



# **County of Spotsylvania**

## **Department of Planning**

### **Staff Report**

SUP18-0011

(Courtland Voting District)

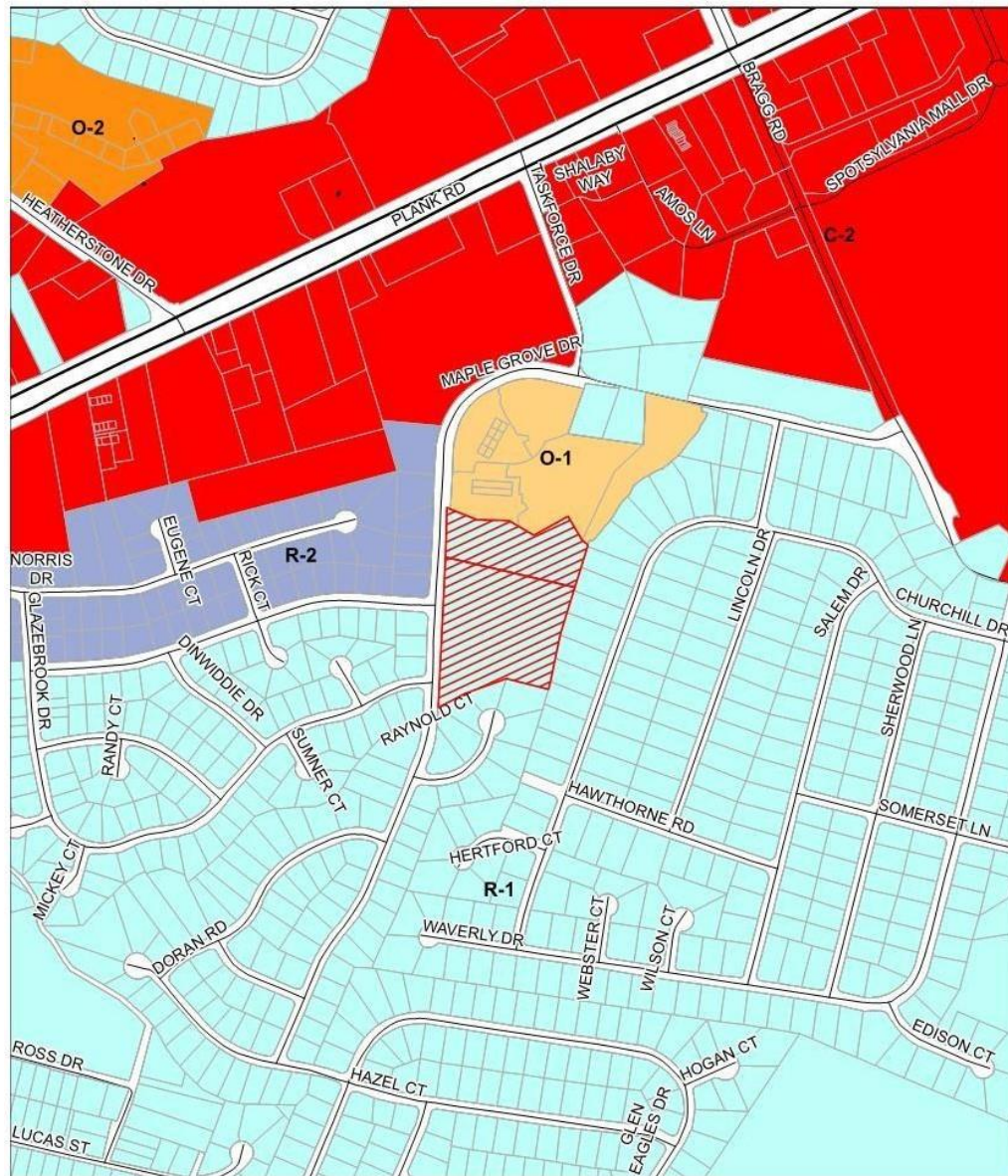
### **Board of Supervisors**

**August 13, 2019**

Planning Commission Recommendation:	The Planning Commission voted 7-0 to recommend approval of the Special Use Permit with conditions.
Staff Recommendation:	Staff recommends that the Board of Supervisors adopt the resolution of approval for SUP18-0011 with conditions.
Project:	AT&T Telecom at Peace United Methodist
Owner/Applicant:	Peace United Methodist Church/AT&T
Request:	The applicant requests a special use permit for a 105' monopole telecommunication tower with 4' lightning rod on two parcels consisting of approximately 8.829 acres currently zoned Residential 1 (R-1).
Tax Map Parcel(s):	23 (A) 92B & 23 (A) 92D
Location:	One property is addressed as 801 Maple Grove Drive and the second is unaddressed and identified as Tax Parcel 23-A-92D. The properties are located on Maple Grove Drive (Rt. 1115) at its intersection with Blake Drive (Rt. 1116).
Zoning Overlay:	None
Future Land Use Designation:	Institutional
Historic Resources:	None identified
Date Action Required:	October 17, 2019 (The Board has 150 days from a complete application to make their decision).

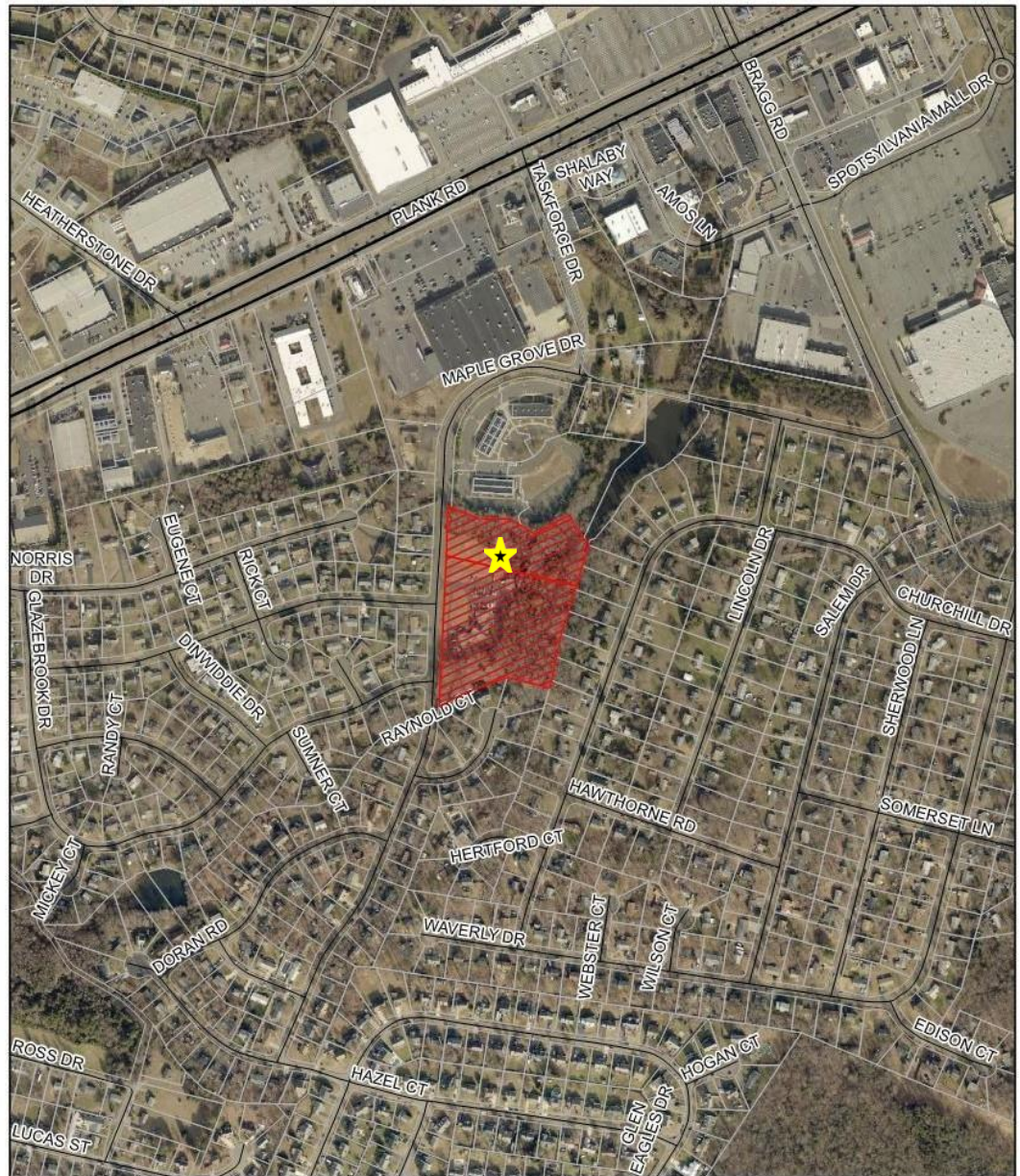
Community Meeting: The applicant held two community meetings, the first on December 9, 2016 and the second on February 7, 2019. Residents expressed concerns about the location and visual impact, including requesting the tower be moved in line with the existing tree line. In response, AT&T redesigned the site, switched to the “monopine” design tower, reduced the height, and moved the proposed location 50 feet to the east to be in line with the existing tree line. Additionally, to reduce the potential visual impact, the applicant also plans to further stealth the monopole with “double density” branches.

**Figure 1: Zoning Map**





**Figure 2: Aerial Map (2017)**



## **I. Project Summary**

The application is for a special use permit for a proposed telecommunications facility consisting of a 109' monopole within a 50' x 50' equipment compound surrounded by an 8' tall chain link fence on two parcels consisting of approximately 8.829 acres currently zoned Residential 1(R-1). The 109' tower consists of a 105' monopole topped by a 4' tall lightning rod and is designed to appear to be a pine tree, similar to the tower at Zoan Baptist Church on the south side of Plank Road. The applicant has stated this height will allow it to locate its antennas at a height of 100' and also allow at least two future carriers to locate antennas at 90' and 80' respectively. The height of the monopole was determined by the applicant to be the lowest possible height that will eliminate current coverage gaps.

A proposed 12-foot-wide gravel/dirt easement connected to the existing church parking area will provide access to the site. This parking area directly accesses Maple Grove Drive.

The Code of Virginia sets the maximum setback for telecommunication towers at the setback of the zoning district, which is 30' front, 10' side, and 35' rear. The applicant did show the tower break zone on the GDP at 68' 3" and the nearest dwelling in any direction will be more than 200' distance from the tower. In addition, the applicant has provided an engineering certification letter which indicates the fall radius for the planned monopine design is less than 60'.

Areas to the north and east of where the compound and tower are proposed are currently wooded and a portion of this area will be removed to accommodate the proposed installation. Apart from the area being cleared for the compound, all other trees onsite will be preserved. The landscape plan provides for 31 bushes and trees planted around the telecommunications facility to the west and south where there is no or minimal vegetation to provide a landscaped vegetative buffer which will be planted in an area at least fifteen (15) feet wide on the perimeter of the compound in accordance with the Zoning Ordinance.

This location was selected because the applicant determined the site is in a half-mile radius in which a tower would meet their needs. As noted within the applicant's statement of compliance and justification, several co-location opportunities within this half-mile radius were considered to meet their needs, but there were no structures which met both the height and structural requirements or land owners willing to lease space to the applicant, nor are there County lands or facilities that meet the applicant's needs.

The applicant held two community meetings with area residents. Residents expressed concerns about the location and visual impact, including requesting the tower be moved in line with the existing tree line. In response, AT&T redesigned the site, switched from a traditional monopole to the "monopine" design tower, reduced the height, and moved the proposed location 50 feet to the east to be in line with the existing tree line. Additionally, to reduce the potential visual impact, the applicant also plans to further stealth the monopole with "double density" branches.

## II. Special Use Standards of Review

Section 23-4.5.7 of the County Zoning Ordinance outlines eight standards that shall be met by an application for consideration of approval. The following table details those standards with staff comments.

STANDARDS OF REVIEW FOR SPECIAL USE APPROVAL	
STANDARD	STAFF COMMENT
1. Proposed use is in accord with the comprehensive plan and other official plans adopted by the county.	The proposed use is in accord with the Comprehensive Plan with respect to encouraging the provision of telecommunication infrastructure in general and technological infrastructure throughout the Primary Development Boundary in particular.
2. Proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area.	The primary effect of the proposed use will be visual. As outlined in the summary, changes have been made that will reduce this impact on the residential area, to the north of the site is an office park. The scale and use of a monopine will cause the tower to be visible to adjacent properties.
3. Proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.	The area surrounding the proposed use is fully developed with a mix of residential dwellings, an office building and a church on neighboring parcels.
4. Proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood.	The proposed use should not affect the health or safety of persons within adjacent neighborhoods.
5. Proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood.	The proposed use should not be detrimental to the public welfare or to property or improvements within the neighborhood.
6. Proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities.	The proposed use is appropriately sited with respect to these facilities.
7. Proposed use will not cause undue traffic congestion or create a traffic hazard.	The proposed use should not cause any significant additional congestion or hazards to the existing road network.
8. Proposed use will have no unduly adverse impact on environmental or natural resources.	The proposed use will have no unduly adverse impact on environmental or natural resources.

### **III. Comprehensive Plan Analysis**

The Planning Commission reviewed the proposal in accordance with the Code of Virginia, Sec. 15.2-2232 and determined that the facility's location, character, and extent are substantially in accord with the Comprehensive Plan, 7-0 vote. Staff offered the following analysis:

**Location:** The facility is consistent with the Comprehensive Plan Introduction and Vision Chapter Guiding Principles and Policies A.2, "[to] encourage the provision of ... telecommunication infrastructure" and Land Use Chapter Policies Applicable to All Land Uses 7: "[To encourage] the provision of... other technological infrastructure throughout the Primary Development Boundary...". Telecommunication infrastructure is necessary to support the personal and business needs of the community. Additional infrastructure is often needed in highly populated areas to meet capacity demands. The property is a larger parcel with an existing tree buffer that will mitigate the visual impact of the ground-level infrastructure and a portion of the tower itself.

**Character:** Land Use Policies Applicable to All Land Uses 8 states "Redevelopment and investment in existing developed areas should be encouraged provided that the development does not adversely impact adjoining properties." Based on the provided visual simulations resulting from balloon test positioning, it appears the greatest visual impacts from this project are oriented toward residential areas with visibility upon the tower site or of the tree canopy partially surrounding this site. By their function, telecommunication towers are tall and this tower will introduce a new vertical element to the neighborhood. The applicant has proposed landscape screening of the fenced tower compound at the ground level and has proposed a monopine tower configuration resulting from citizen input received during the community meeting. The monopine design was created to try and help "blend" the cell tower infrastructure into the surrounding 50'-60' tall vegetation with a "tree-like" structure utilizing similar natural colors. The tower will be clearly visible, but the applicant has further attempted to minimize its visual impact through design and keeping the height to just over 100'. The tower is proposed in an area in close proximity to commercial development characterized by taller buildings, numerous signs, and other telecommunication towers. However, residential development surrounds the site to the east, south, and west, with greatest visibility to those homes immediately west of the church property.

**Extent:** The proposed tower is 105' with a lightning rod. This is at the lower end of heights typically seen for towers, with 199' being a typical height. The applicant has attempted to minimize impacts associated with the tower, visual impacts being the principle impact, through keeping the height at a lower level and through design of the tower itself.

### **IV. Findings**

In Favor:

- The request is consistent with the Comprehensive Plan with respect to encouraging the provision of telecommunication infrastructure in general and technological infrastructure throughout the Primary Development Boundary in particular.
- The proposal satisfies all of the Special Use standards of review as established in Sec.23-4.5.7 of the County's Zoning Ordinance.

- The proposed use will enhance reliable cellular coverage to the benefit of citizens, tourists and businesses.

Against:

- The tower will be visible to numerous homes in a residential area.

## **V. Staff and Planning Commission Recommendations and Conditions**

Staff and the Planning Commission recommend approval of SUP18-0011 with the following conditions:

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.

### **Planning Commission Update:**

*The Planning Commission held a public hearing on July 17, 2019 and four citizens spoke against the request as detailed in the draft minutes. On a motion by Mr. Thompson, seconded by Ms. Carter, the Planning Commission voted 7-0 to find the project substantially in accord with the Comprehensive Plan. On a motion by Mr. Thompson, seconded by Ms. Maddox, The Planning Commission recommended approval with conditions with a 7-0 vote.*