

Spotsylvania County Planning Commission

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

MINUTES: March 7, 2001

Call to Order: Mr. Pohanka called the meeting to order at 7:30 p.m.

Members Present:

Frank S. Pohanka, Chair	Lee Hill
D. Wayne Ervin, Vice Chair	Battlefield
Hugh E. Montgomery, Jr.	Courtland
Richard H. Sorrell	Berkeley
John F. Gustafson	Salem
James Strother	Chancellor
Robert E. Taylor, Jr.	Livingston (arrived 7:35 p.m.)

Staff Present:

Stephen Griffin, Director of Planning
Tracey Fleming, Planning Commission Secretary
Joe Lerch, Planner

Determination of a Quorum: A quorum was present.

Invocation: Mr. Sorrell gave the Invocation.

Pledge of Allegiance: Mr. Griffin led the Pledge of Allegiance.

Announcements: Mr. Griffin stated he has talked with Mr. Doug Walker concerning the Commission's requests of a joint work session on the Comprehensive Plan and a joint bus trip of the County. Due to the Board being involved with the budget process, it will most likely be May before these items could be scheduled. The budget is scheduled to be adopted in April.

Approval of Minutes:

Motion and vote: Mr. Ervin made a motion, seconded by Mr. Montgomery, to approve the minutes of February 21, 2001. The motion passed 6-0.

Reports of Committee: None

Plat(s) to be reviewed and voted: Walnut Hills, Section 4 - P2001108

Mr. Lerch stated the Plat Review Committee met February 28, 2001 to discuss the above referenced plat. The committee recommends approval of the preliminary plat for Walnut Hills, Section 4 pursuant to the necessary changes. Mr. Lerch outlined the changes and stated all have been properly addressed by the applicant with one exception. The applicant has requested a waiver to Section 20-5.1.9(e) which states "lots shall not contain peculiarly shaped elongation which would be unusable for normal purposes in order to provide the minimum area required under the zoning ordinance, and the depth of a lot shall not exceed five (5) times its width". The applicant is going to set this area aside for a conservation easement. The applicant and staff felt this was better than common area.

Mr. Ervin asked if this subdivision had sidewalks and does meet the minimum lot sizes. No sidewalks and yes it does meet the minimum lot sizes.

Mr. Montgomery asked if the width of the lots were 80' standard.

Mr. Lerch replied yes in the front of the lots, some narrow as they go back.

Motion and vote: Mr. Montgomery made a motion, seconded by Mr. Strother, to approve P2001108 and allow for the waiver to Section 20-5.1.9 (e). The motion passed 7-0.

Public Comment: None

Public Hearing:

Mr. Pohanka opened the public hearing.

SP01-02 Rappahannock Electric Coop: Requests a special use permit for a 195' telecommunications tower at an existing power sub-station in the Agricultural 3 (A-3) zoning district on approximately 2.48 acre parcel. The property is located at Paytes, approximately 800 feet west of the intersection of Routes 601 and 608. Parcel 27(A)10. Livingston Voting District.

Mr. Griffin reviewed the public hearing procedures and gave a brief history of the case.

Mr. Lerch displayed slides and gave a brief overview of the proposed application.

The General Development Plan shows a 195-foot lattice tower to be constructed at the rear of the existing substation. Adjacent to the tower the applicant will construct a 144-square-foot utility building on concrete piers. The existing chain link fence will be extended to enclose the tower and utility building. Existing vegetation provides an adequate buffer to adjoining property.

Mr. Lerch explained the proposed telecommunications facility specifically addresses the guidelines of the Telecommunications Facilities Placement Policy. While the tower does not meet the property line setback of 195 feet, there are no structures or improvements on the adjacent parcels that fall within the 195-foot radius. In addition, the structure of the tower (solid steel legs with lattice structure) is not as susceptible to collapse as freestanding structures. Also, towers of this type historically fold up on themselves in case of failure. Also, the policy directives of the Comprehensive Plan will be achieved through the site design, which minimizes clearing and utilizes the existing entrance to the power substation. Staff recommends approval with the recommended conditions.

Mr. Ervin expressed concerns about the fall zone being partially on someone else's property.

Mr. Lerch replied that there was not a structure in the fall zone. An option could be for the applicant to try to obtain an easement from the property owner.

Mr. Montgomery stated that more than likely should the tower fall it would fall to the northeast. The Commission reviewed the area northeast of the property and concluded the northeast would not be on another's property.

Mr. Ervin referenced condition #4, how would we know if the tower is not utilized for a six (6) month time period?

It was concluded that the Federal Communication Commission (FCC) would know, but with today's technology (co-location) we shouldn't have to worry about this. It is good to leave the condition as is, not to burden the County should the tower need removal.

Mr. Dennis Buchanan, speaking for the applicant: Mr. Buchanan discussed the technical operations of REC and their need to upgrade. The Paytes Substation was selected primarily because REC already owns the property and the site is ideally situated between their Spotsylvania Office and the Culpeper District Office. Mr. Buchanan displayed slides of the proposed self-supporting tower and their service areas.

Speaking in Favor: None

Speaking in Opposition: None

Mr. Pohanka closed the public hearing.

The Commission understands the need for the lattice type structure in this case, but wants a normal procedure to be a monopole type tower. They would like staff to review the policy and make it more flexible in the face of improving technology, especially the setback section. It appears we will be having more of tower applications.

Mr. Strother would prefer, in the future, for a tower applicant to obtain adjacent property owners permission to install a tower should the fall-zone overlap another's property.

Mr. Lerch reviewed that Mr. John Brown, the County's Communication Director, is trying to obtain an outside vendor to review the applications.

Motion and vote: Mr. Sorrell made a motion, seconded by Mr. Taylor, to approve SP01-02 with staff's recommended conditions. The motion passed 7-0.

In-house Training/Workshop:

Mr. Griffin reviewed the following topics to provide a basic understanding of the tools used in the planning process. A packet was distributed "A Citizens Guide to Planning and Zoning in Virginia". Plans and ordinances work together to provide a rational program for growth, development and preservation.

Topics discussed:

- Comprehensive Plan - provides an overall future land use in the planning area and usually reflects the present or emerging growth patterns of the community.
- Zoning Ordinance - consists of zoning maps, which define the limits of the various zones and a series of regulations, which specify the uses, activities and density of development allowed in each zone. This ordinance is optional for Virginia localities except those in "Tidewater".
- Subdivision Ordinance - control how land is divided from larger parcels into lots. This ordinance is mandatory under Virginia law.
- Chesapeake Bay Preservation Act - local governments must designate "Chesapeake Bay Preservation Areas" which are defined as areas that, if improperly developed, could cause substantial damage to the water quality of the Bay and its tributaries. Water quality protection measures must then be incorporated into local plans and ordinances for use with the Preservation Areas.
- Conditional Zoning - Proffers are volunteered by the applicant as part of a rezoning request. In practice, while there may be instances where proffers are truly voluntary, more often they represent negotiated agreements between the applicant and government or the applicant and citizens.
- Conditions - are placed on the applicant to follow in a special use permit.
- Board of Zoning Appeals - to hear and decide appeals from orders, requirements, decisions, or determinations made by the zoning administrator.

It was suggested that the Commission have a joint work session with staff and the County Attorney relating to conditional zoning (proffers).

The Commission discussed several examples how this relates to similar cases that have come before them over the years.

Adjourned: The meeting adjourned around 9:25 p.m.

Tracey L. Fleming

Tracey L. Fleming, Planning Commission Secretary

Approved: *March 21, 2001*

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