.40(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 discussed above, to ensure the existing screening from Rte. 20 and adjacent properties are maintained, the agent has required the applicant preserve existing wooded areas on the fire station property to the west and the south in excess of the 100 feet required by the ordinance. The additional tree preservation areas have been identified with hatching, depicted, and labeled on sheet Z-1 of the plan. This tree preservation area shall be included on the required tree conservation plan.

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 ARB also finds that the proposed location sufficiently minimizes the visibility of the monopole from the Entrance Corridor. Additionally, the ARB has no objections to the special exceptions. The facility is located in a heavily wooded area of the property. The monopole will only be visible just above the treetops, and for a very short duration along Rte. 20, west of the site.

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.

The request appropriately sites the facility to minimize visibility from the Entrance Corridor and abutting properties. Staff has reviewed the request as it relates to the "purpose and intent" of Sections 1.4 (Authority, Establishment, Purpose of Official Zoning Map) and Section 12.1 (Village Residential Zoning District) of the Zoning Ordinance. The request is consistent with both sections, by not destroying or impacting identified historic resources, and by permitting related nonresidential development in order to increase the vitality and attractiveness of such areas as a living environment by providing improved and reliable wireless services in this area of the 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 VR zoning district or the adjacent Rural Areas (RA) zoning district because of the facility's remote location, level of visibility, and infrequency of traffic to serve the facility.

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

The proposed height, location, and method of antenna attachment are "concealment elements", which minimize visibility of the facility. These concealment elements are 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.

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 ensures 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 2. This designation includes preservation and protection of agricultural, forestal, and open space, and natural, historic and scenic resources. Furthermore, the County adopted the PWSF 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 meets the following principles of the policy:

- 1) *Be designed to minimize visibility* – The proposed facility has minimum visibility due to the proposed height, location, and method of antenna attachment, which are “concealment elements”.
- 2) *Utilize existing structures where possible* – The applicant analyzed the viability of the Park Hill tower (AT&T) for a collocation; however, it is 1.3 miles from Stony Point and there will be several points of lost service between that location and Barboursville (the intended service area). The applicant also analyzed the viability to collocating on Stony Point Elementary School or the Fire Station itself; however, neither building could be considered a collocation opportunity since antennas on those structures would not clear the trees.
- 3) *Mount antennas close to the supporting structure* – This requirement is met through flush mounting of antenna arrays. The projection of these antennas are no greater than 18 inches from the monopole.
- 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 ever so slightly sky lit but will only be visible just above the treetops, and for a very short duration along the Entrance Corridor. The level of visibility is supported by the PWSF policy.
- 5) *Not adversely impact scenic resources* - The siting and design of the proposed facility does not adversely affect the scenic views and vistas of the area. It does not substantially impact the Entrance Corridor or the Scenic Byway designation. The ARB finds that the proposed location sufficiently minimizes the visibility of the monopole from the Entrance Corridor. The Scenic Byway (Rte 20) designation as an avoidance area is not triggered by this application because the facility is not within 200 feet of the Scenic Byway. In this circumstance, the Scenic Byway is 657 feet west of the proposed facility, regardless; the majority of the monopole is sufficiently screened by existing vegetation. The facility is only visible just above the treetops and for a very short duration along the Entrance Corridor and Scenic Byway.

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.

Other Relevant Information

A) 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.

As it relates to this application, the proposed height, location, and method of antenna attachment are “concealment elements”, which minimize visibility of the facility. These “concealment elements” are 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. If the facility were raised in height further above the tree line, the visibility of the facility may be increased beyond acceptable levels. If the location of the facility were modified the base elevation of the facility may be impacted by the topography of the new site, which may reduce the effectiveness of the existing trees on the property to provide sufficient screening, which may increase visibility of the facility beyond acceptable levels. If the method of antenna attachment deviates from flush mounting techniques, the standoff distance of the antenna from the monopole would be increased causing the area and bulk atop the facility to increase, which may effect the visibility of the facility beyond acceptable levels.

B) The installation of the proposed facility and the 10 foot wide access road serving the facility requires 17,499 sf of land disturbance. A VSMP permit is required pursuant to Section 17-302 of the ordinance.

C) Citizen Correspondence Received [Attachment E]. Staff received written feedback from 3 citizens in support of the facility because they are hopeful the facility will bring improved cellular service in this area of the County. Staff communicated with 1 citizen in opposition to the facility. The communication comprised of numerous emails, voicemails, phone calls, and in person conversations. The feedback received focused on concerns of the health effect caused by the facility (to children, pregnant women, and anyone else who lives nearby), requests to notify the parents of students at the elementary school of the proposal, concerns about the negative impacts to property values caused by the facility, concerns about the potential for the facility to catch fire and start a forest fire, concerns about the view of the monopole & ground equipment from the nature trail behind the elementary school, and concerns about the view from Rte. 20 and surrounding properties. Additionally, staff received verbal feedback from a couple walking their property during the balloon test. They requested another balloon test be performed during the winter months to better gauge the visibility after the leaves have fallen off the trees. Staff also received feedback from 2 citizens interested in receiving more information about the proposal. No follow-up correspondence was received by staff from these citizens after they were provided with the requested information about the proposal.

During the review of this PWSF staff has not and could not consider or factor in emission levels or possible health effects from these facilities because the FCC regulates these aspects of PWSF and localities are prohibit from doing so. Such information has been explained to each citizen who has contacted staff.

SUMMARY:

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

Factors favorable to this request include:

1. The proposed facility has minimum visibility due to the proposed height, location, and method of antenna attachment, which are “concealment elements”.
2. The Architectural Review Board (ARB) has no objections to the special exceptions and finds that the proposed location sufficiently minimizes the 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 Southwest Mountains Rural Historic District, and the Scenic Byway (Rte. 20).

RECOMMENDATION: Based on the findings presented in the staff report, staff recommends approval of SP201700015 and both SEs.

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 – Shentel at Stony Point Volunteer Fire Co.*” prepared by John Caborgoudy, and dated 9/19/17 (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 technique, as shown and described on the Conceptual Plan and mentioned below:
 - a. Height (135 feet tall)
 - b. Monopole location
 - c. The farthest point of the back of the antennas shall be no more than 18 inches from the monopole

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

2. Prior to the issuance of a building permit a VSMP permit will be required.

Zoning Ordinance Special Exceptions:

1. Section 5.1.40(b)(2)(a) *Number of Arrays*. - Modification to permit 4 arrays instead of the 3 arrays permitted by the ordinance.
2. Section 5.1.40(b)(2)(c) *Antenna Projection*. - Modification to permit the closest point of the back of the antenna to be more than 12 inches from the monopole. The request does not seek to permit the furthest point of the back of the antenna to be more than 18 inches from the monopole.

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)(a) and Section 5.1.40(b)(2)(c) of the Zoning Ordinance.

- A. Should the Planning Commission choose to recommend approval of the SEs:
I move to recommend approval the Special Exceptions to Section 5.1.40(b)(2)(a) and Section 5.1.40(b)(2)(c) for the reasons outlined in the staff report.
- B. Should the Planning Commission choose to recommend denial of the SEs:
I move to recommend denial of the Special Exceptions to Section 5.1.40(b)(2)(a) and Section 5.1.40(b)(2)(c). (Planning Commission needs to give a reason for denial)

Motion two for Special Use Permit: The Planning Commission's role in this case (SP201700015) 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 SP201700015 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 SP201700015. (Planning Commission needs to give a reason for denial)

ATTACHMENTS:

- A. [Parcel and Location Maps](#)
- B. [Concept Plan/Site Plan](#)
- C. [Photos from the Balloon Test](#)
- D. [Memo on New FCC Rules Related to Eligible Support Structures](#)
- E. [Citizen Correspondence](#)
- F. [Chapter 18 Section 5.1.40 in Affect at the Time of Application Review/Action](#)