

Board Agenda Item  
February 23, 2009

3:30 p.m.

Public Hearing on SE 2008-PR-009 (Community Wireless Structures) to Permit a Telecommunications Facility (Monopole), Located on Approximately 3.83 Acres Zoned R-3, Providence District

The application property is located at 3457 Gallows Road, Tax Map 59-2 ((9)) (1) 6 and 7.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 29, 2009, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2009-PR-009, subject to the Development Conditions dated January 29, 2009;
- Modification of the transitional screening and barrier requirements for all four property lines in favor of that shown on the SE Plat and as conditioned; and
- Denial of the modification of the trail requirement and waiver of the on-road bike lane along Gallows Road.

In a related action, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to approve 2232-P07-17. The Commission noted that the proposed telecommunication facility satisfies the criteria of location, character and extent, as specified in Sect. 15.2-2232 of the *Code of Virginia*, and is substantially in accord with the provisions of the Comprehensive Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Suzianne Battista, Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting  
January 29, 2009  
Verbatim Excerpt

2232-P07-17/SE 2008-PR-009 – COMMUNITY WIRELESS STRUCTURES

Decision Only During Commission Matters  
(Public Hearing held on December 4, 2008)

Commissioner Lawrence: Mr. Chairman, tonight we have the decision on SE 2008-PR-009 and 2232-P07-17. This matter is also before the BZA as SPA 77-P-091-03. They've deferred decision. Commissioners should have received a brief addendum to the staff report with modifications to the development conditions; there are only two. During the deferral period for this case the applicant has provided some additional information and we've added to the development conditions. Please note there is now a bonding provision in the tree preservation conditions and a contact point in case of problems has been added. I'd like to verify that the applicant accepts these and all earlier conditions. Is there a representative present? Will you please identify yourself and respond. Do you accept all development conditions?

Chairman Murphy: Hold on a minute. We don't have sound on the –

Commissioner Hart: Try it.

Edward Donohue, Esquire, Donohue & Blue PLC: My name is Ed Donohue. I'm counsel for the applicants and I do accept the development conditions as articulated by Commissioner Lawrence.

Commissioner Lawrence: Thank you very much. Mr. Chairman, I believe that we can move forward with this application. The service reception charts show that an antenna is needed at this location and that alternative locations would not suffice. While staff has succeeded in getting the height of the supporting pole reduced, a relatively tall structure is required. The site is so densely wooded that even with the leaves off the trees the base of the pole and the equipment area at the base area are well screened, especially with the landscaping provisions. The tree preservation plan will keep tree loss to a minimum and provide for replacements and additions. The pole itself is to be of the sort that simulates a coniferous tree. I believe these features allow us to conclude that the location, character, and extent provisions of the *Code* are met in this case. As to the special exception, the plat and development conditions satisfy the general and special standards for this application. I concur with staff's view on modifying the trail and bike lane requirements as well. In sum, Mr. Chairman, I believe we've struck an acceptable balance here. Therefore, I propose we move favorably on this application. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER 2232-P07-17 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioners Lusk and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Lusk. Is there a discussion of the motion? All those in favor of the motion to approve 2232-P07-17, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2008-PR-009, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JANUARY 29<sup>TH</sup>, 2009.

Commissioners Lusk and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Lusk. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2008-PR-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE TRANSITIONAL SCREENING AND BARRIER MODIFICATION FOR ALL FOUR PROPERTY LINES IN FAVOR OF THAT SHOWN ON THE SE PLAT AND AS CONDITIONED.

Commissioners Lusk and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Lusk. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DENIAL OF THE MODIFICATION OF THE TRAIL REQUIREMENT AND WAIVER OF THE ON-ROAD BIKE LANE ALONG GALLOWS ROAD.

Commissioners Lusk and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Lusk and Mr. Sargeant. Discussion? All those in favor, say aye.

Planning Commission Meeting  
January 29, 2009  
2232-P07-17/SE 2008-PR-009

Page 3

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioner Harsel absent from the meeting.)

JN