

Spotsylvania County Planning Commission

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

MINUTES: November 20, 2019

Call to Order: Ms. Carter called the meeting to order at 7:00 p.m.

Members Present:

Mary Lee Carter	Lee Hill
Jennifer Maddox	Berkeley
Richard Thompson	Courtland
Michael Medina	Salem
Gregg Newhouse	Chancellor
C. Travis Bullock	Battlefield

Members Absent: Howard Smith Livingston

Staff Present:

- Paulette Mann, Planning Commission Secretary
- Wanda Parrish, AICP, Director of Planning
- Alexandra Spaulding, Senior Assistant County Attorney
- Jacob Pastwik, AICP, Planner III
- David Dameron, CZA, Planner III
- B. Leon Hughes, AICP, Assistant Director of Planning

Announcements: Ms. Parrish advised the Commissioners that at this point, no cases are ready for public hearing and depending on the outcome of this meeting, the Commission may want to consider canceling the December 4, 2019 meeting.

Review & Approval of minutes:

October 2, 2019 Minutes

Motion and vote: Mr. Newhouse made a motion, seconded by Mr. Thompson to approve the minutes of October 2, 2019. The motion passed 5-0-1 with Mr. Medina abstaining due to his absence and Mr. Bullock absent.

November 6, 2019 Minutes

Motion and vote: Mr. Newhouse made a motion, seconded by Ms. Carter to approve the minutes of November 6, 2019. The motion passed 6-0.

Unfinished Business: None

CPA17-0002 – Comprehensive Plan (Industrial Acreage & Mussel Farm)

Ms. Parrish stated that information was provided in the packets regarding industrial acreage and mussel farms. Should the Commission have additional questions, please reach out to her or Mr. Pastwik.

Public Hearing(s):

SUP18-0012 – AT&T Mobility (A Tempo LLC): Requests special use permit approval for a 100-foot monopole communication tower with a 6-foot lightning rod, for a total of 106 feet, on a parcel of 7.2 acres zoned Commercial 2 (C-2) District. The property is located approximately 268 feet east of Spotsylvania Avenue (Rt. 1234) and approximately 503 feet south of Mine Road (Rt. 636) to the rear of the shopping center that contains Weis Markets. The property is addressed as 10601 Spotsylvania Avenue and identified as Tax Parcel 36-17-C. The parcel is located in the Primary Development Boundary. The property is designated as Commercial on the Future Land Use Map of the Comprehensive Plan. Tax Parcel 36-17-C. Lee Hill Voting District.

Mr. Newhouse opened the public hearing.

Mr. Dameron presented the case. The proposed telecommunications facility is on a parcel of 7.2 acres currently zoned Commercial 2 (C-2). The proposed tower will be a 100-foot-tall monopole topped by a 6-foot-tall lightning rod for a total height of 106 feet within a 1,430 square foot compound surrounded by a 6' tall chain link fence topped with 12 inches of barbed wire as an anti-climbing device. The perimeter fence will have privacy slats and will be surrounded by Arborvitae and Cyprus Trees. The site will be accessed through the existing road that connects the parcel with Spotsylvania Avenue.

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 network deficiencies. The applicant has provided a statement of justification for the proposed telecommunications facility which states that a lack of adequate wireless services in the area has resulted in customer complaints and dropped calls and the new tower will add and improve wireless services including broadband allowing residents and commuters to experience better quality and reduced dropped calls. Also, the applicant asserts the facility will further enhance the emergency communications network in the County through the First Responder Network Authority, which was established by Congress to provide reliable public safety networks across the country and dedicated bandwidth for use only by first responders.

The proposed tower site is on a parcel containing a shopping center building and is bordered by parcels containing office and commercial uses directly to the north, south and west. To the east the site is bordered by "The Meadows", an established single-family home subdivision. This location was selected because the applicant determined the site is in a half-mile radius in which a tower would meet their needs. The applicant also noted that only two existing structures in this half-mile radius met the 100-foot height required to meet coverage goals and be potential sites to co-locate AT&T's equipment. These were respectively, the Hampton Inn & Suites and the Lee's Hill Emergency and Outpatient Center. AT&T contacted the owner and/or landlord of each property and the applicant reported neither was interested in entering into a lease agreement.

Mr. Dameron discussed the following 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 is consistent and compatible with the Commercial 2 Zoning District and Commercial Land Use designation as per the Future Land Use Map in the Comprehensive Plan.
- 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 addition of a tower will benefit wireless telecommunication services in the area and may enhance County emergency communications in the future.
- There will be limited visual impact to the residential homes in closest proximity to the site because they are fairly well shielded by existing mature vegetation and are topographically at a lower grade than the site.

Against:

- The tower will be visible to residential properties to the east. Staff expects greater visibility of the site to adjacent residential areas especially during the winter months due to the mix of evergreen and deciduous trees.

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 "AT&T Site Name Wensel, Site ID 6596, Address 10601 Spotsylvania Avenue, Fredericksburg VA 22408" dated July 20, 2017, last revised July 16, 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 successors-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.

Applicant, Mr. Christopher Burns: He stated that they had originally proposed a 199 ft. monopole but after the community meeting they lowered their request to 106 ft. as it will meet most of their needs. He stated that he has two other professionals with him should any other questions arise. He asked the Commission for their favorable recommendation to the Board of Supervisors.

Speaking in favor or opposition:

Jim Brown, Lee Hill District: He stated that if two public meetings have been held, he wonders why this is the first time he was noticed about the tower. He also stated that with so much commercially zoned property in the county, he wonders why they would place the tower so close to a residential neighborhood.

Carl Wiegand, Lee Hill District: He stated he has concerns about the microwave affects the tower would have on the citizens and wildlife.

Kaila Fleischman, Lee Hill District: She expressed her concerns about the proposed tower being so close to residential and that it will be highly visible. She stated that there is a taekwondo studio there and worries about the children as well as property values. She mentioned the potential for the tower causing cancer.

Mr. Dameron stated that there is no house within 100 feet of the proposed tower.

Applicant, Mr. Burns: He stated that they held two community meetings and notified properties within 2000 feet as well as two notices in the Free Lance Star. When the county mails to property owners, they send notices to anyone within 3000 feet and that is why the one speaker may not have been notified until this hearing. He stated that the proposal is FCC compliant and there are no health concerns.

There was a brief discussion about the frequency that this tower will use.

Mr. Thompson inquired about technology progressing and if this tower would be removed if no longer viable.

Mr. Burns stated yes, the tower would be removed within 6 months.

There was also discussion about 4G technology and what will happen when they go to 6G.

The applicant stated that they don't know what that looks like just yet but would likely only have to make modifications on the ground, not to the actual tower. If there is a substantial revision necessary, the applicant would have to file an amendment to their SUP and come back before the Commission and the Board.

Mr. Newhouse inquired if it is possible to do the camouflage tree pole like the one out on Route 3.

Mr. Burns stated that they could do that if it is desired.

Mr. Newhouse stated that in terms of the microwave effects, he has read that the risk of cancer decrease significantly within a few feet of the tower and it has been studied at length and there is a greater risk of cancer from holding your cellphone to your ear than being nearby a tower.

Mr. Newhouse inquired if there will be capacity for the county to have room on the tower.

Mr. Burns stated yes.

Mr. Newhouse stated that he would like to see a map of all existing towers in the county prior to hearing any tower case.

Ms. Carter stated she visited the site and she doesn't believe we are lacking in coverage. She stated that she would like to continue the meeting until December 18, 2019 to allow further time to study the proposal.

Motion and vote: Ms. Carter made a motion, seconded by Mr. Thompson to continue the hearing to December 18, 2019. The motion passed 5-0.

Worksession(s):

Comprehensive Plan Update Status

As discussed last meeting, the public outreach will not occur until after the first of the year. Staff is looking for feedback as to how to proceed with public meetings.

Ms. Parrish advised that the community meetings need to be accessible and convenient to various parts of the county.

At the last meeting there was discussion about different stations for each section of the plan and Ms. Carter stated that she really likes that idea.

Ms. Maddox stated that she likes the idea of holding the meetings at Massaponax High, Riverbend High, and Spotsylvania High School. The three locations would cover a good portion of the County. She also stated that it would be nice to have iPads so that citizens can provide feedback and comments that evening.

Mr. Newhouse inquired how the meetings would be advertised.

Ms. Parrish stated that ads would be placed in the newspaper, social media, cable tv government channel, and the County's website.

Ms. Carter encouraged staff to reach out to Homeowners Associations.

Ms. Maddox also suggested posting flyers.

Mr. Medina inquired about how the format would be.

Ms. Parrish stated that she envisions having a booth or table for each of the chapters with a specialist to speak on each section.

Mr. Medina inquired if we have enough staff to man the booths.

Ms. Parrish stated that we will recruit the appropriate staff members to man each booth.

Mr. Newhouse stated he imagines the FLUM and Transportation stations will be very busy.

Mr. Medina inquired what the limitations are for the Commissioners and Board Members to attend.

Ms. Parrish advised that we could advertise as a meeting to be sure we are compliant with FOIA regulations.

Mr. Newhouse stated that it may be good to find out ahead of time who plans to attend to determine if advertising as a meeting is necessary.

Public Comment:

Jim Brown, Lee Hill District: He stated that he is new to the area and learning how things work. He thanked the Commissioners for their service.

New Business: None

Adjournment:

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Bullock to adjourn. The motion passed 6-0.

The meeting adjourned at 8:10 p.m.

Paulette L. Mann

Paulette L. Mann

December 18, 2019

Date