Albemarle County Planning Commission
August 9, 2016

The Albemarle County Planning Commission held a regular meeting on Tuesday, August 9, 2016, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Mac Lafferty, Jennie More, Daphne Spain, Tim Keller, Chair; Karen Firehock, Vice Chair and Bill Palmer, UVA representative. Members absent were Pam Riley, and Bruce Dotson.

Other officials present were J.T. Newberry, Senior Planner; Chris Perez, Senior Planner; Bill Fritz, Chief of Special Projects; Elaine Echols, Acting Chief of Planning; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Senior Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Keller, Chair, called the meeting to order at 6:00 p.m. and established a quorum.

Committee Reports

Mr. Keller asked to postpone the reports to another time due to the missing Commissioners; and the Commission agreed to skip the committee reports at this time.

The meeting moved to the next item.

Other Matters Not Listed on the Agenda from the Public:

Mr. Keller said there is one member of the public who needs to speak because they need to depart. He invited the individual who wishes to speak to come forward.

Barbara Cruickshank said she lives on 324 Parkway Street and was a tax payer in the county. She thanked the Commission for letting her speak since she just spent day the day at the hospital. She spoke to the Commission before to oppose the cell tower at Albemarle High School and is here again to ask that you deny this project. As a retired nurse of many years at UVA with a strong interest in environmental health my primary motivator is the safety of the children in the school buildings and the fields close to this proposed pole. But, she knows that the law does not allow you to consider the health risks in your decision for this project; and, she will ask that you deny it for other reasons that she would list. The location, height, and design of the pole does not minimize visibility and it defeats concealment elements of the Albemarle County Zoning Ordinance. The facility is not screened and sited to minimize visibility to the Entrance Corridor. It does not meet the flush mount provisions of the Albemarle County ordinances; the monopole could be increased in height by 20'; and the antenna can extend 20' from the top of the pole. So this will be a very, very large pole. She asked that the Commission deny approval of this project for these reasons. She explained that she has rushed down here to give her input because this is something very important and she hopes the Commission will consider these secondary reasons for denying this project. She thanked the Commission very much for letting her speak.

Mr. Keller invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved to the next item.

Review of Board of Supervisors Meetings – August 3, 2016

Mr. Benish provided an overview of the Board of Supervisors actions taken on August 3, 2016.

In addition, Mr. Benish introduced the new County Engineer Frank Pohl. He noted that Mr. Pohl had previously worked for the Office of Facilities Development that now had a new name Facilities and Environmental Services, and he has come over and taken over the County Engineer's role. He welcomed Frank Pohl.

Frank Pohl asked if the Commission had any questions. He said that he had been with the county for 3½ years and started with the Project Management Department.

Mr. Keller said he had one question. There are times when the Commission had wondered whether it wouldn't have been helpful to have the county engineer present when there is some transportation or site planning issues. He asked do we have a direct conduit to you through Mr. Benish to invite you to the session if there is concern on the part of our commissioners that might be helpful to have you present.

Mr. Pohl replied yes.

Mr. Benish pointed out that staff tries to keep an eye for that, too. However, if the Commission thinks that it is useful to have someone here in advance just let him know or talk to Mr. Pohl directly and they will try to make that arrangement. Since Mr. Pohl has other staff that work on projects so there may actually be the review engineer that might be the best person. However, certainly the Commission can contact him or Mr. Pohl directly.

Mr. Lafferty welcomed Mr. Pohl.

Mr. Keller said that it was good to have Mr. Pohl here and thanked him for coming.

Consent Agenda

a. **Approval of Minutes** –March 8, 2016 (regular meeting) and May 3, 2016.

Mr. Keller asked if any Commissioner would like to pull an item from the consent agenda or if there is consensus for approval. There being none, the Commission accepted the consent agenda and the meeting moved to the next agenda item.

Public Hearing Items:

SP-2016-00007 Chapman Grove Baptist Church
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL: 06200000006700, 06200000006800
LOCATION: 2064 Stony Point Road
PROPOSAL: Request to expand existing church by 1900 sq. ft.; request is associated with SDP201600021.
PETITION: Amend special use permit SP200000061 to expand existing church under Section 10.2.2.35 of zoning ordinance. No dwelling units proposed.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
ENTRANCE CORRIDOR: Yes
SCENIC BYWAYS: Yes
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots in Rural Areas 2 of the Comprehensive Plan.
(JT Newberry)

Mr. Newberry summarized the staff report for SP-2016-00007 Chapman Grove Baptist Church in a PowerPoint presentation.

Mr. Newberry pointed out that the big part of the initial special use permit review was the safety of the entrance along Route 20. So he wanted to show the site distance to the right and to the left of that entrance, which VDOT has approved.

- The overview of the request this evening is to amend a special use permit from the year 2000, SP-2000-00061, to permit an approximately 1,600 square foot expansion of an existing church as well as the expansion of an existing parking area.
- This review is happening in conjunction with a Major Site Plan Amendment, which is currently under review (SDP-2016-00021).
- In an area map just to orient the Commission to the site staff pointed out it is not too far up Route 20 North. He pointed out the entrance to Key West Subdivision on the map. The amended concept plan and major site plan amendment was shown on the next slide. He noted that this view is good for seeing the landscaping as well as the parking area that exists on both sides of the building. Next, is a zoomed in view where you can see the proposed additions to the church and how that would lay out against the existing structure today.

- In photographs of the site staff noted the following:
  - The view across from the entrance onto Route 20,
  - The front of the existing church and the parking area,
  - The travel way that serves the larger parking area, which is gravel on the other side of the church, and
  - The location where the phase 2 addition would be located.

Mr. Newberry pointed out that the big part of the initial special use permit review was the safety of the entrance along Route 20. So he wanted to show the site distance to the right and to the left of that entrance, which VDOT has approved.

The factors for consideration were favorable.
- Staff found that no significant impacts would be created by the proposed expansion.
- The request is consistent with the Comprehensive Plan.

No unfavorable factors were identified.

The existing conditions from SP-2000-00061 were:
1. Day care use shall be prohibited unless approved through an amendment to this permit; and
2. The number of seats permitted within the area of assembly shall not increase unless by an amendment to this special permit.

Those conditions have largely been updated for this application. There is a general accord statement for the first condition. Staff has included private school as an additional use that would require an amendment to this permit. The new maximum seat limit for the area of assembly is 127 seats. There is also a standard condition to include the health department approval before any building permits.

Staff recommends approval subject to the conditions outlined in this presentation and can take any questions that the Commission has.

There being no questions for staff, Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Steve Von Storch, architect, said he had been working with the church and really did not have much to add except to thank the county for helping the church maneuver through the many, many layers of review to get to this point. He was just here to answer questions.

Mr. Keller invited questions for the applicant.

Ms. Spain pointed out the members of the church came to talk to the Pantops Community Advisory Committee and did a very thorough job. We were all impressed with the fact that the church is growing enough to be able to invest in another addition. So the Pantops Community Advisory Committee gave the church its approval.

Mr. Keller invited public comment. Hearing none, he closed the public hearing to bring the matter before the Planning Commission for discussion and a motion.

Ms. Spain moved and Mr. Lafferty seconded to recommend approval of SP-2016-00007 Chapman Grove Baptist Church with conditions outlined in this presentation.

1. Use of site shall be in general accord with the concept plan "Church Addition in Two Phases Amending SDP2000-129" last revised on 6/20/2016, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the existing church facility and proposed additions. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. Day care and private school uses shall be prohibited unless approved through an amendment to this permit; and
3. The area of assembly shall be limited to a maximum 127-seat sanctuary; and
4. No building permit shall be approved without approval from the Virginia Department of Health.

The motion passed by a vote of 5:0:2 (Dotson, Riley absent)

Mr. Keller said this matter will be forwarded to the Board of Supervisors to be heard on a date to be determined.

The meeting moved to the next agenda item.

Public Hearing Items.

SP-2016-00004 Albemarle High School Communication Facility - Tier III Personal Wireless Service Facility

MAGISTERIAL DISTRICT: Jack Jouett
TAX MAP/PARCEL: 06000-00-00-078A0
LOCATION: 2775 Hydraulic Road, Charlottesville, VA 22901
PROPOSED: Installation of a one hundred and twenty five (125) foot tall steel monopole tower with 3 antenna arrays. Two special exceptions are requested: the 1st to allow the color of the monopole to remain grey galvanized steel, and the 2nd to allow mounting equipment a standoff distance greater than 18" from the monopole. Associated with the proposal is ground equipment which will be located within a 3,610 square feet fenced compound area, access road and parking area.
PETITION: 10.2.2.48 Special Use Permit, which allows for Tier III personal wireless facilities in the RA Zoning District (reference Section 5.1.40)
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots);
Entrance Corridor: Yes. Airport Impact Area Overlay District – overlay to minimize adverse impacts to both the airport and the surrounding land.
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 1 - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
(Chris Perez)

Mr. Perez summarized the staff report for SP-2016-00004 Albemarle High School Communication Facility - Tier III Personal Wireless Service Facility in a PowerPoint presentation.

This is for SP-2016-4, Albemarle High School Communication Facility for a Tier II Personal Wireless Service Facility,

Brief Summary of Definitions

Tier III facility is defined as a Personal Wireless Service Facility that is neither a Tier I nor a Tier II facility as defined by the ordinance.

Tier I facility is defined as a facility located entirely within an existing building or attached to an existing structure.

Tier II facility is a treetop facility not located within an avoidance area.

Treetop facility is a facility no more than 10 feet taller than the tallest tree within 25 feet of the monopole.

Proposal:
- 125 foot tall steel monopole *(proposed color: matt galvanized steel)*
- 3 arrays of platform-mounted antennas for a total of 12 antennas per array.
- Associated ground equipment in a 3,610 sf fenced compound
- Small gravel parking area for the school (9 spaces)
- The site will be accessed by existing access road through the school property

- Uppermost array (125' AGL) – The array is being offered to the School Board.
- Middle array (115' AGL) – The one with the full design as proposed by AT&T.
- Lowest array (105' AGL) – It has not been designed nor leased yet; but, it will fall within the

parameters of the AT&T design criteria.

As part of the request the applicant seeks two (2) special exceptions to requirements in the ordinance.

SE #1) Request to allow standoff distance to increase past the 18" maximum permitted by the ordinance.

SE #2) Request to allow the color to deviate from the dark brown that is specified in the ordinance and the applicant requests to keep it matt galvanized steel.

The facility is proposed on TMP 60-78A, which is 216 acres owned by Albemarle County Public Schools. The property is home to *Albemarle High School, Jouett Middle School, Greer Elementary School, and a couple other facilities.* On the site there are parking areas, paved travel ways, outdoor football field, track field and baseball field. The property is located in a heavily developed area of the county, less than a mile from the City of Charlottesville. Properties to the North, East and South of the site are highly developed, and properties to the West are undeveloped and more in the rural character of the rural areas of the county. The site of this tower is specifically located behind the high school next to the football field and adjacent to the baseball field.

The property fronts on Hydraulic Road and to the East is the Development Area and to the West of Hydraulic Road is the Rural Areas of the county. Hydraulic Road is also a division line based on elevation. Looking into the site it starts to negatively slope through the site as well as past the site.

A balloon test was conducted in March, 2016. During the balloon test staff traveled Hydraulic Road, all around Georgetown Green Subdivision as well as many of the surrounding roads in the area. Visibility was primarily noticed along the Entrance Corridor of Hydraulic Road as well as Georgetown Green Subdivision.

The map shows where we will be looking at the various pictures, which is in the staff report, with yellow being highly visible and skylit; green still being visible, but more in line with the treetop facilities that the county prefers.

- Picture #1 was taken from the parking lot off Hilltop Market.
- Picture #2 was taken from the parking lot of Connect Church. Both of these views are highly visible from the Entrance Corridor and are skylit. In the pictures you see a blue circle and that is just staff's representation to show you exactly where the facility is. It has not been blown up in that little circle, but just to cue you in to where it is at.
- Picture #3 was taken from Hydraulic Road fronting the Albemarle High School parking lot. Picture #4 is taken from Hydraulic Road at the main entrance to Albemarle High School where the yield sign is at as well as the actual sign letting you know that it is a high school. Both of these views were highly visible from the Entrance Corridor and the facility was skylit.
- Picture #5 was taken from Hydraulic Road as well fronting the parking lot almost in line with the School's Building Services Department. It is also highly skylit and visible from the Entrance Corridor.
- Picture #6 we move into Georgetown Green Subdivision off the Georgetown Green Road. As you will notice it is highly skylit as well from these residences. He believed there was around 12 mentioned in the staff report counting exact properties.

- Picture #7 was taken again from Georgetown Green Road in front of those homes. As you can see it is again highly skylit and very visible.
- Pictures #8 & #9 are taken from parking lots fronting the same subdivision. They are just located a little lower in elevation. While you can still see the balloon this is more in line with the county's treetop towers, which is permitted to be 10' above the tree line.
- This next picture is going back a little bit to Hydraulic Road from the main entrance to Albemarle High School where the yield sign is located. What this picture is representative of is showing where the balloon and the facility will be compared to all other light poles within the same proximity as the facility. Staff was showing this because the applicant in their application claimed and tried to use this as camouflage that this facility will blend in with the other light poles in the area. That is not the case in staff's opinion it is a lot higher than any of the other lights out there, and those are stadium lighting. The red lines show the horizontal plane of what is in the background, which is the sky towering above the mountainous views in the background.
- The next picture is another shot a little further down Hydraulic Road closer towards the exit onto Hydraulic. You will see it is again highly skylit and visible and towers above any of the light poles in the general vicinity of that same facility.

On April 18, 2016 the ARB considered the current proposal with regard to visibility of the facility. The ARB did not support the request for the special exceptions and found that:
1) The location of the facility does not serve to minimize visibility of the facility.
2) The height of the facility and the method of antenna attachment do not serve to minimize visibility.
3) The addition of the facility, as designed, does not respect existing views and vistas.
4) Telecommunication facilities to be constructed on the County property should meet the County's design standards as well as the Wireless Policy.

The ARB did take an action on the ground equipment and approved only the ground equipment because it is not visible from the Entrance Corridor. The certificate of appropriateness applied only to the ground equipment and base station.

If approved the FCC regulations will apply to this tower. The regulations will limit the County's ability to review additional uses and modifications to the facility if and once approved.

Mr. Perez pointed out that Bill Fritz is here to answer any questions the Commission might have on that aspect of the proposal. It is mentioned in the staff report right above the summary. If the Commission has any questions for Mr. Fritz, he suggested now would be a good time.

Mr. Keller asked if the Commissioners have any questions for Mr. Fritz. There being no questions for Mr. Fritz, staff continued the presentation.

Mr. Perez continued the presented and provided the summary of recommendations.

Factors favorable to this request, there were none.

Factors unfavorable are mentioned in the report as well as on the screen. If the Planning Commission chooses to recommend approval and the Board actually approves it, staff has provided this recommended condition, which was modified from what is in your staff report. The county attorney as well as the applicant have weighed in on this and conditions #2 and #3 in the staff report were omitted and #1 was revised to include d. height at 105' tall. He asked if there were any questions before we move to take a recommendation.

Mr. Lafferty asked what the diameter of the balloon is. The reason he is asking is we have 3 tiers that are 12' wide and he just wondered if the balloon is only 3' is it representative of what the thing is going to look like or do you want to put 3 balloons at the different heights.

Mr. Perez replied that it is not 12' wide and not representative of the girth or bulk of the tower. He pointed out it is ultimately to show the height at the elevation where it is going to be visible and the balloon is red so that staff can drive around and citizens can look around to make a determination if it visible.

Mr. Lafferty pointed out that he found the artist rendition of the towers much more descriptive than the balloon test.

Mr. Fritz explained that they can use the balloon test and then go back and have a reference point to use to do that. He pointed out that floating a 12' balloon would be virtually impossible; the wind would catch it and you would not be able to sustain it.

Mr. Lafferty asked in the development of this did Milestone work with the staff.

Mr. Perez replied they were cooperative in answering questions, revised the staff report, revised the request two times to address some of the stuff in the ordinance to meet the requirements of the ordinance, and this is where they settled with their request.

Mr. Lafferty said he noticed in the citizen's meeting the question was asked if there was another location that would be just as good; and, there was not an answer to that that he could determine.

Mr. Perez explained staff reviewed the proposal that was put in front of us, and we did not try to site the location for them or give them alternative options. Staff reviewed what they requested.

Mr. Lafferty said many times in towers we requested what the radiation pattern was going to be or how much coverage and the degree of coverage. Given that we just approved an addition to a tower less than a mile away do you have any idea how this will affect that. He noted the report says that there is some redundancy.

Mr. Perez replied that staff did not consider that during the report and it is not really part of the ordinance. He knows that there are 33 or 34 facilities within a 3 mile radius if you are doing a search; but, it is not really a factor during the consideration of this.

Mr. Fritz noted that other site, if he remembered correctly, was an AT&T site, the one off of Georgetown Road. He believed that was an AT&T site. Obviously, this facility can accommodate more than one user so AT&T's propagation pattern is irrelevant to any of the other users since they would need their own propagation.

Mr. Lafferty said he thinks it is good that we have some accommodations for the school system; but, when it goes against all of the rules and regulations that we have in place it seems a bit counterproductive to me. But, that is not a question.

Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Lori Schweller, an attorney with LeClair Ryan representing Milestone Communications, said with her tonight are Christine Steltzer, who is with Milestone Communications, and also we have Mike Fischer, who is with Millennium Engineering out of Pennsylvania in case there are questions about the RF engineering. She would like to take a moment to thank Chris Perez for his very careful review of our application. He has done a lot of work on that and we do appreciate it even if we do disagree with his conclusions. So she would also like to reiterate that under our ordinance a Tier III is any personal wireless service facility that does not meet the strict requirements of a Tier I or a Tier II and it requires a special use permit criteria evaluation, which is why we are here today to ask for your recommendation of that special use permit.

Ms. Schweller began a PowerPoint presentation and noted that she would just go briefly through the slides that are redundant with Mr. Perez's presentation. This is the site and you can see the school property surrounded by trees. It is just on the edge of the rural area and right across Hydraulic Road is the development area with urban density residential. It is a very large parcel of 214 acres, and that is one of the reasons why it is ideal for this facility. Surrounding it are many, many small parcels that would not be suitable for wireless. This facility would serve over 3,000 students and would provide many public benefits not only for the students while in school; but, also middle and high school students who take their laptops home and need to be able to access the internet to do homework and to check on homework assignments and consult with teachers. She pointed out Vince Schievert can speak more directly to this issue. But, some of our students don't have good wireless at home and this will help with that. Police, fire and rescue use the school's system particularly for events and they would like to expand that capability. Of course, under the lease there would be a financial benefit to the school.

Next was the propagation of the school's current facility, which consists of two Omni directional antennas on the rooftop of Albemarle High School. That would be improved enormously as you can see from the propagation map of the expanded facility. The maps are shown side by side. One of the things that is achieved is getting that signal across Hydraulic Road to folks who live over there; but, also in all directions much, much better coverage. Just so you know AT&T's objectives here the yellow represents the worse coverage in the area that is on street only. So what they are trying to do is to turn that to green, which is in building, and you can see how the site would accomplish that. They need to be at the 115' red center to accomplish that. The reason why that is important is that it is the commercial carriers who help fund the money that takes care of all the things that the site provides.

Milestone Communications partners with schools and with other public agencies. Some of the most important reasons for doing that are that government school sites are large and they are centrally located and can reduce visual impact. This is the site at Albemarle High School and this is a photo simulation. We prepare those from the balloon tests so the pole is shown at the height of 125' with 3 antennas. She did not know if they could pick it out, but it is right there. The vicinity map shows the wooded area behind the baseball field that separates the site from residential areas. The site is tucked away to the southern side of the property. You can see the 200' tree radius that we are required to maintain behind that. The next slide is to show you that we would be planting 34 arbor vitae around the site so there won't be any visibility of the equipment within that to the schools. The schools have requested 9 new parking spaces that would serve afterschool sports activities and so those are shown as well. The existing access road would be used for access.

Again, this is the elevation and the schools would be at 125', AT&T would be at 115' and then 105' is available for another commercial carrier. So this is a photograph that she is traveling northbound on Hydraulic Road. If you are traveling northbound you would have to do what she

did here, which was look directly to your left to see the facility which would be far to your left in the southern end of the parcel. She has put some arrows here to show you just some of the light poles that are on the property. There are 30 and more around the ballfields and then there are that many again around the parking lot. So from every location you are seeing lots of steel light poles.

Ms. Schweller noted they did conduct a balloon test and a community meeting. We notified 788 property owners in the area. She would show them the balloon test evaluation here and only where there is a green arrow was there visibility. From the other locations there was no visibility of the balloon. Keep in mind that the distance from the site to Hydraulic Road is over 1,000 feet so were this not such a large parcel it would not be considered on the Entrance Corridor; it is more than 500 feet. So she wanted to focus on visibility because she knows that is what they are here to do. This is a photo simulation showing you the site right in front of the school going south bound. It is the south bound direction on Hydraulic where you will see it and not over the Mountain View but south bound. Next, was the county's actual photograph of the balloon from across Hydraulic Road and Milestone's simulation showing the tower in the distance. This is another photo simulation right at that school entrance. Next, was the county's photo taken from the parking lot showing the balloons above the treetops and Milestone's photo simulation showing the tower. She pointed out the measurements that are circled in red are the ones that are pertinent under the zoning ordinance for the distance to the back and front of the antennas. But, they have been pointing out the full side array so that you have a picture in your mind of what exactly that impact would be. The red balloon is typically 4' to 5' across whereas the actual array would be 12.5'. The football field lights are actually broader than that. The county does have towers with full arrays on the Entrance Corridors. So that it is a case by case basis for your consideration.

Ms. Schweller pointed out they did have some residential opposition based on visual impact. It was only one resident, however, out of the 788 letters we sent has opposed this based on visual impact. They, of course, can speak for themselves. But, they were kind enough to provide me with their photographs and you can see that the balloon is visible through the trees from their backyard near the edge of their property. She would allow the Commission to judge that for yourself. Finally, we submit that based on an evaluation of the special use permit criteria this site is appropriate and this Tier III facility is appropriate in this location. In fact, it would not only not be a detriment to adjacent lots, but would provide enormous benefits to adjacent lots. She asked to reserve her last minute to address any questions that might come up from the public and she would be happy to take your questions now.

Mr. Keller replied yes to the question because we want to thoroughly investigate this topic so there will be time. He invited questions for the applicant.

Ms. Spain asked can you anticipate whether having those 3 arrays on that one pole would minimize the likelihood for requests for other poles in the future.

Ms. Schweller thanked her for that question. She did want to clarify one point. She pointed out the Seminole Square attachment to the Dominion Power tower down Georgetown Road about a half of a mile was a Verizon wireless application and this application will serve the schools and it will serve AT&T. At this point there has been some interest from another carrier from the lower point. But, that is all we know at this point. She just wanted to point out that those are different networks. So as far as she knows there has been no other interest expressed from other carriers for this site; but, that does not mean it could not happen in the future.

Mr. Lafferty said with the array going on the power line off of Georgetown Road being AT&T and this being AT&T are you overlapping the coverage. He asked would that be sufficient to provide coverage for Albemarle High School and the teachers.

Ms. Schweller replied that the array at the Dominion power tower on Georgetown Road is for Verizon Wireless.

Mr. Fritz apologized that he got them backwards.

Ms. Schweller pointed out that one is Verizon Wireless and this one is AT&T so it is not overlapping networks.

Mr. Lafferty said he also understands this will benefit the fire department, police department and the emergency services plus the school.

Ms. Schweller replied yes, sir and that Mr. Schievert can speak more directly to that as well as Mr. Tisdale. She said Fire and Rescue as well as the police department do use the school's network to a limited degrees. She said they can explain that in more detail, and hopefully that use can expand and be more beneficial if we are able to construct this facility.

Mr. Lafferty asked if she knows if other sites on this property were tried and why they were not used.

Ms. Schweller replied that this site was selected in conjunction with the schools and she knows that the schools were interested in finding a site that would not interfere with school activities and with any future expansions of facilities. It is so tucked away between some ball fields that it was considered that it would have no impact on the school campus. So that is another question for the schools; but, Milestone followed the school's guidance and instruction on that since they are the landlord. So another consideration, of course, is what the propagation is from the site. If you move any farther west then you are not going to achieve propagation across Hydraulic Road to the students who are on the other side of the road. That was a very important consideration. If you move farther north or east then, of course, the site would be more visible and so it seemed to be most appropriate site.

Mr. Lafferty said but if you went up into the woods on the southwest you might not have to go to the height that it is going to and still have the same coverage.

Ms. Schweller noted that it was pretty much on the southwest corner there. If you move farther west the ground slopes down as you move west so she did not think it would provide the same coverage; but, they can have the engineer address that question in more detail.

Mr. Lafferty thanked Ms. Schweller.

Mr. Keller invited further questions.

Ms. Spain said she had just a clarification. She asked what is so important about the color; why couldn't the company comply with the brown color request.

Ms. Schweller replied that particular performance standard could be complied with. There is no question that the pole could be painted. We just find whenever you do a pole that is not a treetop pole it is much better camouflaged against the sky if it is galvanized steel. It just blends

in better like the lights are. The brown color is really for the treetop towers, the ones with the trees.

Mr. Keller noted they would move to the public comment component.

Ms. Firehock invited public comment. She noted they have one person signed up to speak, Sue Stoke.

Sue Stoke said she came to Charlottesville in 1965 to teach school and taught at Buford and in this building and then moved to Charlottesville High School. She was a career teacher of 40 years and spent 39 of them in the city of Charlottesville. She loves kids, school and what they did in developing those young people. We live in the back yard of Albemarle High School and they were youngsters who we competed against in all the other athletic facilities. But, she finds herself now very divided in who she wants to root for Charlottesville High School or those Albemarle kids. So she really cares about young people and what is happening over there to the youngsters in Albemarle's school grounds. She said we can sit on our porch or eat in area in the kitchen and listen to the games that are played across the way and can tell you what the score is. She pointed out we have been there for 31 years, and we have enjoyed it. She said it is a wonderful area with much wild life in the area and the reason she was here is because she cared about the area, the schools and what is happening around us. As a teacher she really cares about providing those young people with every opportunity to learn and obviously technology today has provided us with much that we did not have when she was in this building. So it is not that she is really opposed to having cell towers all over. She has driven around the country side with her husband and we see them everywhere. This is what obviously is going to help the young people to learn today. However, as we go down that side from the proposed cell tower to the creek, rise to the other side and those pictures just presented are of our woods. We are the folks that are in question of the location at least of the cell tower, and we do believe that there are other places that it could be placed on that property. It has several places that you might take a look at. When we are in our yard the leaves on the trees are there for exactly six months of the year and exactly six months of the year there are not leaves. The picture that was taken was when there were no leaves on those trees. So when there are leaves there, as they are now, you are not going to see anything. She hopes that the Commission will carefully consider those folks that are down at Georgetown Green. The pictures that they have in the packet show the tower is sitting directly over top of them. We will see the tower in a distance through the limbs of the trees for those six months. She thanked the Commission very much for your consideration.

Ms. Firehock invited further public comment.

Charles Stoke said Sue and I are married and our property abuts up against Albemarle High School and Georgetown Green. He is here primarily to look at the mathematics and engineering parts of this thing. The balloon that was put up is approximately the size of a basketball. The array that they wanted to put on the top of it if they can go to the maximum that is allowed if the request is approved would be an additional 20' on the side; and then that thing would be the size of a Volkswagen Yugo Mini. All the balloon did is show the top of 125' and they can also go another 20' above that so the balloon does not represent that height. So it could be another 145'. The arrays are very large and he just thinks it would be very visible. He said he really has very little else to say other than he thinks the facility is way too big for the property. Having walked the property extensively he pointed out that there is another area off to the side down the Lamb's Road extension where there is an elevation that is high where they are proposing would be further away from all residential areas and the high school, but closer to

the elementary and the middle school. He said he was not in favor of the request. He noted it appears the police are going to use the wireless facility two times a year for Foxfield and occasionally at some other time, which he felt seems hardly appropriate.

Ms. Firehock invited further public comment.

Dean Tisdale, Chief Operating Officer for Albemarle County Public Schools, said with him today is Vince Schievert who is the Chief Information Officer for the school system. He just wanted to make the Planning Commission aware of the process followed by the school staff and the school board in their consideration of this application and why we recommended that it come forward. Basically, we looked at three things when we are approached in a circumstance like this. First, is it going to serve a technological benefit to the school system and to the community and Vince Schievert will speak to that issue. The second thing we explore is can we find a location on our campus that will not interfere with our activities both current and potential future. The third is the financial arrangement sufficiently beneficial to us to justify going forward.

Mr. Tisdale said he would speak to the second two points. He said they did explore a number of different locations on that campus for potential siting of this cell tower and concluded that the site that they recommended to Milestone was one that they thought would never interfere with our operations or future expansion. He was sure this Commission is aware that school is overcrowded and while it is a very large overall campus the part that is available to the high school is a bit limited and they wanted to make sure they did not place it in some location where they would later regret that fact and have to relocate the tower because that piece of property was needed for some other purpose. So the location was very deliberate and thoughtful by staff to make sure that it would not interfere with anything current or future.

Mr. Tisdale said the third part was on the financial benefit. He pointed out the contract offered by Milestone is the same exact financial terms that he experienced when he was in Fairfax County as the chief operating officer where they had over 30 towers with Milestone. With the strong negotiating position we had at Fairfax we were offered the same deal here so he thought financially it was as good a deal as they could get. So he was pleased with that. He asked if there were any questions about the second and third points before he asked Vince Schievert to speak on the technology pieces.

Mr. Lafferty asked him to be more specific about the third term.

Mr. Tisdale explained the terms of the contract provide for a one-time payment of $20,000 for the construction of the pole; an additional $5,000 one-time payment for each tenant put on the pole; and 40 percent of the monthly revenue from each of the antennas on the pole, which 40 percent of the current market is about $1,000 a month. So if the picture you saw had two antennas on it we would be getting about $24,000 a year in recurring revenue stream and would have gotten $30,000 one-time funding up front.

Mr. Lafferty asked by antennas are you talking about the arrays and not the separate antennas, and Mr. Tisdale replied it was the arrays.

Vince Schievert, Chief Information Officer for Albemarle County Public Schools, said what he would like the Commission to know is that we are currently building out a wireless broadband system for all of our students. It is going to take us about three years to be able to do that and we are utilizing as many existing structures as possible. The idea or premise behind this is we do currently operate as was shown with a rooftop antenna right now. The roof top antenna does

not necessarily provide us adequate coverage for those students that live in and around Albemarle High School. The issue we have predominantly with Albemarle High School is we have a large number of free or reduced lunch students that also live there. So no matter what telecommunication company is also available in that area financially they are more than likely not going to be able to support it. What we do know is we have about 60 percent of our students that are in those area that cannot afford broadband connectivity even if it is available. Hence, the same reason we would not necessarily provide a student a text book based upon an address we are moving forward to be able to bridge the digital divide. The concept behind this antenna array is wonderful to the school division because we are actually placed at the top. That does not always happen to the schools. So normally we would not get top billing. So it is very attractive for us because now we don't have the money of AT&T or Verizon to be able to have all these distributive points. We have to be able to make more with less. So that 125' for us is huge because it allows us to expand out as far as we can.

Mr. Schievert explained inside of that the mobility connectivity pieces that we are talking about give our students the ability to move from home, on the bus as well as in and around the campus. So the idea that when we talk about the connectivity or the density that these cell sites are going to have it becomes very important. It also becomes very important for public safety because while we talked about the two areas with Foxfield that we utilize and provide broadband connectivity for PD also PD uses the mobility inside their cars. So they are piloting several of those now in and around the city. He believes the chiefs in the ECC also provided a letter of support for the tower. Since he did not hear that mentioned he wanted to make sure that was also brought to light. He would be happy to answer any questions the Commission has about our service or capabilities.

Ms. Firehock said the revenue that you would be receiving from the providers, the installation and all of those fees is the school committing that would go 100 percent back to the program to provide laptops, etc. and it would not be lost to the school budget somewhere.

Mr. Schievert replied they have a number of school board members, at least a couple, that want to be able to see it continue to be able to provide and supplement the broadband connectivity. He said it makes him very happy that they want to be able to do that. So the revenue from it would be essentially supplementing or helping to build out and provide connectivity for our families.

Mr. Lafferty asked if he understands correctly that you would be providing free internet connectivity for the students.

Mr. Schievert replied that was correct in the same way they provide students free text books. Today content and resources are digital and they are not necessarily analog.

Mr. Keller said he had two questions. He pointed out for everyone on the dais and in the audience we have a couple of real experts here with Vince Schievert and Bill Tisdale and he has the privilege of serving with both of them on the broadband committee for the county. He said it is interesting that the Planning Commission is in some ways going to be vetting and putting some of these discussions forward; but, the Supervisors earlier this week actually have been talking about these issues as well. He has two questions. The first one has to do with a statement that Ms. Schweller made and he would give her an opportunity to respond to it as well. But, he thinks that Mr. Schievert can get to the heart of it. He said we basically have two technologies that are competing to deliver broadband to us today; and we have fiber optics and wireless. It is a cut throat battle that is going on at the national level. He asked if we have fiber

optics coming to Albemarle so as it happens at the University of Virginia and in this building it would in effect be providing the wireless from that fiber optic backbone.

Mr. Schievert replied that we do have fiber optic backbone so we are fiber optically connected through all of our schools right now, today. He said his issue is not what happens during school because today school is no longer defined by the brick and mortar. What we know is our kids are moving outside of our school and as they leave at 3 o'clock learning does not turn off just because they have left school. So in a 24/7 real time environment we need students to be able to have the connectivity and the capability whether they are at home, the downtown mall or they are sitting at Starbucks or any other place that they have the ability to access the resources they determine necessary to further their education. That is what we want to be able to provide and be able to do for our kids. What wireless does is it helps bridge that capability because he can't have a kid walk around with a spool of fiber on their back walking down the road. That is the tricky part. With wireless it is not the computer that is mobile it is the person and having that student be mobile and have mobile connectivity is huge. He has a nine year old and he has never lived in a world to where an I-phone has not existed so his world is a lot different than ours. The concept of how a student accesses and gains information is way, way different and he wants to make sure they provide all the ninth graders, all 1,000 of them that we have, that capacity no matter where they are.

Mr. Keller asked if he could tell us what the terms of the free access is going to be for the families that have the children in school.

Mr. Schievert replied if you have a student in school you have broadband connectivity in three years.

Mr. Keller asked how, and Mr. Schievert replied it would all be delivered through 2.5 gigahertz wireless spectrum the school system owns outright and free.

Mr. Keller asked how that would work.

Mr. Schievert replied it would be the same way it works with issuing laptops to students. So all of our students basically 3rd through 12th grade have laptops. He pointed out right now most of our students who take their laptops homes we have about 40 percent of them can't connect at home. They either can't connect because of geography issues or financial issues. He was trying to bridge that because neither one he finds acceptable in an educational environment. In bridging that we put in the 2.5 gigahertz spectrum wireless arrays in different pieces and we are building that out. So inside of that what we will issue households are either Wi-Fi devices and we can go with ODU, which are kind of antennas that he has at his house for wireless that he will point in a certain direction that will give you high gain capabilities. Or, if you live in a more urban area like right now in Southwood, Southwood is actually completely lit up with Wi-Fi because it is such a high density area that it does not make financial sense for us to provide everybody $100 device. It is actually less expensive for us to go in and turn Southwood into a massive hot spot. When those kids from Southwood go home it is no different than when they were sitting in Monticello third period. They connect to the same network, authenticate the same and they are tracking, monitoring and evaluating to make sure they are safe. That is what we want to be able to do for all of our kids and this will be a big help.

Mr. Keller thanked Mr. Schievert and invited further public comment. There being no further public comment, Mr. Keller closed the public hearing and invited the applicant back for rebuttal.

Mr. Lafferty asked if the Commission would we like the engineer to come up, and Mr. Keller suggested letting the applicant decide.

Ms. Schweller said the only point that she wanted to raise at the end was that Mr. Stoke brought up a question about our ability to extend the height of this tower. Since that was not something we talked about she just wanted to clarify that although our application has been for a 125' monopole and all of our exhibits and photo simulations have been for a 125' monopole. One of the conditions in the staff report is for 105' and the reason is because the Community Development Department wants to ensure that if we exercise our right under federal law to do a one-time extension, which can be up to 20', then it would not be greater than 125'. That is the reason for that condition. We have trouble digesting that because our application is for a 125' monopole so it is not consistent with the condition, and of course we would prefer not to have that condition. But, she wanted to make that clear and what Mr. Stoke said is correct if the Board approves at 125' technically under federal law and the Spectrum Act we would have the right to apply for an eligible facilities request for an extension. She pointed out that is just the law. So she wanted to clarify that for you and to put in our comment that we would prefer not to have that condition, but we would rather have the site than to have it denied without the condition. If you have any questions about that, she would be happy to respond.

Mr. Keller noted that Mr. Lafferty has asked about your engineer and suggested that Ms. Schweller invite him up if there are questions.

Ms. Schweller said she would be happy to, thank you.

Mr. Lafferty said he knew the school put conditions on you; but, did you look at any other sites on this property.

Mike Fischer, with the firm of Millieum Engineering, replied that would be a question for Mr. Stelzer since my firm is an independent radio frequency consulting firm. They were originally brought on to discuss the RF safety issues, but he can also answer questions about general networking issues including AT&T.

Mr. Lafferty said he did not have any questions about that. He said that a majority of the objections to the tower are about the visibility from an Entrance Corridor from a number of residences so he was wondering if it could be sited someplace else so they could get rid of most of those objections; or, if they dropped it down to 105' will it be as visibility as it is in the artist renderings.

Mr. Stelzer said he can't really speak to the visibility; however, in terms of the coverage aspects if you were to drop it obviously for every 10' to 20' you drop the antennas you are reducing the coverage footprint. He noted there are trees in the area and so with technology you want to be above the trees and buildings in the area and the further you reduce the antenna height the closer you are getting to that clutter that creates more loss and it decreases the footprint, which could result in the need for more sites in the area. Whereas, if you remain at the 125' structure height and AT&T for instance could go 115' that may eliminate the need for a future facility nearby since this facility would not be able to cover as much area.

Mr. Lafferty said he understands the higher you go the better the coverage.

Mr. Fischer noted that is not necessarily always true. He said you don't want to build a 300' structure at this point because too much overlapping coverage is sometimes more detrimental

than not having coverage in an area because all the sites are using the same frequencies. So you want to have some overlap, but you want to minimize too much overlap because then you are just creating interference between the sites.

Mr. Lafferty pointed out the report cites in several places that this will be redundant coverage. He asked how redundant it is from what exists now.

Mr. Fischer replied that there may be some. He noted that there was some yellow or on-street coverage in the area shown; however, there is very limited in-building coverage. He pointed out personally they had a community meeting at the high school, and he is a Verizon Wireless subscriber so he cannot speak to what the AT&T coverage was in there. But, his phone was at no service, which is kind of rare and you don't really see that too often. He noted that is also a safety issue for the students if there an emergency and they are trying to reach their families if they can't connect to the network inside the building. That is obviously the safety issue. Obviously, you want to have coverage everywhere; but, in this day and age you also want to have sufficient in-building coverage because building materials do seemingly interrupt wireless signals.

Mr. Keller invited further public comment. The being none, the public hearing was closed to bring the matter back to the Planning Commission for discussion and action. He asked Mr. Fritz about his thoughts having spent a great deal of his career thinking about these issue.

Bill Fritz said Ms. Schweller did a good job in describing why the county was recommending that 105' limitation and he just wanted to be clear. He explained in a short term version that it essentially allows qualifying structures to be increased in height by 20' and so if the intent is be a 125' tower the condition we have is for 105'. The way that the feds have done this they actually deemed an existing structure to be one that is approved even if it is not built so they don't go and build a 105' structure and then have to come back and add the 20' to it, they can simply apply for that 125' structure at the very beginning if it were approved at 105'. That is because the facility was analyzed for its impacts at 125', not 130', not 140' or not 145'. The only way the county would be able to limit its height to 125' is by setting this 105' limit. He was just letting the Commission know our logic and that Ms. Schweller was right. If they don't support that condition that is their right also. He was just letting them know how we got there.

Mr. Lafferty said they have the right to build it to 125' and put the 3 arrays.

Mr. Fritz said if it is approved at 105' they would be able to build it to 125' and add arrays to it.

Mr. Lafferty said it would be at 125', and Mr. Fritz replied yes, which is what they asked for.

Ms. More said she wanted to ask Mr. Fritz the same question Mr. Keller asked about the Wi-Fi versus the fiber optic capability of providing the same or equally effective ability.

Mr. Fritz pointed out that is a non-site specific question; but, it is correct that fiber optic and fixed wireless are competing and they do different things and have different abilities very clearly. They both have their own sets of pros and cons. In a dense environment a fiber optic solution is often battle. But, in a more remote or where you are trying to reach difficult terrain a wireless solution might be the best. That battle is going on all over the country right now. It is an ongoing battle. He noted that fiber definitely has some speed advantage and typically it does not have usage cap limits where fixed wireless often does. The fixed wireless is typically from a tower in an affixed antenna that is receiving that signal and typically it in your house or place of

business. You are then using your computer and it is routed through a router with wireless Wi-Fi within your house. The mobile wireless is your phone and I-pad and other devices that you are using in a much more mobile environment and there is not fixed point to point communication. Fixed wireless has some advantages that you can have an antenna with much greater gains so you can put the signal farther and get to a better speed. But, it is an ongoing battle right now. The other thing he might point out, and the Commission will advise the Board the same thing, is the consideration of the public uses on this that can be factored in however you might. He pointed out if this were a facility that was being proposed by the schools, the police or E911 we would likely be going through a 22-32 review which would be compliance for the comprehensive plan. Staff found that this particular tower does not comply with the comprehensive plan so the likelihood is that we would make the same finding if it were a public facility because of the content of the Personal Wireless Service Facilities Policy. But, obviously the Commission can factor that into your thinking; but, he just wanted to let you know what the different reviews would be like.

Ms. Spain said since you brought up the comprehensive plan we know that comp plans have sometimes competing priorities or ways to go about them. Under our economic development objectives we say we want to increase workforce development skills from K through 12. Under Community Facilities objectives we say we want to provide facilities that enables the school division to provide high quality education for students. She thinks that this proposed wireless facility, the pole, does meet those guidelines in the comp plan and she understands why it went through the review it went though and why the ARB did not approve it. But, those are visual issues that she thinks in this case she would like to see take second place to the functionality and the importance of Wi-Fi for students.

Mr. Fritz said that is correct the comprehensive plan does have many conflicting things in it. This one thing he would address that particular provision is this particular tower is a way of providing that service for the businesses; it may not be the way. When we developed our Personal Wireless Service Facilities Policy we were aware that taller towers would provide coverage to a larger footprint and you would need fewer of them to provide the same geographic footprint and the same coverage, and instead the policy went towards an approach of having smaller less intrusive towers. So you could still achieve the goal of providing service for the community; and, therefore economic development by using different techniques which could include multiple sites, distributed antenna systems, small cell systems and smaller towers even though you might have to do multiple of them and we don't know how many. So this is a way, but it may not necessarily be the way and that would be his response.

Mr. Lafferty said it does have a positive financial impact on schools, and Mr. Fritz replied it absolutely has a positive financial impact on the schools, and he was going to take the applicant at their word, it has the advantage of providing the maximum amount of coverage with the minimal amount of facilities. That was part of the comprehensive plan also when we looked at the Wireless Policy and we will have to determine whether or not the impacts are consistent with what is recommended in the plan and with other provisions of the zoning ordinance.

Ms. More said she would guess regardless of the financial benefit to the schools with all the factors unfavorable listed by staff if the Commission were to support the request is that setting a precedent for future requests that may or not benefit schools.

John Blair, Senior Assistant Attorney, replied that he will also allow Mr. Fritz if he wishes to join in; but, he did not think it would set a legal precedent. As was stated earlier there are competing or conflicting things depending on your viewpoint objectives in the comprehensive

plan; this is a legislative decision and as a legislative decision while the special use permit factors are listed in the ordinance you do have the ability to also make your own judgement about the comprehensive plan and whether you want to factor in one or the other of those competing or conflicting provisions. However, he did not think it would create a precedent because really to create a precedent you would need the exact fact pattern to come before you; otherwise, you can find ways to deviate a decision from a future or subsequent fact pattern.

Mr. Fritz pointed out this is not the first facility that has been on a public school property; notably, Scottsville Elementary has a facility on it. During that review it was cited that it would provide coverage to an area of the county that had virtually no coverage and would provide coverage to that school and also would provide revenue to the school. He would point out that staff did recommend denial of that as did the Architectural Review Board; but, the Board of Supervisors ultimately did approve that. Staff did not view that previous one as precedent. Staff reviews each case and if it does not look like something exactly like something else, if yes okay and if no, then it is unique.

Mr. Keller invited Vince Schievert back since he appeared to have some interest.

Mr. Schievert asked to address one thing. While there are multiple solutions that can bridge the digital divide, he would make it very clear the school division is bridging the digital divide with wireless capabilities. So utilizing the structure that we are looking at being able to put on the tower that is the solution we have selected and are moving forward with. So yes there are other ways; but, this is the way we are moving forward with utilizing the 2.5 gigahertz spectrum provides broadband connectivity and the smaller amounts that we have the greater speeds. So we have the ability right now to produce speeds that are the same as a commercial provider would in the area. We are doing fantastic in our areas like Southwood while they did not previously have nearly the capability or speeds. So again he just wants to be clear while there are multiple ways we have selected what we think will provide us a long term solution and capabilities.

Mr. Keller asked if he was talking about this particular geographic area, and Mr. Schievert replied this particular geographic area will be served, those 3,000 students have the capability of being served through this facility.

Mr. Keller asked if he was saying there will be different solutions in different parts of the county.

Mr. Schievert replied there will not be different solutions; we have one solution that we are moving forward with and this is this wireless broadband capability to provide universal coverage. Unfortunately, we were not at that point when they put the Scottsville location in because right now the Scottsville location is kind of small and will soon be eclipsed by the trees because of the regulations and the ordinances we have, and worse the school division actually has no capability of attaching to that structure. So moving forward he would anticipate us being able to see partnership in folks like Milestone to where we have beneficial group use to where the school division has the capability of leveraging that asset as well. Again, with those other facilities we don't have that capability so everything from the ground up is AT&T; but, moving forward we hope they will leverage more than Milestone to where we have both that capability of being able to utilize our services as well as gain financial backing.

Mr. Fritz said he thinks it would be fair to say the same things he said about the private providers would apply to the schools that the shorter the sites the more of them we would need.

Mr. Lafferty said he did not have any problem with your wireless concept of extending it out to the students; but, my main concerns are the visibilities. He noted we have an Entrance Corridor that is going to be more and more crowded once Berkmar Drive is completed; and, the project goes against everything we have tried to do in the past.

Mr. Schievert pointed out what he would say with the visibility, again, that array is 12' long; the light poles are over 16' long, and so they actually are almost 4' shorter on each side than the football lights. While they do extend higher based upon it being setback in the pictures that he saw it did not stick up exponentially larger to be able to actually make it like an eyesore that it was sticking out like a sore thumb. He pointed out there are 30 vertical assets already in that area. You are always going to have one or two people unfortunately that will potentially have impact. The one location asked for was to be able to push it back which actually starts to move down into a ravine. So in order to do that the pole would have to been nearly 150' to 175' to gain the same level of tree top clearance that we are actually looking for. The tricky part is the hill so what makes this very attractive for us is our wireless array right now is on the church side. Right now they get slightly eclipsed by that hill and moving up we will actually clear that and be able to move over. So he understands it, but we are also trying to balance all the different pieces to it.

Mr. Keller said there are lots of questions that are surrounding the cellular wireless delivery that he thinks will only be answered in the future. We know that the carriers are diversifying into other areas because they are realizing that they are not going to be making the same recovery on the data charges that they have made in the past and we are already starting to see those costs come down to make them competitive with the companies that are giving us the higher speeds through the fiber optics. He applauds the school board and staff for forcing this county to jump ahead with this since this is something that could have been addressed a long time ago. He said my mind tells me that this is the right approach; but, my heart looks at how this county is starting to be visually and physically impacted in a number of ways and the proliferation of cell towers is one of them. So the designer planner in me is distressed; and, the educator in me is really excited about the opportunity for all school children to be able to have something really quickly. So he is really torn and wanted to say it before we vote because it is so difficult. He thinks we have to really thank both staffs; the school board and the education staff for pushing this agenda so thoroughly and our planning staff for being such stewards of the visual components of our county that we so value. Both of these things are so important in our comprehensive plan. So it is either a win/win or a no win depending upon whether you are a cup half full or a cup half empty person.

Ms. Firehock echoed Mr. Keller's comments. She knows they are talking a lot tonight about technology; but, to me it is a very political decision. She take heart with what Mr. Fritz says that what we have before us is a solution and that there are other ways with smaller towers, more dispersed, better concealed; but, then that brings up the question will the County Board of Supervisors fund these more expensive dispersed solutions or will they simply leave the one-half of the kids out of luck. We have the luxury of the Planning Commission or the curse; we are not politicians; we are not the deciders; we are the recommenders. So at this point given what she predicts would perhaps happen at the supervisor level she would actually be in support of this particular application even though it does violate all of my sort of desires to see Albemarle County protected scenic qualities. She was concerned that without our recommendation the county will not solve this problem. She pointed out when working in other countries in the third world including Africa she could connect anywhere in the world through satellite infrastructure. There are no cell towers in any of the places that she works and everyone has access. So it is very odd to me that this country we are talking about has metal towers which seems quite

primitive; but, that is not under our purview to solve tonight. She has gone back and forth about ten times this evening; but, she is leaning towards supporting the educational components. She thanks you for asking the question about the precedent setting because that was my same concern as well.

Mr. Lafferty suggested that they not confuse fiber with what they are talking about now. He pointed out fiber is fixed point to fixed point. It could be from a distributor fixed point to a home and it would give you greater access. It is sort of like a telephone line in the last mile you have a line coming into your house and if you want to walk around your house with your cell phone you can do that if you have a little transmitter there that does the broadcasting. But, the fiber in it will not accomplish what we are talking about tonight.

Mr. Keller pointed out actually the consultant to the county is showing ways that it can and we are actually seeing it with a great expenditure of public monies that Century Link is using in the county to extend the fiber optic and then keying into existing telephone copper lines and bringing that out to other areas. There are other proposals of bringing them not just through the copper telephone lines but bringing them to existing telephone poles doing one of those sub or smaller level things that distributes from there.

Mr. Lafferty said that does not have anything to do with fiber though; that is just the way you connect the copper or those little mini transmitters.

Mr. Keller agreed, but noted there are the funds to extend the fiber optics and we are seeing it in a significant way in some parts of the county. That was my point, and he thinks if you speak to the folks in the schools they were exploring lots of possibilities in thinking about that conglomerations of approaches they've made a decision now to go the cell way. If we had people here that were proponents of fiber optic in the room they would be making arguments for how that could continue if we had a representative of the team. There are questions. We have not talked about the upload and the download speed and what is necessary today versus what might be necessary in five years and whether the cell tower technology is going to continue to deliver that. There are test cases in different parts of the county that have seen that they are delivering at a much higher speed. Yes, he thinks all of these things are background discussion points that lead into; but, not for this evening necessarily because of this one particular proposal that we have to deal with. But, because of the fact that we have dead zones and we are going to continue to have dead zones in the county because of the wireless and so there is talk about how we would deliver it to those children and that might indeed involve extending fiber optic out to those points and doing it different. He pointed out we are seeing that in Nelson County for instance. Mr. Keller said back to this topic we have Albemarle County and this proposal and we need a motion.

Mr. Lafferty said he thinks it comes down to a decision of whether we go against the ARB and the visibility of the tower versus the benefits to the school financially and to the students of delivering information. So it is that decision.

Mr. Keller asked Mr. Lafferty if he wanted to make the motion since it was his area.

Mr. Fritz asked that the possible motions be put on the screen.

Mr. Perez noted that there were two motions. The first one is with regards to the special exceptions and staff provides three options. The second motion goes into the actual approval of the special use permit.

Mr. Lafferty asked Ms. Taylor to note the pause as the Commissioners were all thinking about it.

Mr. Perez pointed out that option A was following staff's guidance, which would be recommending approval of the color special exception and recommending denial of the projection of the antenna exception. Option B. would be to not follow staff guidance and recommend approval of both special exceptions. Option C. would be to not follow staff guidance and recommend denial of both special exceptions.

Mr. Lafferty moved to recommend granting the Special Exceptions to section 5.1.40(b) (11) & section 5.1.40(b) (2) (c). He said he was like everybody else in he had been vacillating back and forth on this.

Mr. Keller asked if it was option A., B., or C.

Mr. Lafferty replied that it was option B. for approval.

Ms. Spain said that would be my choice.

Mr. Lafferty asked if she would like to second the motion.

Ms. Spain seconded the motion.

Mr. Keller said he was going to vote against it because he thinks that with his background in visual quality analysis through the years he needs to stay in support with staff and the ARB approach.

Mr. Keller asked if there were any other comments for the record or should he just call the vote.

Ms. More said she was going to vote against it for the same reasons just for the record.

Mr. Keller asked for a roll call.

The motion to recommend granting the two special exceptions passed by a vote of 4:2:2 (Keller, More – nay) (Dotson, Riley – absent).

Mr. Perez pointed out that there was a second motion that the Commission needs to take as well for the special use permit. Option A. would be recommending denial and Option B. would be recommending approval.

Mr. Lafferty moved to recommend approval of SP-2016-00004 with the modified condition as outlined in this presentation. He noted one of the conditions was recommending it at 105'.

Mr. Fritz agreed that was correct.

Ms. Spain seconded the motion.

Mr. Keller asked for a roll call.

The motion to recommend approval of SP-2016-00004 passed by a vote of 4:2:2 (Keller, More – nay) (Dotson, Riley – absent).

Mr. Keller thanked everyone. He said this is an important discussion and he thinks it is going to continue so he was going to suggest some things under new business that we might continue the discussion with the School Board, the Planning Commission and the Supervisors. He thinks that there is also a growth area versus rural area discussion that needs to occur in terms of the visual components of these issues as well.

The meeting moved to the next agenda item.

Other Public Comments.

Mr. Keller invited other public comments at the end of the meeting.

Sue Stoke said it was most interesting and she did appreciate all the Commissioners considerations. She wants us to continue to think about all of those people down in Georgetown Green who are not here. She is a neighbor and cares about what they are likely to see if this cell tower is placed where it is recommended at this time. She still believes there are other locations that could be considered. She really thinks that you might ask someone to go there and take a look at the property. She thinks that we would be happy to talk with you about a couple of spots to consider that could be good and away from those playing fields. She cannot understand why we are wanting the cell tower to hoover over the playing fields of Albemarle High School students. She said that is a tough one for her to take particularly in that she does believe that there are other locations that they could put this tower that would put it in sight with other distance and not hoovering over their playing fields. This is not just going to only affect us, but many young people for a very long time. She does not believe that it will come down for any particular reason. With what the experts here have said about what could happen with technology she asked the Commission to please consider thinking about this and looking at other sites on that property. As she said earlier she was not opposed to finding any way to help our young people to learn; but, she is opposed to destroying the aesthetic beauty that we have in Albemarle County. That is a gorgeous area of the county and it is a very special place for Albemarle High School students. For those of you who did consider that she would thank them all so much.

Charles Stoke said he only had one comment. He pointed out that we talked about the height of the tower; but, we did not talk about the width of the tower that could be another 20' beyond what was proposed. He suggested that the applicant speak to that. The same deal is they asked for 105' because they get an extra 20' it would go to 125'. Also, they have asked for a variance of the width up to 4 1/2', and they could actually go out another 20' and we did not discuss that issue.

Mr. Keller thanked Mr. and Ms. Stoke.

Committee Reports.

Mr. Keller invited committee reports.

Mac Lafferty reported that the PACC Tech Committee met with discussion about West Main Street, addition to the hospital, new dorms at UVA, new grade separated interchange, and the adaptive control system to be installed with the traffic lighting.

Jennie More reported the Crozet CAC met to discuss the idea that the community outside the CCAC with the other groups in the White Hall District could undertake the beginning of a revision of the Crozet Master Plan Community Outreach. It was an initial talk about what that would look like, what sort of timeline that would fall under and what support they would need from staff. But, it was sort of a grass roots effort to just start the initial process of that because it is so involved. That was the main topic of just starting that process.

The meeting moved to the next item.

Old Business

Mr. Keller asked if there was any old business. There being none, the meeting moved to new business.

New Business.

Mr. Keller invited new business.

Mr. Keller reported meeting with the School Board administration. He thinks we all agreed that there are opportunities for us to learn from both sides. He certainly has a better understanding of some of the nuances of what was discussed this evening and a real concern that we need in our future planning for both bodies to think together in that we can provide better advice collectively to the Supervisors in the future from that. So we discussed having one or more meetings, and obviously he would need the Commission's support for that. But, he offered at least interest in the first meeting. He thinks the idea would be somewhat like the format of what we are doing with our special meetings here. There would be a topic or two that both entities could chew on and think about and a short staff presentation from one or both groups in an opportunity for things that they have already done and for work that they are doing so it is not making additional work for either of the staffs. But, as we talked a bit about the redistricting districts that confronts the schools as the numbers of students increase and he thought that was something in particular that maybe parents in this group know but he thinks we could learn just from hearing from that. Then issues like the constraints that some of us felt were put on us in the decision making this evening because of the visibility issues that these kinds of things we could bring and discuss with the educators. He asked if anybody has a problem with trying to do it and suggested they set up a first meeting and we would see if we wanted to try more.

The Commissioners agreed to Mr. Keller's suggestion to set up the first meeting with the schools to discuss topics of mutual interest.

Mr. Keller said he would pass that information along.

Mr. Benish noted an updated meeting schedule was distributed. Just as a general reminder remember that the items on these agenda except for the next couple of weeks are tentative. As you look at it the dates may change. However, staff tries to keep the dates consistent so we always try to work towards those dates. But, particularly when you look at the September agenda those are very tentative and that schedule might change in terms of the items scheduled on those meetings.

Mr. Benish noted that Stephanie Mallory makes hard copies for packets to be picked up each

week. He thinks she has gotten feedback from some Commissioners; but, we don't want to keep making those copies if no one is picking them up. So if each Commissioner will let us know if you are interested in the hard copies or not.

Ms. Firehock commented being that she does not always get in that the only time she really needs a hard copy is when there is a great big site plan. She suggested that there be a caveat that she only needs a hard copy if it is a large site plan; but, otherwise she can look at her laptop.

Mr. Benish suggested that staff can still make them available since if not picked up the information can be made and brought to the meeting for the public. It was just to get some guidance and knowing that they needed them. The other thing is that with some of those packets you get your packets for the site review committee. If you are not picking those up, he can bring them to the next meeting.

Ms. Firehock agreed that bringing the information would be good.

Mr. Benish pointed out what happens is when the Commission does not pick them up that week they go to Ms. Taylor and she can just hold on to them and bring them to the next meeting.

Mr. Keller thanked staff for the draft schedules. They all understand it is draft; but, it is really helpful for all us.

There being no further new business, the meeting moved to adjournment.

Adjournment

With no further items, the meeting adjourned at 7:44 p.m. to the Tuesday, August 16, 2016 meeting at 6:00 p.m. at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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David Benish, Acting Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning)

Approved by Planning Commission
Date: Sept. 27, 2016
Initials: SCT