



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201700027 – Keswick – Tier III Personal Wireless Service Facility	Staff: William D. Fritz, AICP
Planning Commission Public Hearing: February 20, 2018	Board of Supervisors Hearing: April 4, 2018
Owners: Virginia Oil Company Inc.	Applicant: Edward L. Donohue
Acreage: 12.49 acres (Lease Area: 10,000 square feet)	Special Use Permit for: 10.2.2(48) Special Use Permit, which allows for Tier III personal wireless facilities in the RA Zoning District.
TMP: Tax Map 94 Parcel 39 Location: Southwest corner of the intersection of I-64 and Black Cat Road (Route 616)	By-right use: Rural Areas (RA), Commercial (C1) and Entrance Corridor (EC)
Magisterial District: Scottsville	Proffers/Conditions: Yes
Requested # of Dwelling Units/Lots: N/A	DA - RA – X
Proposal: To install a 150 foot tall steel monopole, five arrays of platform-mounted antennas and associated ground-equipment in a 10,000 square foot fenced compound.	Comp. Plan Designation: Rural Area in Rural Area 2.
Character of Property: The front half of the property, adjacent to Black Cat Road, is wooded. The rear portion is open field. The front portion of the property is zoned Commercial (C1), The rear portion is zoned Rural Areas (RA). The facility is proposed in the open portion of the property which is zoned RA.	Use of Surrounding Properties: This is a Rural Area with a mixture of farmland, forest and residential development. [See Attachment A for aerial photograph of the surrounding area.]
Factors Favorable: <ol style="list-style-type: none"> 1. Approval would allow coverage to be maintained essentially, as it exists today. 	Factors Unfavorable: <ol style="list-style-type: none"> 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 tower fails to meet section 5.1.40(b)6 because the facility would be visible from a resource identified in an open space easement. 4. 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. 5. The tower fails to meet section 5.1.40(b)(2) because the facility proposes five arrays instead of a maximum of three. 6. The facility is inconsistent with the Comprehensive Plan.

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| | <p>7. 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 which would further increase the visibility of the facility.</p> |
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Zoning Ordinance Waivers and Recommendations:

1. Included are special exceptions (SE) for Sections 5.1.40(b)(2)(a) (number of arrays), 5.1.40(b)(2)(c) (antenna projection) and 21.7(c) (buffer adjacent to rural areas districts). Based on the findings presented in the staff report, staff recommends denial of SP201700027 and the SE to Sections 5.1.40(b)(2)(a) (number of arrays), and 5.1.40(b)(2)(c) (antenna projection). *Staff has no objections to the approval of the SE to 21.7(c) (buffer adjacent to rural areas districts).*

STAFF CONTACT:

William D. Fritz, AICP

PLANNING COMMISSION:

February 20, 2018

BOARD OF SUPERVISORS:

April 4, 2018

PETITION:

PROJECT: SP201700027 – Keswick – Tier III Personal Wireless Service Facility

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 09400-00-00-03900

LOCATION: Southwest corner of the intersection of I-64 and Black Cat Road

PROPOSED: To install a 150 foot tall steel monopole, five arrays of platform-mounted antennas, associated ground-equipment in a 10,000 sf fenced compound.

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). Included are special exceptions (SE) for Sections 5.1.40(b)(2)(a) (number of arrays), 5.1.40(b)(2)(c) (antenna projection) and 21.7(c) (buffer adjacent to rural areas districts).

ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots), C1, Commercial which allows retail sales and service; residential by special use permit (15 units/ acre); Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 2 - 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:

Attachment A contains an aerial photograph of the area. The area is a mixture of farmland, forest and residential development. Three parcels in the immediate area are in a Conservation Easement. I-64 abuts the property to the north.

An existing 150 foot tall Personal Wireless Service Facility is located approximately 850 feet west of the proposed facility that is under review.

RELAVENT PLANNING AND ZONING HISTORY:

A Personal Wireless Service Facility was approved on the property immediately to the west of the facility proposed by the current application. The existing tower was approved in 1997. After the construction of the tower the property was placed in a conservation easement which is held by the Virginia Outdoors Foundation (VOF). The provisions of the conservation easement require the existing tower to be removed by the end of 2018. The County is not a party to the conservation easement.

The existing tower is used by five (5) service providers. The application under review is intended to provide for the relocation of all the service providers currently located on the existing tower. The applicant has requested that the Virginia Outdoors Foundation modify the easement to allow the existing tower to remain. The applicant has stated that if the easement is modified they will not construct the proposed tower. The VOF has delayed consideration of a modification of the easement until after the County has acted on this special use permit application.

On January 8, 2018 the Architectural Review Board (ARB) reviewed the current proposal. The ARB did not support the application because of the visibility from the Entrance Corridor. The ARB noted that the special exceptions for the number of arrays and antenna projection would increase the visibility of the tower. The ARB was able to support the screening for the ground equipment subject to changes to landscaping. (Attachment B)

DETAILS OF THE PROPOSAL:

Request to install a 150 foot tall steel monopole, five arrays of platform-mounted antennas, associated ground-equipment in a 10,000 sf fenced compound. The site will be accessed by a new access way. The front portion of the

property is zoned C1, Commercial. If the front portion of the property is developed, access will be thru the commercial development. The application includes special exceptions to allow standoff distance greater than 18” from the tower, more than three arrays and disturbance of the buffer between C1, Commercial and RA, Rural Areas zoning.

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.

The primary impact of this facility will be visibility. The facility will not prevent the use of any lots. However, it will be visible from various lots. Staff opinion is that the visual impact is a detriment. However, the impacts are not severe enough to be described as a substantial detriment.

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. This impact occurs on the Entrance Corridor Overlay District (I-64) and on rural properties.

This tower is a replacement of an existing tower that already impacts the area. Therefore, it may be stated that this tower is a continuation of the impact created by the existing tower and does not represent a change. However, the existing tower is noted as having significant impacts. The existing tower is included in the Comprehensive Plan as an example of the type of facility that is not appropriate in the Rural Area. (Attachment C) The proposed tower is of a different design, monopole instead of lattice. However, the height and antenna arrays are similar. It is staff’s opinion that the proposed tower will have a similar impact as the existing tower. This impact is inconsistent with the character of the Rural Area and the Entrance Corridor Overlay District.

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 of the Rural Areas (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 by-right uses within the RA, Rural Areas or the C1, Commercial districts.

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

(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.

As previously noted the existing tower must be removed because of the requirements of a conservation easement held by the VOF. The applicant has requested that the VOF amend the easement to allow the existing tower to remain. In support of that request the applicant has submitted letters from each of the carriers and the Fluvanna County Sheriff stating that the existing tower allows emergency calls to be made and provides a convenience for those living in the area and travelling on I-64 and Richmond Road. These letters assert that if the existing tower is removed a replacement facility will be required nearby to provide the same level of coverage. Attachment D contains these letters as all other information submitted by the applicant.

Staff does not deny that the proposed facility will effectively replace the coverage provided by the existing tower. However, this coverage may be achieved by different means that have not been applied for by the applicant. The County’s wireless policy is essentially one of limiting visibility. Coverage may be accomplished, and has been accomplished for significant portions of the County, using this policy of limited visibility. The

service providers on the existing tower may be able to provide substantially the same level of service by utilizing tree top facilities that do not have adverse visual impacts and are consistent with the Comprehensive Plan and Zoning Ordinance. The applicant has stressed the urgency of replacing the tower because the existing tower must be removed by the end of the year. This issue has been known to the applicant since 2007 and should not be a factor in the County's decision making process.

The proposed facility may be in harmony with the public health and safety due to the fact that it does provide coverage allowing people to make emergency calls. (Neither the existing or proposed site is used by any public emergency service providers. The existing and proposed tower are exclusively used by commercial carriers.)

The proposed facility is not in harmony with the general welfare as it is not consistent with the Comprehensive Plan or Zoning Ordinance.

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. 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 Personal 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* – the carriers are using an existing structure which must be removed. Staff is not aware of existing structures that could be used.
- 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* – as previously stated in this report and will be discussed in more detail below, the facility will be visible from public streets, and residences. The facility is skylined.
- 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) of the ordinance unless modified by the board of supervisors during special use permit review.
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. No lighting is proposed with the facility. The ground equipment is screened by fencing and screening as required by the Architectural Review Board. 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.

All antennae will be painted to match the color of the monopole. The proposed panel antennas are within the 1,400 square inch size limit.

The applicant requests a special exception to section 5.1.40(b)(2)(a) to allow five arrays instead of three. This increase in arrays increases the visibility of the tower.

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 five (5) arrays. They request the closest point of the back of the antenna be approximately 4 feet 6 inches from the monopole, which is 3 feet 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 approximately 8 feet from the monopole, which is 6.5 feet 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 approximately 11 feet from the monopole at the locations where each of the sides of the platform meet. 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, a modification of this provision is generally discouraged.

Staff does not support the special exception requests because they defeat 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 arrays and increasing the number of arrays permitted.

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, 91 trees are to be removed. All of these trees are in the front portion of the property and will be removed to allow construction of the access road. No trees will be removed within 260 feet of the tower. The trees proposed for removal will not increase the visibility of the site. If the trees on the front

portion of the property are removed, staff opinion is that the tower will be visible from Black Cat Road. Retention of trees beyond 200 feet from the tower would be necessary to minimize the visibility from Black Cat Road. This retention of trees on the property may be included as a condition of approval.

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 will be screened by a fence and landscaping as required by the Architectural Review Board. This fencing and landscaping will serve to reduce the visibility of the ground equipment from I-64. However, staff opinion is that the size of the facility is such that any screening is merely reducing the visibility of individual components of the ground equipment and does not serve to eliminate or reduce the overall visibility of the facility.

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 December 8, 2017. (see Attachment E for balloon test photographs). During the balloon test, staff travelled on I-64 east and west of the site, Richmond Road east and west of the site and Black Cat Road north and south of the site.

The balloon was visible on I-64 west of the facility. This visibility was sporadic due to trees adjacent to the interstate. The balloon was visible only when near the site. Ground equipment will be visible from the east bound exit ramp of I-64. The balloon was not visible on I-64 east of the site.

The balloon was highly visible on Richmond Road south and west of the site. Large areas of farmland offer no screening from Richmond Road for a significant amount of frontage. The balloon was not visible on Richmond Road east of the site.

The balloon was highly visible on Black Cat Road north of the site in the area just north of the entrance of Keswick Estates. The balloon was not visible on Black Cat Road south of the site.

Staff has prepared a visibility map, Attachment F. This map utilizes the height of the tower provided by the applicant and the County's data on topography and tree height to estimate where the tower will be visible. This map shows in red those areas where the tower will be visible. Based on field observation of the balloons visibility, staff has high confidence in the accuracy of the map. The visibility map shows that in addition to the locations mentioned above, the tower will be visible from:

- Keswick Farm Subdivision located south of Richmond Road
- Residences both north and south of Richmond Road to the west
- Residences to the east of Black Cat Road to the north of I-64
- A residence at the end of Mechunk Road to the east
- The residence on the property immediately to the west (This is the property under conservation easement where the existing tower is located.)

Other locations may have limited visibility. However, based on the mapping, staff opinion is that the visibility will not be intrusive.

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)).

The property immediately to the west is in a conservation easement held by the Virginia Outdoors Foundation. (The existing tower is located on this property.) The property is primarily an open space easement but it also contains a historic resource. The easement states in part “WHEREAS, the Property contains a dwelling dating to 1885 which is visible from the public road” and “WHEREAS, the property fronts on Route 250, an historic east-west route across Virginia, and because of the topography and the openness of the land, the Property’s open fields, pond and 1885 house are substantially visible from that road and provide scenic enjoyment to the general public traveling that road”. The easement calls for the protection of the 1885 house. Based on photographs provided by the applicant and the County’s visibility analysis the proposed tower will be visible from this identified resource.

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 Personal Wireless Service Facility 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 meets the requirements of this section.

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 siting 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 detailed 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. The applicant has stated that the existing network in eastern Albemarle County has been built around the existing tower. The applicant has stated that if the existing tower is removed a new tower of substantially the same design and in close proximity to the existing tower is necessary to allow the network to continue to function. The applicant also states “If Keswick Tower is removed, a replacement site (or sites) that will minimize the impact of changes to the surrounding sites will be needed so that when the carriers move to it (or them) the impact on the public is minimized and subscribers do not have a significant change or disruption in services. If the existing structure cannot be replaced, then problems in either capacity or contiguous service will necessarily result”. No applications for alternative sites have been submitted.

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 150 feet, the applicant can administratively apply for a one time increase in height by 20 feet for a total height of 170 feet. 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 feet. [See Attachment G for additional information on this issue.]

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

Special Exception to allow disturbance of buffer between C1, Commercial and RA, Rural Areas zoning

The front portion of this property is zoned C1, Commercial and the rear portion is zoned RA, Rural Areas. Chapter 18, Section 21.7(c) requires a 20 foot undisturbed buffer between commercially zoned property and Rural Areas zoned property. The zoning boundary and not the parcel boundary is what the requirement is based on. In order to access the rear portion of the parcel the buffer between the two zoning districts will be cleared to allow for the construction of the access road. It should be noted that any use of the rural portion of this property will require disturbance of the buffer. The Board of Supervisors may grant a special exception upon consideration of whether: (Ordinance language is in bold. Staff comment is in plain text)

(i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design;

Any access to the rear portion of the property, even for by-right use will require clearing for an accessway. Staff opinion is that this criteria is met.

(ii) minimum screening requirements will be satisfied;

The existing trees will remain except in the area of the accessway. Staff opinion is that this criteria is met.

and (iii) existing landscaping in excess of minimum requirements is substantially restored.

No additional landscaping is required and none could be installed and still allow for an accessway. Staff opinion is that this criteria is met.

Staff opinion is that granting this special exception is appropriate. The disturbance proposed is no greater than would be required to allow by-right use of the rear portion of the property.

SUMMARY:

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

Factors favorable to this request include:

1. Approval would allow coverage to be maintained essentially as it exists today.

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 tower fails to meet section 5.1.40(b)6 because the facility would be visible from a resource identified in an open space easement.
4. 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.

5. The tower fails to meet section 5.1.40(b)2 because the facility proposes five arrays instead of a maximum of three.
6. The facility is inconsistent with the Comprehensive Plan.
7. 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 which would further increase the visibility of the facility.

RECOMMENDATION: Staff recommends denial of SP201700027 and the SE to Section 5.1.40(b)(2)(a) (number of arrays) and Section 5.1.40(b)(2)(c) (projection) based on the analysis provided herein. *Staff has no objections to the approval of the SE to section 21.7(c) (buffer).*

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 “Keswick, Virginia Black Cat Road. Keswick, VA 22947 Albemarle County” dated 12/4/17 (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, concealment technique, and concealment elements of the eligible support structure, as shown and described on the Conceptual Plan and mentioned below:
 - a. Color (equipment and monopole – Sherwin Williams – Java Brown)
 - b. Tower height
 - c. Location of ground equipment
 - d. No tree removal on the entire property except as shown on the Conceptual Plan

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

2. 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) of the Albemarle County Zoning Ordinance unless modified by the board of supervisors during special use permit review.

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) (number of arrays) and section 5.1.40(b)(2)(c) (projection) and section 21.7(c) (buffer) of the Zoning Ordinance.

- A. Should the Planning Commission choose to follow staff’s guidance and recommend denial of the SE to sections 5.1.40(b)(2)(a) (number of arrays) and section 5.1.40(b)(2)(c) (projection) and approval of the SE to section 21.7 (buffer):

I move to recommend denial of the Special Exceptions to Sections 5.1.40(b)(2)(a) (number of arrays) and section 5.1.40(b)(2)(c) (projection) and approval of the Special Exception to section 21.7 (buffer) 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 sections 5.1.40(b)(2)(a) (number of arrays) and Section 5.1.40(b)(2)(c) (projection) and section 21.7 (buffer)

Motion two for Special Use Permit: The Planning Commission’s role in this case (SP201700027) 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 S SP201700027. (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 SP201700027 with the conditions outlined in the staff report.

ATTACHMENTS:

- A. [Parcel and Location Maps](#)
- B. [Architectural Review Board action letter](#)
- C. [Comprehensive Plan information](#)
- D. [Applicant's information packet](#)
- E. [Photos from the balloon test & photo simulations](#)
- F. [Visibility Map](#)
- G. [Memo from Bill Fritz discussing FCC rules related to eligible support structures](#)