

Planning Commission Meeting Report

File #: C-20-3
Request: Conditional Use Permit: Wireless Telecommunication Tower/Facility
Applicant: Cellco Partnership d/b/a Verizon Wireless, through its agent, Euan Fuller
Property Location: 3418 Sutherland Rd., Sutherland, Virginia
Tax Map Parcel #: 6-33
Acreage: Tax parcel is approximately 162.55 acres; lease area is 10,000 square feet which is located approximately 350 ft. into the property from Sutherland Rd. (Rt. 623)
Magisterial District: Namozine District
Existing Zoning: R-R, Residential, Conservative
Planning Commission Public Hearing Date: March 11, 2020
BOS Mtg. Date: July 21, 2020

CUP REQUEST

The applicant, Cellco Partnership d/b/a Verizon Wireless, through its agent, Euan Fuller, is seeking a conditional use permit to allow for the construction and operation of a 195-foot steel monopole wireless telecommunications tower with the top of all appurtenances extending to 199 feet and related equipment on the following described property containing approximately 162.55 acres. The property is located at 3418 Sutherland Rd., Sutherland, VA, and is further designated as Tax Map No. 6-33. The property is zoned R-R, Residential Conservative, which may be changed to allow such use upon receiving a conditional use permit. The County's Comprehensive Land Use Plan places this property within the Planned Growth Area which allows limited commercial, service development at the Ordinance defined density.

INFORMATION INCLUDED

The following information is included for your review:

- Conditional Use Permit Application
- Tower Site Location Map
- Tower Application Supporting Information
- County's Telecommunication Consultant's Technical Review

CASE SUMMARY

The applicant is requesting to locate a 199-foot tall tower (195-foot monopole plus a four-foot lightning rod) with space for five total users in this area of the County to improve the network capacity for the surrounding area as the demand for wireless service increases and places greater strain on the network sites in this general area. The possibility of co-locating on existing towers in the surrounding area was pursued by the applicant, and no additional sites are available meeting the applicant's coverage objectives (see 1.1 Co-location, Technical Review by Atlantic Technology Consultants, Inc.).

ZONING AND LAND USE ANALYSIS

The property under review is designated by the Comprehensive Land Use Plan as a part of the Planned Growth Area. As such, the area is expected to accommodate future public service facility development for this general area as appropriate.

The properties around this land parcel have agricultural, forestal, and low density residential uses, and the properties surrounding the tower site are zoned Residential, Conservative, District R-R.

Section 22-84 (16) of the Dinwiddie County Zoning Code allows for the location of this proposed use, “communication tower with station”, within the R-R, Residential, Conservative, Zoning District provided that a conditional use permit is approved.

Additionally, Article IX of Chapter 22 of the Code of Dinwiddie, Virginia sets forth guidelines for the siting of telecommunication antennae and towers. Section 22-269 outlines the purpose and intent of the article, and within this section the goals of the ordinance are set forth. The goals are as follows:

- a. encourage the location of antennae and towers in areas where the adverse impact on the community is minimal;
- b. to accommodate wireless telecommunication services to county residents, businesses, and travelers;
- c. strongly encourages the co-location of telecommunication equipment on existing towers;
- d. maximize the use of existing structures;
- e. make available public property to facilitate the deployment of wireless telecommunication facilities;
- f. minimize adverse visual effects of wireless telecommunication facilities through careful siting and design and;
- g. minimize adverse impacts on the natural, scenic, environmental, historic, cultural, and recreational resources of the county.

As previously noted the applicant explored the opportunities for co-locating on the existing towers in the area, but co-locating on these towers does not achieve the coverage goals. The applicant’s plan does comply with all federal, state, and local regulations regarding providing future co-location of equipment on the existing telecommunication tower and equipment site.

It is the applicant’s intent to develop their telecommunication network within the framework established by the above stated goals. Additionally, there will be no impact on the subject and adjacent properties concerning by-right agricultural, forestal, and residential uses.

As per the Zoning Ordinance, Article IX, Section 22-274 (3) Setback requirements, “Towers must be setback a distance equal to 200% of the height of the antenna or tower to the nearest residential structure and in no case less than 400 feet”, and the distance from the proposed tower to the nearest residential structure is approximately 676 feet. In addition, Section 22-274 (4)

requires that “All antenna support structures must be setback 110% of the height of the structure from all property lines”. The proposed location of the tower does meet this setback requirement; the setback from the proposed tower to the nearest property line is 370 feet.

OVERVIEW OF IMPACTS

Public Utilities, School System, Environmental & Historic Recourses, & Surrounding Properties

The potential impacts on the subject property are minimal. Electricity is the only utility needed to develop the site for a wireless telecommunication tower/facility. There is no impact on the public school system. The Section 106 filing as part of the National historic Preservation Act of 1966 (NHPA) has taken place and as the County’s consultant has recommended the final comments on the 106 filing and the Phase I Environmental Site Assessment and NEPA Review shall be received prior to issuance of a Building Permit. Visibility of the proposed tower from the surrounding properties will be limited and minimal. Finally, there is no hazard to air space navigation, and the tower will be designed to collapse upon itself once wind loads exceed the required limits, and there are required monthly site maintenance visits to the tower.

COUNTY CONSULTANT’S RECOMMENDATION

The County’s telecommunications consultant, Atlantic Technology Consultants, Inc., has reviewed the conditional use permit and new-build wireless telecommunication tower/facility application and is satisfied that the applicant has addressed the impacts of and need for the tower and has recommended approval of the request contingent upon (1) request and display an antenna Site registration Number from the FCC; and (2) comments back from the Virginia Department of Historical Resources should be received prior to issuance of a building permit.

STAFF RECOMMENDATION

The Staff has reviewed the conditional use permit request for a 199-foot tall tower (195-foot monopole plus a four-foot lightening rod) to be located on a 100’ X 100’ lease tower development area and finds that the applicant has successfully addressed the impacts of the wireless telecommunication tower/facility:

1. The impact of the proposed tower will be minimal given that the proposed tower will not have direct effects on public utilities, the transportation network, public safety, schools, and water quality. As related to the Section 106 review for the SHPO, the Department of Historic Resources (DHR) has found that there are no adverse effects related to the direct and visual effects on historic properties in the area.
2. The subject property is of adequate acreage and the proposed location of the 199-foot unlit monopole tower will not adversely impact the surrounding land uses.
3. The proposed location of the tower conforms with the goals of the Planned Growth Area as set forth in the Comprehensive Land Use Plan, and to the requirements of the Zoning Ordinance.

Therefore, staff recommends APPROVAL of the request for a conditional use permit to construct the subject telecommunications tower based on the following conditions:

1. The applicant shall limit the height and type of wireless telecommunication tower to a 199-foot monopole tower (195-foot monopole plus a four-foot lightning rod) located on a 100' X 100' lease compound area as stated in the application.
2. The wireless telecommunication tower/facility owner shall negotiate in good faith with the County for paid, leased tower space if the County should desire to locate broadband or other communications equipment for commercial or like services to third parties.
3. Prior to obtaining final building permit approval, the applicant shall post a bond equivalent to the cost of removal of the monopole tower with the Dinwiddie County Planning Department.
4. The monopole tower shall be engineered to accommodate five (5) wireless broadband providers and their equipment.
5. The monopole tower will be constructed to meet or exceed the setbacks as shown on Site Plan sheet number Z-1 of the tower overall site plan with revisions titled "VZW – Waterford – Rawland", 3418 Sutherland Road, Sutherland, VA 23885, Zoning Drawings, as designed by Tectonic Engineering Consultants P.C. and dated 01/30/2020.
6. The conditional use permit shall be reviewed at least every two (2) years for compliance with the subject CUP conditions and all applicable Zoning Ordinance requirements for wireless telecommunication facilities.
7. The applicant shall maintain compliance with all federal, state, and county rules and regulations related to the wireless telecommunication tower/facility use.

PLANNING COMMISSION RECOMMENDATION

At the March 11, 2020 Planning Commission meeting, the Planning Commission held the Public Hearing for the subject CUP request where the staff and the applicants presented the case, with the Planning Commission following with questions and comments concerning the request.

The Chairman said if there is no further discussion would the applicant like to come forward and add anything.

Mr. Mark Kronenthal representing Verizon Wireless came forward and made a few comments supporting the need of the proposed tower and addressed the recent comments submitted by Virginia Department of Historic Resources (DHR). DHR has indicated that the tower can be seen from the historic home at Whippernock Farm and that the applicant should explore measures to reduce the visual effect of the proposed tower. Mr. Caringhall explained that the existing historic home is not on the National Register and that the proposed tower is approximately three fourths of a mile from the Whippernock Farm and it is much closer to the homes in Waterford Landing and Oxford Drive. He asked the members if they had any questions of him.

The Chairman asked if there are any questions for the applicant. He said since there are none he was opening the public hearing portion of the case. He asked if anyone signed up to speak.

Mr. Kenneth Collins, 3418 Sutherland Road Sutherland, VA said he is in agreement with the placement of the wireless tower.

The Chairman said since there is no one else signed up to speak he is closing the public hearing portion of the case. He opened the discussion among the Commissioners. The Chairman said if there is no more discussion, he would entertain a motion.

Mr. Titmus made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit request, C-20-3, be recommended for approval with conditions as presented to the Board of Supervisors.

It was seconded by Mr. Simmons and with Mr. Simmons, Mr. Cunningham, Mr. Titmus, Mr. Prorise, Mr. Harvell, Mr. Prorise, Mr. Tucker and Mr. Hayes voting "AYE." C-20-3 was recommended for approval with conditions to the Board of Supervisors.

BOARD ACTION

Since this is a zoning matter, the standard statement regarding action on this zoning matter must be read. In order to assist, the following motion is attached as follows:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit, C-20-3, as presented be (approved with conditions OR disapproved) by the Board of Supervisors.