

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on August 13, 2019, on a motion by_____, seconded by _____ and passed_____, the Board adopted the following resolution:

RESOLUTION NO. 2019-

**Approve with Conditions
Special Use Permit SUP18-0011
AT&T Telecom at Peace United Methodist Church**

WHEREAS, AT&T Telecom requests special use permit approval for a 105-foot monopole communication tower with a 4-foot lightning rod, for a total of 109 feet, on two parcels together constituting 8.829 acres zoned Residential 1 (R-1). The properties are located on Maple Grove Drive (Rt. 1115) at its intersection with Blake Drive (Rt. 1116). One property is addressed as 801 Maple Grove Drive and the second is unaddressed and identified as Tax Parcel 23-A-92D. The parcels are located in the Primary Development Boundary. The properties are designated as Institutional Development on the Future Land Use Map of the Comprehensive Plan. Tax Parcels 23-A-92B and 23-A-92D. Courtland Voting District; and

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

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on July 17, 2019, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the project with conditions with a vote of 7-0; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on August 13, 2019, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be 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 SUP18-0011 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, TAX ID# 23-A-92B & 23-A-92D, Site Name Raynold, 801 Maple Grove Drive, Fredericksburg, VA 22407” dated May 15, 2019.
2. 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 that Sec. 23-7A.4.1.12 is modified to not require the applicant to post a performance bond and Sec. 23-7A.4.1.10 is inapplicable.
3. If the operation of this site causes any interference to surrounding broadcast television receivers, amateur radio operations, or County radio system operations, the owner, applicant, or its successor-in-interest shall investigate the complaint, work with the Spotsylvania County Cable TV and Telecommunications Commission to determine remediation, and correct the problem, if it is found to be the fault of one of the tower vendors, within thirty (30) days of receipt of written notice of the interference complaint to the County.

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 Spotsylvania County Ordinances, rules, regulations, or adopted standards. To the extent anything in this Special Use Permit is less restrictive than the County’s Ordinances, or its rules, regulations, or adopted standards, the lessened restriction shall be void and the County’s Ordinances, or its rules, regulations, or adopted standards shall control and be applicable to the Special Use Permit.

(SEAL)

A COPY TESTE:

Aimee Mann
Deputy Clerk to the Board of Supervisors

AYES:

NOES:

ABSTAIN:

ADOPTED:

REJECTED:

STRICKEN: