

Spotsylvania County Planning Commission

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

MINUTES: December 18, 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
Howard Smith	Livingston
C. Travis Bullock	Battlefield (<i>arrived at 7:10</i>)

Members Absent: Gregg Newhouse Chancellor

Staff Present:

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

Announcements: Ms. Parrish reminded the Commissioners that the first meeting in January is canceled since it falls on New Year's Day. The first meeting of 2020 will be held January 15, 2020.

Review & Approval of minutes:

November 20, 2019 Minutes

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Medina to approve the minutes of November 20, 2019. The motion passed 4-0-1 with Mr. Smith abstaining due to his absence and Mr. Bullock arriving late.

Unfinished Business: None

Continued 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.

Ms. Carter opened the public hearing and Ms. Parrish explained the public hearing procedures.

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.

Mr. Dameron advised that a question was raised at the last meeting regarding how close the nearest residence was to the tower. He advised that the nearest is located approximately 350-feet from the tower. Also, the applicant has agreed to an alternate tower color should the Commission wish to approve one of the options. The two colors are a light brown and a grayish/green color.

Mr. Thompson stated that someone suggested a monopine as an option at the last meeting and wondered what is the status of that possibility.

Mr. Dameron advised that the applicant could speak to that.

Applicant, Mr. Christopher Burns: He stated that they are still agreeable to the monopine should the Commission desire that. The two colors that they are willing to provide are actually called Sand Tan and Light Blue. AT&T is okay with either color but studies have shown that the traditional matte gray has been shown to blend into the landscape/skyline.

Mr. Thompson stated that he would like to see the monopine approved.

Ms. Carter stated that she would like to send the three options to the Board of Supervisors and let them decide on the color.

Ms. Spaulding stated that as a point of order, if Mr. Thompson wishes to send a recommendation of the monopine to the Board for their consideration, he would need to do so in a motion.

Motion and vote: Mr. Thompson made a motion to recommend the Board consider a monopine at this location. The motion tied 3-3, therefore the motion failed.

Ms. Maddox stated that she will reach out to her Board member with her desire. Ultimately, they decide.

Speaking in favor or opposition:

Beverly Brown, Lee Hill District: She wonders why they would place the tower so close to a residential neighborhood and believes it should be placed closer to commercial property.

Applicant, Mr. Burns: He stated that when AT &T determined that a tower was needed, they did the typical studies to determine a suitable location. They found this site within a ring, it had appropriate zoning and found a willing landlord to lease the property, that is why the tower is being requested at this location.

Ms. Carter closed the public hearing.

Mr. Medina inquired about coverage for anyone that is right under the tower and whether the closest homes would essentially be in a dead zone.

The AT&T consultant stated that there are not dead zones under the tower and they should have good coverage.

She advised the audience that they are an advisory body and the Board will hold a similar public hearing in the very near future.

Motion and vote: Ms. Maddox made a motion, seconded by Mr. Smith to find the tower substantially in accord with the County's Comprehensive Plan. The motion passed 5-1, with Mr. Thompson voting no.

Motion and vote: Ms. Carter made a motion, seconded by Mr. Smith to approve the tower with the recommended conditions. The motion passed 5-1, with Mr. Thompson voting no.

Public Comment: None

New Business:

Mr. Smith stated that this is his last meeting and thanked the Commissioners and Planning Staff. He stated that it was an honor and priveledge to serve with them. He stated that Ms. Parrish and

her staff have been great and the County is very lucky to have such a great, hardworking staff and feels like many have no clue about how hard each of them works.

Ms. Carter inquired how long Mr. Smith has been a public servant to include his law enforcement career.

Mr. Smith stated 36 years.

Ms. Carter thanked him and stated he has been wonderful to work with over the years.

Mr. Bullock wished everyone a Merry Christmas and Happy New Year.

Adjournment:

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

The meeting adjourned at 7:40 p.m.

Paulette L. Mann

Paulette L. Mann

Wednesday, January 15, 2020

Date