Albemarle County Planning Commission
April 29, 2003

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, April 29, 2003 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas; Pete Craddock; Bill Edgerton; William Rieley, Chairman; William Finley; and Jared Loewenstein. Absent from the meeting was Tracey Hopper, Vice-Chairman.

Other officials present were David Benish, Chief of Planning & Community Development; Greg Kamptner, Assistant County Attorney; and Steven Waller, Senior Planner.

Other Matters Not Listed on the Agenda from the Public

Mr. Rieley invited comment from the public on other matters not listed on the agenda. There being none, the meeting proceeded.

Consent Agenda

Approval of Planning Commission Minutes – April 1, 2003

Mr. Edgerton moved to approve the consent agenda as presented.

Mr. Thomas seconded the motion.

The motion carried unanimously (6:0). (Hopper – Absent)

Public Hearing Item:

Mr. Rieley stated that they have several public hearing items tonight, which are all adaptations of existing towers. He noted that if it suits the other Commissioners and staff, the Commission will hear all of these applications as a group and then take separate actions. He asked Mr. Waller to present the staff reports.

SP-2003-008 David C. Weber – Triton PCS Amendment (Sign #45) - Request for special use permit approval to allow the installation of new ground equipment supporting new digital technology, E-911 services and the replacement of antennas at an existing personal wireless services facility. This request is being made in accordance with Section 10.2.2.6 of the Zoning Ordinance, which allows for microwave and radio-wave transmission and relay towers and their appurtenances in the Rural Areas. The property, described as Tax Map 73, Parcel 31D, contains 10.31 acres, and is located in the Samuel Miller Magisterial District on Rt. 708 (Dry Bridge Road) between I-64 and Rt. 637 (Dick Woods Road). The property is zoned RA, Rural Area. The Comprehensive Plan designates this property as Rural Area 3. (Stephen Waller)

SP-03-10 Elizabeth Bright - Triton PCS Amendment (Sign #19) - Request for special use permit approval to allow the installation of new ground equipment supporting digital technology, E-911 services and the replacement of antennas at an existing personal wireless services facility. This request is being made in accordance with Section 10.2.2.6 of the Zoning Ordinance, which allows for microwave and radio-wave transmission and relay towers and their appurtenances in the Rural Areas. The property, described as Tax Map 58, Parcel 61A, contains approximately 5.144 acres, and is located in the Samuel Miller Magisterial District on the eastern side of Rt. 676 (Tillman Road), approximately 1/2 mile north of the intersection with Route 250 West. The

property is zoned RA, Rural Areas, and the Comprehensive Plan designates this property as Rural Area 3**.** (Stephen Waller)

SP-03-11 Martin Howell - Triton PCS Amendment (Sign 75 & 85) - Request for special use permit approval to allow the installation of new ground equipment supporting digital technology, E-911 services and the replacement of antennas at an existing personal wireless services facility. This request is being made in accordance with Section 10.2.2.6 of the Zoning Ordinance, which allows for microwave and radio-wave transmission and relay towers and their appurtenances in the Rural Areas. The property, described as Tax Map 72, Parcel 21, is located in the Samuel Miller Magisterial District at 5726 Wyant Lane, approximately 153 feet south of I 64, and between State Route 635 and Mechums River. The property is zoned RA Rural Area District (RA) and within an Entrance Corridor Overlay Zone (EC). The Comprehensive Plan designates this property as Rural Area 3. (Stephen Waller)

SP-2003-012 James and Julie Herring – Triton PCS Amendment (Sign # 15, 16) - Request for special use permit approval to allow the installation of new ground equipment supporting digital technology, E-911 services and the replacement of antennas at an existing personal wireless services facility. This request is being made in accordance with Section 10.2.2.6 of the Zoning Ordinance, which allows for microwave and radio-wave transmission and relay towers and their appurtenances in the Rural Areas. The property, described as Tax Map 53, Parcel 6, contains 83.417 acres, and is located in the White Hall Magisterial District off of Green Hill Lane approximately 1/2-mile northwest of the Route 64 West overpass of Rt. 690 (New Town Road). The property is zoned RA, Rural Areas and EC, Entrance Corridor Overlay District. The Comprehensive Plan designates this property as Rural Area 1. (Stephen Waller)

SP-2003-013 David T. Pastors – Triton PCS Yancey Mills Amendment (Sign #80) - Request for special use permit approval to allow the installation of new ground equipment supporting digital technology, E-911 services and the replacement of antennas at an existing personal wireless services facility. This request is being made in accordance with Section 10.2.2.6 of the Zoning Ordinance, which allows for microwave and radio-wave transmission and relay towers and their appurtenances in the Rural Areas. The property, described as Tax Map 55, Parcel 93, contains approximately 21 acres and is located in the White Hall Magisterial District on Rt. 684 (Half Mile Branch Road), at Yancey Mills, approximately 1/8 mile north of the intersection with Hillsboro Lane (Route 797). The property is zoned RA, Rural Areas and EC, Entrance Corridor. The Comprehensive Plan designates this property as Rural Area 3. (Stephen Waller)

SP-2003-014 David or Carolyn Holmes – Triton PCS Mt. Jefferson Amendment (Sign #17, 18) - Request for special use permit approval to allow the installation of new ground equipment supporting digital technology, E-911 services and the replacement of antennas at an existing personal wireless services facility. This request is being made in accordance with Section 11.2.2.6 of the Zoning Ordinance, which allows for micro-wave and radio-wave transmission and relay towers and their appurtenances in the R-1, Residential zoning district. The property, described as Tax Map 76C, Section 2, Parcel 2, contains approximately 1.5 acres zoned R-1 (1 dwelling unit/acre) and EC, Entrance Corridor. This site is located on the western side of the Route 29 bypass (Monacan Trail), approximately one-half (1/2) mile south of the intersection of Routes 29 and 250 West (Ivy Road) in the Samuel Miller Magisterial District. This site is located in Development Areas Neighborhood 6, and is recommended for Neighborhood Density Residential (306 dwelling units/acre) by the Comprehensive Plan. (Stephen Waller)

SP-2003-016 John and Dorothy Adams – Triton PCS Amendment (Sign #92, 95, 96) - Request for special use permit approval to allow the installation of new ground equipment supporting digital technology, E-911 services and the replacement of antennas at an existing personal wireless services facility. This request is being made in accordance with Section 10.2.2.6 of the Zoning Ordinance, which allows for microwave and radio-wave transmission and relay towers and their appurtenances in the Rural Areas. The property, described as Tax Map 59, Parcel 20, contains 140.982 acres, and is located in the Samuel Miller Magisterial District 785 Verdant Lawn Lane, west of Rt. 250 and Rt. 677. The property is zoned RA, Rural Areas District. The Comprehensive Plan designates this property as Rural Area 3. (Stephen Waller)

Mr. Waller summarized the staff report.

Applicant's Proposal:

The applicant's proposal is for the replacement of antennas and installation of new ground equipment supporting upgrades in digital technology and E-911 services at several existing personal wireless services facility. The proposed panel antennas, which are approximately 4-1/2 feet in length, 1-foot in width, and 4 inches in depth, would be flush-mounted on existing "treetop" monopoles at various Triton PCS/SunCom facilities throughout the County. At each site the new ground equipment would be installed within two (2) cabinets, one that is 5-1/4 feet tall, 4-1/4 wide and 2-1/3 feet deep and another that is 2-1/6 feet tall, 2-1/3 foot wide and 1-11/12 feet deep. The larger of those two cabinets would be installed either on the existing concrete pads, or on pre-cast pad extensions, while the smaller cabinet would be fitted on top of the existing equipment cabinets located at each site. Additionally, a 2-foot long, 3/4-inch diameter GPS (Global Positioning System) antenna would be installed at ground level on ice bridges.

Petition:

All of the existing and new equipment at these sites would continue to be used by one personal wireless communication service provider, Triton PCS/ SunCom. These requests are being made in accordance with Sections 10.2.2.6 and 13.2.2.6 of the Zoning Ordinance, which allows for radio wave transmission and relay towers in the Rural Areas and R-1, Residential zoning districts. Staff has identified the following factors, which are favorable to these requests:

1. The proposed installation of antennas and equipment subject to this special use permit would not restrict any of the uses that are permitted by right or impose any additional impacts on adjacent properties.
2. The new ground equipment cabinets would not be visible from areas outside of the facility.
3. No additional clearing or other disturbance appears to be necessary for the replacement of the antennas and installation of new ground equipment.
4. These proposals are anticipated to have minimal visual impacts upon the existing surroundings.

Mr. Waller stated that with this request the applicant is proposing to replace several new antennas on several existing personal wireless facilities throughout the County. With the first round of these applications, which were 15 in all, they were requesting to upgrade their new service technology for E911 and the digital technology. Of those, the Zoning Department determined that 8 of the requests would be allowed by right since the antennas were actually decreasing in size with the concrete pad remaining the same size. Therefore, all of the equipment could fit in the area provided by the existing concrete pad. Five of the seven applications before the Commission tonight are for ones that would allow the replacement of the existing antennas with new ones that are slightly larger than those that are in place currently and with new ground equipment that would fit on the existing concrete pad. The second request, which is for SP-03-08 Weber, is for a special use permit that would allow the replacement of the existing antennas with ones that are slightly larger than the existing one. The applicant would

also add an additional 3' X 2' pre-cast concrete pad to the existing pad. That would give the applicant adequate space to add the new ground equipment being proposed at the site. The last request in this list is SP-03-14 for the Holmes property, which would allow the replacement of the existing antennas that are larger than the ones being proposed. He pointed out that actually, these antennas will actually be smaller than the existing antennas, but there is a need for a 5' X 3' pre-cast concrete pad to accommodate the new ground equipment. If all of the requests were approved, then all the new antennas would be of the same size at each site. The antennas would also be of the same size that is installed at the sites that were allowed to have these amendments by right. All of this information regarding the ground equipment sizes and the size of the antennas is shown in the applicant's construction plans that are provided in the staff report. If you have any further questions, he would be happy to answer them.

Mr. Rieley asked if there were questions for Mr. Waller.

Mr. Edgerton asked what was an ice bridge.

Mr. Waller stated that an ice bridge was a grid-like structure that covers some of the equipment so if ice were to fall off the tower that it would protect the ground equipment. He pointed out that the applicant would probably have a better technical answer.

Mr. Edgerton asked if this was the same tower that had been installed at the wrong site; and if that issue has been cleared up.

Mr. Waller stated that was correct. At one time, the applicant submitted a request to allow an amendment of that original special use permit, but that request was withdrawn. The applicant actually replaced the tower or the monopole that was there with one that corresponded with the size that was originally approved by the Board.

Mr. Rieley stated that he had mentioned that SP-03-08, Weber was an application for a larger antenna. He asked which of the others were larger.

Mr. Waller stated that would include Bright, Howell, Herring, Adams and Pastors.

Mr. Rieley asked how much larger the antennas would be.

Mr. Waller stated that the Bright tower was going from 8 inches in width to a foot and for the remaining ones they were changing in length by 6 inches.

Mr. Rieley stated that he noticed on the illustrations that all of the antennas were mounted so that the tops of the antenna were slightly above the tops of the poles. He asked if that was consistent with their previous mounting.

Mr. Waller stated that the conditions usually state that the top of the antennas should not extend above the top portions of the tower. In any case, when the Zoning Department looks at this, they would look at the maximum height of the antennas to be allowed as being the same as the maximum height of the tower. He pointed out that the applicant could probably answer that question better.

Mr. Rieley stated that it actually looks like the antennas themselves are about even with the top of the pole, but the mounting pipe is higher. He pointed out that his concern was one of the eventual or gradual creeping upwards of the towers. He noted that it appeared to be minor. He stated that condition 6 was inconsistent with the illustrations that accompany the applications, which was his concern. He asked the applicant to enlighten the Commission on that. He asked if there were other questions for Mr. Waller. There being none, he opened the public hearing and asked if the applicants would like to address the Commission.

Valerie Long, representative for the applicant Triton PCS, pointed out that they have several other representatives of Triton here this evening. Those persons present include Mr. Frank Shortall, who is the site development manager for all of Triton's wireless facilities in Virginia and a five state area; Dale Finocchi, who is the zoning manager for Triton; and Bryan Siegel, who is also a member of the zoning team for Triton. She stated that on all of the drawings the intent of the detail page would be that the panel antennas are below the height of the pole and the antenna mounting brackets are also at best even with the top of the pole. She pointed out that the antenna pole and the mounting pipe are perhaps on the backside of the pole and might appear to be higher. She pointed out that the drawings were trying to illustrate that the mounting brackets were back there because the drawing of the pole itself would block its view.

Mr. Rieley noted that in the Bright's request the drawing seemed to be inconsistent.

Ms. Long stated that they would make that correction, but that she had been told that not all of the facilities mounting brackets extend above the top of the facility.

Mr. Rieley stated that the section 1.C.2 also illustrates the pipe being above the top of the pole.

Ms. Long stated that they would make that correction. She asked to clarify some of the other applications that Triton has submitted. Some of those were not required to go through the process because they were older facilities that had been installed as co-locations on existing facilities where there were either no conditions of approval or there was great flexibility. Therefore, all of those applications were handled administratively. As Mr. Waller pointed out, the proposals before the Commission, this evening would allow Triton to upgrade their wireless facilities to accomplish two goals. The first goal is the transition of their wireless technology to GSM technology, which is the new generation of wireless services. This technology will allow their customers to transmit video and data over their telephones and have access to the Internet among other technologies. The second goal will be to implement the federally mandated emergency 911 system. For these transitions to occur there are in essence three required additions to each of our facilities for each of the two goals. For the transition to the GSM, it requires the addition of a second equipment cabinet at the base of each facility. On five of these facilities, there is room on the existing concrete pads to install the new cabinet on top of the existing pad. Two of these sites, the Weber and Holmes properties, would require the addition of a very small pre-cast concrete pad to accommodate the equipment. For the GSM transition, an addition of 6 coaxial cable lines running from the ground equipment at the base of the pole to the antenna panels at the top of the pole would be required. In addition, it would also require the upgrading of the antenna panels from either a 6 to 8 inch wide panels to a 12-inch wide panel. She noted that since the Holmes property was an older site that the panel antennas were already wide enough because earlier technology required the panels to be wider and much longer. The E911 implementation requires the addition of a very small box on top of the existing equipment cabinet. It is shown as the new E911 cabinet, which is a roughly 2 foot square box located on top of the existing equipment cabinet. It also requires a very small antenna located on essentially the face of the facility. It is a 2-foot high antenna that is less than 1 inch in diameter. That is the global positioning satellite antenna and is shown as the new GPS antenna on the plans. Finally, it requires the addition of a new ice bridge on the plans. To address Mr. Edgerton's question, an ice bridge is the cover that runs across the tops of the cables. The cables run from the ground equipment to the pole and then up the pole. The ice bridge covers the cables so that ice does not build up on top of the cables and weigh them down and damage them. For the new E911, cabinet a very small ice bridge is required which is shown as the new ice bridge on the bottom of the detailed section of the plans.

Mr. Loewenstein asked what would be the approximate height of the top of that antenna from the top of the ground equipment. He noted that it was difficult to tell from the drawing.

Ms. Long stated that it was located on top of the ice bridge. She apologized because she misspoke and stated that it was at the ground level.

Mr. Finocchi stated that it was a 2-foot antenna and will be about even with the E911.

Ms. Long stated that this was the new equipment cabinet for the GSM technology and this is the new equipment cabinet for the new E911 technology. She pointed out that Triton would paint the new equipment the same color as the existing equipment. She stated that on the Holmes property there was a minor typographical error in the staff report. The panel antennas on the Holmes property will actually decrease in size and will be one-half of their current height from 8 feet to roughly 4 feet. These minor modifications will be incorporated within the existing compound. Therefore, Triton does not anticipate the need for any additional ground clearing of any type. All of these facilities have existing access roads. Of course, the height of the poles will not change at all. Therefore, they feel that these changes are minor. As the staff report notes, they will not have any increase in visibility and all of the facilities are well screened from the roadways and adjacent properties. There is one suggested change to the conditions of approval in condition # 1 where it states that all of the equipment and facilities will be constructed as shown on the plans. She noted that they would propose that it read in substantial accord with the plans. In monitoring several other applications that the Commission and Board have processed recently, she found that a minor modification to the standard language that would allow some flexibility for minor administrative modifications in the future. She stated that would certainly fulfill the intent of the ordinance and would allow for some minor modification in the future. She asked that the Commission approve the requests with the minor modifications.

Mr. Rieley asked if there were any questions for Ms. Long.

Mr. Craddock asked if all of the panels throughout the County were going to have to be changed on not only your towers but also other carriers.

Ms. Long stated that she could not speak for any other wireless provider since she did not know.

Mr. Craddock asked if the panels are stronger.

Ms. Long referred the question to the Triton staff since she did not know the answer to that.

Dale Finocchi stated that the differences in the panels are related to digital technology and not to E911. They are going from a dual polarized antenna that has one send and one receive to a quad pole antenna, which has two sends, and two receives. They are related to the change in technology and the things that they are doing. It allows them to do more through one antenna, which was what they needed to do in Charlottesville. In other areas where they are not limited to one antenna, they simply add an additional antenna to the section. He pointed out that he could not tell him what other carriers are doing concerning the changes in technology. He stated that they would be at the same energy level and same frequency.

Mr. Waller stated that they have received seven more Triton proposals like this today and noted that there are more like these being submitted.

Mr. Rieley asked if anyone else would like to address any of these applications. There being none, he asked Ms. Long if she would like to add anything.

Mr. Long requested that if there were any questions that come up that she would be granted the opportunity to respond to those or clarify any issues that may come up.

Mr. Loewenstein stated that he was pleased to see that the change in technology is possible to achieve without violating the principles of our Wireless Communications Policy.

Mr. Rieley stated that he had one question for staff. He stated that previously they had 6.5-inch antennas and they are going to 12 inch. In reviewing this, he recalled approving many 12-inch

wide antennas. So the fact that these were brought to us with a limitation of 6.5 inches was based upon how they were brought to us and not a limitation based upon some criteria that they were setting.

Mr. Waller stated that was exactly right because it was based upon what they were showing us at the time. He pointed out that their conditions were written as shown on the plan. One of the things that staff was speaking about was that they were agreeable to the change that Ms. Long proposed and maybe even saying in general accord, which was what they have used in the past for concept plan for other special use permits.

Mr. Kamptner stated that there might be a difference in a conceptual plan and a special use permit condition like this one. He suggested that the Zoning Department look at this proposal and the proposed change in the condition. Then he would be able to speak to the Board next week on it.

Mr. Rieley agreed because he was more comfortable with the language as it is at this stage of the game. He noted that a part of it is that it is specific and that is why the drawings should be consistent with the language in the conditions. They are quite specific conditions and opening it up to substantial or general accord seems to be giving a degree of latitude that is not consistent with the specificity that is in the application.

Mr. Benish stated that the main thing that came to his mind was in terms of the E911 box of that scale and the ice bridge with those minor attachments so that staff could look at what the implications are for those additions. He pointed out that he did not think that from the tower height or the attachments to the towers that they wanted that sort of general accord.

Mr. Rieley pointed out that he would not have any objection at all to adopt that language for the ground equipment.

Mr. Benish agreed with Mr. Kamptner's suggestion that they talk with the Zoning Department about that kind of latitude for the ground equipment. He stated that they could get many these changes for the E911 changes. To have to go through that would probably not be the best time for them to spend. However, certainly for the towers they wanted to be very careful about the latitude given.

That being the case, Mr. Rieley closed the public hearing to bring the matter before the Commission for discussion and possible action.

Mr. Kamptner asked that the Commission take a separate action for each application. Each application can be prefaced with the understanding that the drawings will be revised for each application to show that the antennas and mounting equipment will be depicted to be below the top of the pole. Also with the understanding that Planning staff and the County Attorney's Office will discuss the possible revision to condition # 1 particularly pertaining to the ground equipment to see if Zoning is comfortable with what would be the general accord language for that equipment.

Mr. Rieley asked if it was the consensus of the Commission, just for the minutes to go to the Board, that they think that some modification of the language relative to the ground equipment is reasonable. However, they think that the level of specificity should be retained on the antennas themselves because that is the visible part.

All of the Commissioners present agreed with Mr. Rieley.

Mr. Finley moved to recommend approval of SP-2003-008, David C. Weber – Triton PCS Amendment, with the recommended conditions as supplemented by Mr. Kamptner's previous remarks.

The facility shall be designed, constructed and maintained as follows:

1. The facility including the monopole, the ground equipment building, and any antennas shall be sized, located and maintained as shown on the application plan entitled, "Triton PCS/Weber Property ", last revised January 23, 2003 and provided with Attachment F in report.
2. The height of the monopole shall not be increased for the purpose replacing the antennas.
3. All ground equipment, antennas, equipment pads, external wires and equipment shall be a color that closely matches that of the existing pole and ground equipment.
4. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than 12 inches.
5. No satellite or microwave dishes shall be permitted on the monopole.
6. No antennas or equipment, with the exception of a grounding rod, shall be located above the top of the pole.
7. No guy wires shall be permitted.
8. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
9. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted except as provided by the existing livestock fencing shown on the plan.

Before the issuance of a building permit, the following requirements shall be met:

10. Submittal of a statement that no tree removal is necessary or a tree conservation plan, developed by a certified arborist, to the Director of Planning and Community Development for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. All construction or installation associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment pad. A special use permit amendment shall be required for any future tree removal within the two hundred-foot buffer, after the installation of the subject facility.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

11. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider.
12. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a

letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

Please note that the Planning Commission recommendation for approval included a revision to condition #1 to be made by the County Attorney's Office:

That the Planning staff and the County Attorney's Office will discuss the possible revision to condition # 1, particularly pertaining to the ground equipment to see if the Zoning Department is comfortable with the general accord language for that equipment.

Mr. Edgerton seconded the motion.

The motion carried unanimously (6:0). (Hopper – absent)

Mr. Rieley stated that this item would go to the Board of Supervisors with a recommendation for approval on May 7th.

Mr. Loewenstein moved to recommend approval of SP-2003-010, Elizabeth Bright – Triton PCS Amendment, with the recommended conditions as supplemented by Mr. Kamptner's previous remarks.

The facility shall be designed, constructed and maintained as follows:

1. The facility including the monopole, the ground equipment building, and any antennas shall be sized, located and maintained as shown on the application plan entitled, "Bright (Triton PCS) ", last revised January 23, 2003 and provided with Attachment A in report.
2. The height of the monopole shall not be increased for the purpose replacing the antennas.
3. All ground equipment, antennas, equipment pads, external wires and equipment shall be a color that closely matches that of the existing pole and ground equipment.
4. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than 12 inches.
5. No satellite or microwave dishes shall be permitted on the monopole.
6. No antennas or equipment, with the exception of a grounding rod, shall be located above the top of the pole.
7. No guy wires shall be permitted.
8. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
9. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

Before the issuance of a building permit, the following requirements shall be met:

10. Submittal of a statement that no tree removal is necessary or a tree conservation plan, developed by a certified arborist, to the Director of Planning and Community Development for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. All construction or installation associated

with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment pad. A special use permit amendment shall be required for any future tree removal within the two hundred-foot buffer, after the installation of the subject facility.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

11. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider.
12. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

Please note that the Planning Commission recommendation for approval included a revision to condition #1 to be made by the County Attorney's Office:

That the Planning staff and the County Attorney's Office will discuss the possible revision to condition # 1, particularly pertaining to the ground equipment to see if the Zoning Department is comfortable with the general accord language for that equipment.

Mr. Rieley stated that before they vote on this, he wanted to point out that they received a letter from one of the neighbors who was actively involved in pointing out the discrepancy in height in the previous application. In his letter, he stated that the applicant has worked reasonably and carefully with them and that they were completely satisfied with this application.

Mr. Edgerton seconded the motion.

The motion carried unanimously (6:0). (Hopper – absent)

Mr. Rieley stated that this item would go to the Board of Supervisors with a recommendation for approval on May 7th.

Mr. Thomas moved to recommend approval of SP-2003-011, Martin Howell – Triton PCS Amendment, with the recommended conditions as supplemented by Mr. Kamptner's previous remarks.

<u>The facility shall be designed, constructed and maintained as follows:</u>

1. The facility including the monopole, the ground equipment building, and any antennas shall be sized, located and maintained as shown on the application plan entitled, "Howell (Triton PCS)", last revised January 23, 2003 and provided with Attachment B in report.
2. The height of the monopole shall not be increased for the purpose replacing the antennas.
3. All ground equipment, antennas, equipment pads, external wires and equipment shall be a color that closely matches that of the existing pole and ground equipment.

4. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than 12 inches.
5. No satellite or microwave dishes shall be permitted on the monopole.
6. No antennas or equipment, with the exception of a grounding rod, shall be located above the top of the pole.
7. No guy wires shall be permitted.
8. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
9. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted except as provided by the existing barbed-wire fencing shown on the plan.

Before the issuance of a building permit, the following requirements shall be met:

10. Submittal of a statement that no tree removal is necessary or a tree conservation plan, developed by a certified arborist, to the Director of Planning and Community Development for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. All construction or installation associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment pad. A special use permit amendment shall be required for any future tree removal within the two hundred-foot buffer, after the installation of the subject facility.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

11. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider.
12. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

Please note that the Planning Commission recommendation for approval included a revision to condition #1 to be made by the County Attorney's Office:

1. That the Planning staff and the County Attorney's Office will discuss the possible revision to condition # 1, particularly pertaining to the ground equipment to see if the Zoning Department is comfortable with the general accord language for that equipment.

Mr. Finley seconded the motion.

The motion carried unanimously (7:0).

Mr. Rieley stated that this item would go to the Board of Supervisors on May 7th.

Mr. Edgerton moved to recommend approval of SP-2003-012, James and Julie Herring – Triton PCS Amendment, with the recommended conditions as supplemented by Mr. Kamptner's previous remarks.

The facility shall be designed, constructed and maintained as follows:

1. The facility including the monopole, the ground equipment building, and any antennas shall be sized, located and maintained as shown on the application plan entitled, "Triton PCS/Herring", last revised January 23, 2003 and provided with Attachment C in this report.
2. The height of the monopole shall not be increased for the purpose replacing the antennas.
3. All ground equipment, antennas, equipment pads, external wires and equipment shall be a color that closely matches that of the existing pole and ground equipment.
4. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than 12 inches.
5. No satellite or microwave dishes shall be permitted on the monopole.
6. No antennas or equipment, with the exception of a grounding rod, shall be located above the top of the pole.
7. No guy wires shall be permitted.
8. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
9. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

Before the issuance of a building permit, the following requirements shall be met:

10. Submittal of a statement that no tree removal is necessary or a tree conservation plan, developed by a certified arborist, to the Director of Planning and Community Development for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. All construction or installation associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment pad. A special use permit amendment shall be required for any future tree removal within the two hundred-foot buffer, after the installation of the subject facility.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

11. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider.

12. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

Please note that the Planning Commission recommendation for approval included a revision to condition #1 to be made by the County Attorney's Office:

That the Planning staff and the County Attorney's Office will discuss the possible revision to condition # 1, particularly pertaining to the ground equipment to see if the Zoning Department is comfortable with the general accord language for that equipment.

Mr. Loewenstein seconded the motion.

The motion carried unanimously (6:0). (Hopper – Absent)

Mr. Rieley stated that this item would go to the Board of Supervisors on May 7th.

Mr. Loewenstein moved to recommend approval of SP-2003-013, David T. Pastors – Triton PCS Yancey Mills Amendment, with the recommended conditions as supplemented by Mr. Kamptner's previous remarks.

<u>The facility shall be designed, constructed and maintained as follows:</u>

1. The facility including the monopole, the ground equipment building, and any antennas shall be sized, located and maintained as shown on the application plan entitled, "Triton PCS/Yancey Mills", last revised January 23, 2003 and provided with Attachment D in this report.
2. The height of the monopole shall not be increased for the purpose replacing the antennas.
3. All ground equipment, antennas, equipment pads, external wires and equipment shall be a color that closely matches that of the existing pole and ground equipment.
4. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure, shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than 12 inches.
5. No satellite or microwave dishes shall be permitted on the monopole.
6. No antennas or equipment, with the exception of a grounding rod, shall be located above the top of the pole.
7. No guy wires shall be permitted.
8. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
9. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

Before the issuance of a building permit, the following requirements shall be met:

10. Submittal of a statement that no tree removal is necessary or a tree conservation plan, developed by a certified arborist, to the Director of Planning and Community Development for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. All construction or installation associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment pad. A special use permit amendment shall be required for any future tree removal within the two hundred-foot buffer, after the installation of the subject facility.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

11. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider.
12. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

Please note that the Planning Commission recommendation for approval included a revision to condition #1 to be made by the County Attorney's Office:

1. That the Planning staff and the County Attorney's Office will discuss the possible revision to condition # 1, particularly pertaining to the ground equipment to see if the Zoning Department is comfortable with the general accord language for that equipment.

Mr. Edgerton seconded the motion.

The motion carried unanimously (6:0). (Hopper – absent)

Mr. Rieley stated that this item would go to the Board of Supervisors on May 7th.

Mr. Thomas moved to recommend approval of SP-2003-014, David or Carolyn Holmes – Triton PCS Mt. Jefferson Amendment, with the recommended conditions as supplemented by Mr. Kamptner's previous remarks.

<u>The facility shall be designed, constructed and maintained as follows:</u>

1. The facility including the monopole, the ground equipment building, and any antennas shall be sized, located and maintained as shown on the application plan entitled, "Triton PCS/Mt. Jefferson", last revised January 23, 2003 and provided with Attachment G in this report.
2. The height of the monopole shall not be increased for the purpose replacing the antennas.
3. All ground equipment, antennas, equipment pads, external wires and equipment shall be a color that closely matches that of the existing pole and ground equipment.

4. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure, shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than 12 inches.
5. No satellite or microwave dishes shall be permitted on the monopole.
6. No antennas or equipment, with the exception of a grounding rod, shall be located above the top of the pole.
7. No guy wires shall be permitted.
8. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
9. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

Before the issuance of a building permit, the following requirements shall be met:

10. Submittal of a statement that no tree removal is necessary or a tree conservation plan, developed by a certified arborist, to the Director of Planning and Community Development for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. All construction or installation associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment pad. A special use permit amendment shall be required for any future tree removal within the two hundred-foot buffer, after the installation of the subject facility.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

11. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider.
12. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

Please note that the Planning Commission recommendation for approval included a revision to condition #1 to be made by the County Attorney's Office:

1. That the Planning staff and the County Attorney's Office will discuss the possible revision to condition # 1, particularly pertaining to the ground equipment to see if the Zoning Department is comfortable with the general accord language for that equipment.

Mr. Edgerton seconded the motion.

The motion carried unanimously (6:0). (Hopper – absent)

Mr. Rieley stated that this item would go to the Board of Supervisors on May 7th.

Mr. Loewenstein moved to approve SP-2003-016, John and Dorothy Adams - Triton PCS Amendment, with the recommended conditions as supplemented by Mr. Kamptner's previous remarks.

The facility shall be designed, constructed and maintained as follows:

1. The facility including the monopole, the ground equipment building, and any antennas shall be sized, located and maintained as shown on the application plan entitled, "Triton PCS/Adams property", last revised January 23, 2003 and provided with Attachment E in this report.
2. The height of the monopole shall not be increased for the purpose replacing the antennas.
3. All ground equipment, antennas, equipment pads, external wires and equipment shall be a color that closely matches that of the existing pole and ground equipment.
4. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure, shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than 12 inches.
5. No satellite or microwave dishes shall be permitted on the monopole.
6. No antennas or equipment, with the exception of a grounding rod, shall be located above the top of the pole.
7. No guy wires shall be permitted.
8. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
9. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

Before the issuance of a building permit, the following requirements shall be met:

10. Submittal of a statement that no tree removal is necessary or a tree conservation plan, developed by a certified arborist, to the Director of Planning and Community Development for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. All construction or installation associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment pad. A special use permit amendment shall be required for any future tree removal within the two hundred-foot buffer, after the installation of the subject facility.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

11. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service

provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider.

12. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

Please note that the Planning Commission recommendation for approval included a revision to condition #1 to be made by the County Attorney's Office:

1. That the Planning staff and the County Attorney's Office will discuss the possible revision to condition # 1, particularly pertaining to the ground equipment to see if the Zoning Department is comfortable with the general accord language for that equipment.

Mr. Edgerton seconded the motion.

The motion carried unanimously (6:0). (Hopper – absent)

Mr. Rieley stated that this item would go to the Board of Supervisors on May 7th.

Old Business

Appointment of Planning Commission Liason to MOD Committee (David Benish)

Mr. Loewenstein volunteered to be the liason to the MOD Committee.

Mr. Craddock offered to assist Mr. Loewenstein as a backup if he was not able to attend a meeting.

Mr. Rieley thanked Mr. Loewenstein for being willing to serve on this committee.

New Business

Mr. Loewenstein stated as a member of the Historic Preservation Committee, he has been very Involved in recent weeks in discussions about reuse of commercial buildings in Rural Areas, specifically country stores. The committee has prepared a listing of country stores that are still in existence that are threatened that have been adaptively reused and those that no longer exist.

In trying to align some of the suggestions that they are making about the possibility of using the special use permits process to approve reuse of these buildings for their original commercial purpose either with or without additions, he suggested that the Planning Commission review this and provide comments. This is a very problematic area because most of them would fall outside the scope of Zoning and were essentially operating as a nonconforming use. That has been a topic of great interest and heated debate. From the perspective of the public process, it would be advantageous for the Commission to provide comments to this committee. He questioned staff when this issue would be brought to this group for discussion. He noted that this could affect the Rural Areas Plan.

Mr. Benish stated that the committee has raised an issue that they are trying to settle on a recommendation to staff as to whether existing country stores should be essentially exempted from the special use permit, which would make them by right. Or, whether it is intended for the country stores to be maintained with a special use permit required or something in between. There are a number of issues both of just a general consistency issue and to recognize that under the special use permit process that is the opportunity to lock in some expectations for the country stores. To answer the question, the idea was that the committee wanted to make a presentation to the Board of Supervisors and then to pass it to the Planning Commission. The intent would be for staff to recommend that the Board of Supervisors pass this through the Planning Commission. He stated that staff could handle that whichever way the Commission felt was appropriate. The Commission could hear the presentation and receive their general recommendation to give staff some initial direction or to take the presentation and let staff come back to the Commission with their draft Rural Areas Plan in consideration of these changes.

Mr. Loewenstein felt that the latter was the best way. He suggested that it was good idea to give the committee some advice before they make their formal recommendation.

Mr. Benish stated that the Board of Supervisors would receive a presentation in hopes to outline some general direction. At that time, staff will receive the recommendation and incorporate their considerations. He stated that the presentation would be held at the Board of Supervisors day meeting on May 7th. He asked if the Commission would like to see the presentation.

Mr. Rieley suggested that the Commission hold a worksession and provide some informal comments.

Mr. Benish stated that staff would look at this month's schedule and fit it in.

Mr. Rieley stated that it would be useful for the Commission and the committee.

Adjournment

With no further business, the meeting adjourned at 7:05 p.m. to the next meeting on May 6, 2003.

V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Claytor Taylor, Recording Secretary.)