

## Spotsylvania County Planning Commission

**DRAFT**

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

**MINUTES:** July 17, 2019

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

**Members Present:**

Richard Thompson	Courtland
Howard Smith	Livingston
Jennifer Maddox	Berkeley
Michael Medina	Salem
Mary Lee Carter	Lee Hill
C. Travis Bullock	Battlefield ( <i>arrived at 7:05</i> )
Gregg Newhouse	Chancellor

**Staff Present:**

Paulette Mann, Planning Commission Secretary  
Wanda Parrish, AICP, Director of Planning  
B. Leon Hughes, AICP, Assistant Director of Planning  
Shannon Fennell, Planner III  
David Dameron, CZA, Planner III  
Kimberly Pomatto, CZA, CTM, Interim Zoning Administrator  
Alexandra Spaulding, Senior Assistant County Attorney

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**SUP18-0011 – AT &T Telecom at Peace United Methodist:** 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.

*Mr. Newhouse opened the public hearing.*

Mr. Dameron presettled the case. 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.

Mr. Dameron discussed the following findings in favor and against:

- 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.

Based on staff's analysis and findings in favor noted above, staff recommends approval. Should the Commission recommend approval, staff recommends approval be accompanied 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 Section 23-7A.4.1.12 is modified to not require the applicant to post a performance bond and Section 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 applicant shall investigate the complaint, work with 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.

Applicant, Doug Sampson: He stated that they have been trying to develop this tower for more than three years. Originally it was a monopole but based on comments on the community meeting, they changed it to a monopine and reduced the height. He stated that at the second community meeting that they held, the comments were much more positive with some citizens even asking how quickly the tower could be built. He discussed the photo simulations that they were used and that they were old photos and could provide the updated photos to the Commission.

Mr. Newhouse inquired about the graphic that was provided in their packet showing three rings.

Mr. Sampson stated that they demonstrate that they looked for co-location opportunities that met their needs and couldn't find any. He stated that it is preferred to co-locate because it costs much less to do so.

*Speaking in favor or opposition:*

Mary Carr, Courtland District: She stated that she has resided five lots down from the proposed tower for 29 years and that she fears decreased property values. She also expressed concerns about emissions to the children's daycare. She urged the Commission to recommend denial to the Board of Supervisors.

Jason Poulter, Courtland District: He stated that they spoke against the proposed T-Mobile tower a few years ago and his comments remain the same. There are already many towers in the area and he displayed photos to the Commission. He stated that he is adamantly opposed.

Nancy Poulter, Courtland District: She stated that the T-Mobile tower was denied based on comments related to the children, home values, and traffic. She questioned if the tower company

would pay property taxes since the site is on church property and they are non profit and exempt. It would seem to her that the County gains nothing. She stated that they have been paying their taxes for 29 years now. She also inquired if when the cellular technology becomes obsolete, would the tower be taken down. She stated that the applicant for the tower will make money and believes the county should also make money.

Arthur Roles, Courtland District: She stated that the tower should be located on commercial property and has concerns about radiation. He stated that proposal is not in the best interest of the citizens and suggested that the tower be placed on the nearby mall property. He stated that the monopine looks like a toilet brush and he also expressed concerns for the children who attend the daycare.

Mr. Sampson stated that he understands that new towers are a sensitive subject and that they are highly regulated by the FCC and are in full compliance. There are no health effects and that justification cannot be used as a reason to deny. There are studies that show that there is no effect on property values. He discussed that they must try to co-locate before building a tower and there were no co-location opportunities that were viable for them. He stated that the reason they cannot co-locate on some of them may be because they are already there. Mr. Sampson stated that they are conscientious and try to find the best and least obtrusive sites.

Mr. Thompson inquired about the question regarding once the technology becomes obsolete, what happens.

Mr. Sampson stated that the County requires that it be taken down within six months.

Mr. Thompson inquired if that is only the tower or the whole site.

Mr. Sampson stated that the entire infrastructure would be removed.

*Mr. Newhouse closed the public hearing.*

Mr. Thompson apologized to the residents but stated that Federal law has them in a bind as to what they can deny a tower for.

**Motion and vote:** Mr. Thompson made a motion, seconded by Ms. Carter to find the tower in compliance with the comprehensive plan through the 2232 review. The motion passed 7-0.

**Motion and vote:** Mr. Thompson made a motion, seconded by Ms. Maddox to recommend approval to the Board of Supervisors with the proposed conditions. The motion passed 7-0.

### **Adjournment:**

**Motion and vote:** Mr. Thompson made a motion, seconded by Ms. Carter to adjourn. The motion passed 7-0.

The meeting adjourned at approximately 9:55 p.m.

Paulette L. Mann

Date