



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

June 21st, 2018

Stephen Waller, AICP
8159 Cancun Court
Gainesville, VA 20155

RE: SDP201800027 – Verizon – Frys Spring Tier II (5th Street Station)

Dear Mr. Waller:

The development proposal referenced above cannot be approved as currently proposed. Pursuant to Albemarle County Code §18-5.1.40 (the "Wireless Ordinance"), if the agent disapproves an application, he shall identify which requirements were not satisfied and inform the applicant what needs to be done to satisfy each requirement. This letter serves to identify these requirements and the steps needed to resolve them.

One requirement that cannot be satisfied under the current proposal is contained in §5.1.40(b)(6) of the Wireless Ordinance. This requirement states in part that "the site shall provide adequate opportunities for screening".

It is understood that the "site" in this context is the lot seeking to receive zoning approval of a personal wireless service facility, TMP 076M1-00-00-00200. The County will consider tree preservation easements on abutting properties as a method to secure screening. This is predicated on the fact that the applicant would have the ability to ensure compliance with Wireless Ordinance § 5.1.40(b)(6) and prevent the clearing of screening trees by other parties. As the VDOT right-of-way is not included in the lots and VDOT will not grant your client easement (per e-mail dated June 13, 2018), **the agent is unable to make a positive finding to satisfy the requirement that adequate opportunities for screening are being provided by the site.**

Additionally, the following Wireless Ordinance requirements have not been satisfied at this time:

1. **[5.1.40(b)(2)(c), 5.1.40(a)(12)] Projection.** A special exception was requested to modify Section 5.1.40(b)(2)(c) of the Zoning Ordinance. This request has not yet been processed.
2. **[5.1.40(b)(2)(c)] Projection.** Please fix Note 4 on Sheet C-3 from "26 inches" to "18 inches" to reflect the Zoning Ordinance and the other diagrams shown on this sheet.
3. **[5.1.40(c)(6)] Site Plan.** Add silt fence on Sheet C-4 to protect the asphalt path (on southern side of asphalt path).
4. **[5.1.40(c)(6)] Site Plan.** Show existing ACSA utilities and ACSA easements.

The procedures to appeal disapproval of an application are outlined in Wireless Ordinance § 5.1.40(e)(6) and are described below:

The applicant may appeal the disapproval of an application to the board of supervisors. An appeal shall be in writing and be received in the office of the clerk of the board of supervisors within ten (10) calendar days after the date of the disapproval by the agent. In considering an appeal, the board may affirm, reverse, or modify in whole or in part, the decision of the agent, and its decision shall be based upon the applicable requirements of this section.

Should you choose to appeal, I would recommend scheduling a meeting with staff to identify the potential dates and process for the appeal's consideration and discuss the outstanding issues.

Please contact me at your earliest convenience if you have questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Knuppel". The signature is fluid and cursive, with the first name "Andrew" and last name "Knuppel" clearly distinguishable.

Andrew Knuppel, AICP Candidate
Planner - Albemarle County Community Development
aknuppel@albemarle.org | (434) 296-5832 ext. 3313