

DRAFT APPROVAL

At a meeting of the Spotsylvania County Board of Supervisors held on May 9, 2017, on a motion by _____, seconded by _____ and passed _____, the Board adopted the following resolution:

RESOLUTION NO. 2017-

**Approve with Conditions
Special Use Permit SUP16-0011 Eco-Site (T-Mobile Telecommunication Tower)**

WHEREAS, Eco-site 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; and

WHEREAS, staff has reviewed the subject application and recommends approval as stated in the staff report and the executive summary; and

WHEREAS, the Spotsylvania County Planning Commission public hearing, duly advertised in a local newspaper for a period of two weeks, was held on March 1, 2017, and interested citizens were heard; and by a vote of 6-0 the Commission recommended denial noting lack of information related to: current coverage and capacity; unknown whether application resolved coverage or capacity; available alternative facilities which may be upgraded or have antennas installed upon instead; and available county lands which could be built upon instead; and

WHEREAS, the Spotsylvania County Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on May 9, 2017, and interested citizens were heard; and

WHEREAS, the Spotsylvania County Board of Supervisors considered the Special Use Permit request in accordance with Sec. 23-4.5.7, Standards of Review, and finds that the application with the recommended conditions satisfies the following standards:

1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the county;
2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;

3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and
8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

WHEREAS, general welfare and good zoning practice are served by approval of the Special Use Permit application;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby approve Special Use Permit SUP16-0011 Eco-Site (T-Mobile Telecommunication Tower) with the conditions listed below:

1. The telecommunications tower and compound shall be developed in conformance with the Generalized Development Plan titled “GDP for Special Use Permit, ECO Site T-Mobile 150’ Monopole” dated October 25, 2016 and last revised December 22, 2016.
2. Spotsylvania County shall have first right of refusal for the installation of components for the County’s communication system, at no cost to the County. The applicant shall make space available/license on the proposed new communication tower for a Spotsylvania County emergency services antenna and waive the typical annual rent, if the antenna installation is feasible from an engineering perspective as determined in good faith by the applicant. Any costs to install and provide access will need to be borne by future co-locators, including the County. In addition, after the original County equipment is installed, if an escort is required for any future visits to the site for maintenance or equipment changes, the County will be billed for the related costs. The County will sign any requisite non-disclosure agreement for this co-location.
3. The final site design and operation of the facility must be in compliance with all other standards outlined in Sec. 23-7A.4.1 of the Code, except for Sec. 23-7A.4.1.10 as modified as a condition of this permit, and 23-7A.4.1.6.
4. If the operation of this site causes any interference to surrounding broadcast television receivers, amateur radio operations, or County radio system operations, the applicant shall investigate the complaint within thirty (30) days of notice and work with the

Spotsylvania County Cable TV and Telecommunications Commission to determine remediation to correct the problem, if it is found to be the fault of the one of the tower vendors.

BE IT FINALLY RESOLVED that the Spotsylvania County Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

(SEAL)

A COPY TESTE:

Aimee Mann

Deputy Clerk to the Board of Supervisors