

## **Spotsylvania County Planning Commission *(Excerpt)***

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Holbert Building Board Room, 9104 Courthouse Road, Spotsylvania VA 22553

**MINUTES:** March 1, 2017

**Call to Order:** Mr. Newhouse called the meeting to order at 7:00 p.m.

**Members Present:**

Mary Lee Carter	Lee Hill
C. Douglas Barnes	Berkeley
Gregg Newhouse	Chancellor
Richard Thompson	Courtland
C. Travis Bullock	Battlefield
Howard Smith	Livingston

**Members Absent:** Michael Medina Salem

**Staff Present:** Paulette Mann, Planning Commission Secretary  
Wanda Parrish, AICP, Director of Planning  
Alexandra Spaulding, Senior Assistant County Attorney  
B. Leon Hughes, AICP, Assistant Director of Planning  
Patrick White, Senior Planner

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### **Public Hearing(s):**

**SUP16-0011 Eco-Site T-Mobile Telecommunication Tower:** Requests a special use permit to place a 150-foot tall monopole communication tower with a 10-foot lightning rod (160 feet total height) within a 2,520 sq. ft., fenced equipment area on the 1.4 acre parcel, which is setback approximately 560 feet south of Plank Road. at an unaddressed property within the Central Crescent Subdivision. The property is located approximately 400 feet south and behind Loanmax Title Loans, which is located at 3914 Plank Rd, and is currently a disused parking lot. The property is zoned Commercial 2 (C-2) and has a Future Land Use designation of Commercial per the Comprehensive Plan. Tax map parcel 23-22-2. Courtland voting district.

*Mr. Newhouse opened the public hearing.*

Mr. White presented the case. The subject case is SUP16-0011, located in the Courtland Voting District, and is for a Special Use Permit for a Telecommunication tower. The tower is proposed by Eco-Site, a tower developer, with the first install being T-Mobile. The applicant requests to construct a 150 foot tall monopole communication tower with a 10' high lighting rod. The tower will be located within a secured 63x40' equipment area.

The installation is proposed on an unaddressed property located behind Loan Max and the Texas Roadhouse. The property is identified as Tax Parcel 23-22-2 and is outlined in red in the image

before you. The equipment area and tower are proposed on land that is improved with a disused and deteriorated parking lot.

The property is zoned C-2, as are all surrounding properties. The property has a commercial future land use designation, as do all surrounding properties except the office building property to the south, which has a split future land use of Commercial and Low Density Residential. The property is partly overlaid by the highway corridor overlay district, although the proposed installation location is located outside of the district. Multiple commercial uses are located around the property, including offices, retail, restaurants and an ALF. The Maple Grove neighborhood is located approximately 250' south.

The GDP provided by the applicant depicts a 150' tower with a 10' lightning rod. The equipment area in which the installation will occur is cited snugly in the SW corner of the site in order to accommodate potential future commercial development of the property. The tower is designed with breakpoint technology so that in the event of a catastrophic structural failure it will fall within 50' from the towers base. A 55' fall zone has been provided in accordance with county requirements, and it is depicted in red. The proposed tower is approximately 560 from Plank Rd, and access is provided to Plank Rd via an existing access easement, no new driveways will be required.

The tower will not be required to be lit. The tower and equipment area will accommodate T-mobile, and two additional users. Staff has received an email indicating an interest in a potential colocation from another company, ATT, in lieu of a separate proposal at the nearby Peace United Methodist.

According to photo simulations based on balloons flown Mid July 2016, the tower will have visibility from multiple points on Route 3, some nearby businesses, and multiple residences within the Maple Grove neighborhood. The applicants map below depicts locations where the balloon was visible with red icons. These photo simulations can be viewed electronically upon your request.

Staff reviewed this case and found the following: The tower is proposed to enhance wireless coverage of T-Mobile and 2 additional carriers, it is possible, though not guaranteed, that this tower will be used instead of seeking a separate SUP for a new tower at Peace United Methodist, which is deeper in the Maple Grove neighborhood. The proposal serves the county's most dense commercial area. The tower is sited snugly in the SW corner, an opportunity exists to locate the tower in the NW corner, for a modest improvement of distancing the tower 80 feet further from the Maple Grove neighborhood, although the applicants do not welcome this relocation.

The tower will be visible from some residents within the maple grove neighborhood. Although the tower is not required to be lit, the Telecommunications Commission did recommend it be so, historically they have recommended that these towers be lit with a remote lighting system, which

applicants to date have objected to, noting that such a technology was not available. The applicants have provided documentation that from the State Historic Preservation Officer noting no effects on historic resources. Lastly the project satisfies the special use standards and is consistent with the comprehensive plan, as detailed within your staff reports.

Staff is recommending approval of the subject case with the four conditions presented in your staff report relating to Compliance with the GDP, County Colocation opportunities, General compliance with county telecom regulations, and signal interference resolution.

Mr. Barnes inquired about the lighting of the tower.

Mr. White explained that the Telecommunications Commission usually makes that recommendation so that if there is low flying aircraft, the tower can be remotely lit for safety.

Mr. Smith stated that he believes there are several towers already in close proximity to this tower.

Mr. White explained that there is the Central Park Tower and the Chancellor Convenience Tower.

Mr. Smith inquired about the Zoan tower that was recently approved.

Mr. White explained that that tower is quite a bit away from this proposal.

Mr. Smith inquired about the water tower at Leavells Road.

Mr. White stated that the tower is only 80 feet tall and the applicant is considering it for co-location but not for replacement of the proposed.

Applicant, Justin Blansett: He stated that they began this process approximately 1.5 years ago. What has been determined in their research is that there is a very intense need for coverage and capacity in this area of Route 3. Prior to proposing the building of a new tower they looked at the existing inventory and none of the current towers could be used because they were outside the search ring for effectiveness. The proposed location is as far west as they can be.

Mr. Smith inquired if the two existing towers could be upgraded with new equipment so that this proposed tower wouldn't need to be built.

Mr. Blansett stated that both of the existing towers have been upgraded twice in the last two years. He stated that the first option is to always attempt to upgrade, second it to co-locate, third is to build a tower if there is no infrastructure present for them to locate on.

Mr. Barnes inquired if the applicant knows of other sites that are at capacity.

Mr. Blansett stated that he is unaware.

*Speaking in favor or opposition:*

Jason Poulter, 3908 Norris Drive, Fredericksburg: He stated that he is against the proposed tower as it will be located directly behind his house that he has owned since 1991. He stated that he commutes every day to Northern Virginia and he and his wife have spent a lot of money trying to create a backyard oasis. He owns his own company which makes it difficult for him to take time off for vacation which is why they have created such a lovely backyard. He strongly encouraged the Commission to deny the request.

Nancy Poulter, 3908 Norris Drive, Fredericksburg: She stated that she also resides directly behind the proposed tower and that she has concerns about their viewshed as well as the health concerns for the neighboring nursing home and daycare center. She stated that the neighbors should be of first concern and not those dining in Texas Roadhouse and BJ's Wholesale twice monthly.

Mary Carr, 3906 Norris Drive, Fredericksburg: She stated that she has resided here for 26.5 years and that her property is directly adjacent to the proposed tower. She stated that it will be an intrusion on her life and affect her property value. She cited health concerns and that she is strongly opposed.

*Mr. Newhouse closed the public hearing.*

Mr. Thompson stated that he had received a document from Ms. Jane Reeve, the IS Director of the County and he read her letter.

1. *(letter from NB+C, no date) This statement was prepared by the applicant's engineering firm, NB&C out of Elkridge, Md. It states that the county's Chancellor 500ft tower site is at or near capacity, and with pending stricter structural standards proposed to be adopted by the American National Standards Institute next year, that this tower will LIKELY not be able to accommodate many future modifications.*

*The county's tower at this site meets current EIA/TIA-222-G structural guidelines, as designed and constructed in 2016 by NB&C, Glen Allen, VA. Additionally, as the county has completed its public safety radio system work on that tower, and as at least two other providers have removed equipment from the tower, T-Mobile, as a current co-locator on that tower, currently resides on this county-owned tower, the county receives license fees from T-Mobile on a monthly basis, and their equipment resides at approximately 265 ft, which is well above the tree line, for maximum coverage. The tower has passed structural analysis evaluations as a result of the county's work, and it does not appear that T-Mobile has approached the county to evaluate any additional equipment load on this tower prior to submission of this special use permit to construct a new tower. This tower is approximately 1 ¼ miles from the Chancellor tower site, and given the height desired by T-Mobile, and given that T-Mobile is already co-located on this county-owned structure, I recommend that T-Mobile expand their equipment at this facility.*

2. *Additionally, the water tank at Cherry Road is available for co-location, with heights*

*possibly available up to 160'. There does not appear to be any evidence that T-Mobile has approached the County to request co-location, and instead may have relied on their engineering firm to evaluate structural capacity of the water tank. The Cherry Road water tank is approximately 1 ½ miles from the proposed new site, and should be considered as a viable site. The propagation maps provided with this package reflect a map scale; however, the propagation maps for the water tank appear to be inflated to a point where the map is amplified to portray a lack of coverage that may, or may not exist...there is no scale identified on these maps. Why is the propagation map for the water tank so zoomed in and why is there no map scale? This should have been caught by the county's consultant, and validated prior to presentation. The water tank is available for co-location now.*

3. *Before argument is presented that T-Mobile needs this site to improve coverage and/or capacity, I see nothing in this report that reflects the current state of coverage, and how this new site will fill those gaps, other than a letter, from a T-Mobile frequency engineer, saying that there are issues with coverage and capacity. I see no supporting documentation to backup his claims.*

Mr. Thompson stated that he sees nothing in this report supporting this tower placement.

Mr. Blansett stated that in regard to health concerns raised by the neighbor, they will be operating in full compliance with FCC regulations. The average site emits a very small fraction of the limits that are allowed. T-Mobile complies with the strictest of standards. In regard to co-location regarding the water tank, they have not reached out to the County in regard to this. They may possibly do so in the future, but that location will not provide the capacity and coverage necessary. The area that they've considered is a very small area from the mall to Texas Roadhouse. This tower would be cited between two existing towers. The most recent data that they have regarding the Chancellor tower is that it was at capacity and did not know that two users had been removed. He stated that he has been told by their RF people that it would not address the capacity issues that they are currently experiencing.

Mr. Thompson stated that the applicant has not disputed that the tower would only be necessary for those who visit Texas Roadhouse or BJs twice monthly.

Mr. Blansett stated that T-Mobile's position is that there is inadequate coverage in this area and it would help those who are inside commercial buildings within this section of Route 3. He stated that the most overloaded tower in this area is the Carl D. Silver tower and once this proposed tower is built; they may be able to modify the other two towers to extend coverage deeper into residential areas. He further explained that there a very narrow geographic area here that is lacking coverage.

Mr. Thompson stated that he has real concerns about towers popping up here, there, and everywhere. He would like to see more co-locations occurring.

The applicant stated that colocation is always their objective. He said that they had contemplated placing 199 foot tower on the mall property but moving in the direction they did, they were able

to lower the height of the proposed tower.

Mr. Thompson suggested that the applicant consider the tower on the Hazelwild Farm property. The applicant stated that this tower would not serve them well because of the geographic and topography of the site.

Mr. Newhouse stated that people demand cell and cable coverage for our citizens as well as our first responders for fire and safety. He stated that that he has heard the claims for years that the towers emit radiation that could be detrimental to our children but then you see an 8 –year old pick up a cell phone and put it to their head to make a phone call. He hasn't seen this information. He stated that he doesn't really like the siting of this tower and it must be done smartly.

Mr. Barnes stated that the applicant has contradicted himself and because of that he will not support the application. He stated that he is unclear whether it's coverage versus capacity.

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Smith to deny the special use request. The motion passed 6-0.

**Adjournment:**

**Motion and vote:** Ms. Carter made a motion, seconded by Mr. Thompson to adjourn. The motion passed 6-0.

The meeting adjourned at about 8:10 p.m.

Paulette L. Mann  
Commission Secretary

April 5, 2017  
Date approved