



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

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| Proposal: SP202400019 UVA Community Credit Union Tower Relocation | Staff: William D. Fritz, AICP |
| Planning Commission Public Hearing: October 8, 2024 | Board of Supervisors Hearing: TBD |
| Owner: University of Virginia Community Credit Union | Applicant: University of Virginia Community Credit Union |
| Acreage: 6.0 | Special Use Permit/Zoning Map Amendment for: Personal Wireless Service Facility |
| TMPs: 07600-00-00-05500 Location: Northwest corner of the intersection of 5 th Street and I-64. | Zoning/by-right use: HC, Highway Commercial - commercial and service; residential by special use permit (15 units/ acre) |
| Magisterial District: Scottsville | Conditions: Yes EC: Yes |
| School Districts: Mountain View ES, Burley MS, Monticello HS | |
| Proposal: Removal of existing tower and construction of a new 165 foot tower. | Requested # of Dwelling Units: None |
| DA: X RA: | Comp. Plan Designation: Parks and Green Systems and Community Mixed Use and Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses in Neighborhood 5 of the Southern and Western Neighborhoods Master Plan. |
| Character of Property: The site includes floodplain area, stream buffer and preserved steep slopes as well as an existing office building with parking and existing tower. | Use of Surrounding Properties: The property is bordered on the south by I-64. Property to the north is floodplain or developed residentially. A hotel and commercial development is located to the east. |
| Factors Favorable: The proposed tower is consistent with the review criteria for special use permits. The proposed tower has impacts like the previously approved tower on this site. | Factors Unfavorable: None identified. |
| RECOMMENDATIONS: Staff recommends approval with conditions. | |

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Bill Fritz and Kevin McDermott
October 8, 2024
TBD

PETITION

PROJECT: SP202400019 UVA Community Credit Union Tower Relocation

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 07600-00-00-05500

LOCATION: 1201 5th St

PROPOSAL: The applicant proposes to relocate and replace an existing 155.5 foot monopole tower with a proposed 165 foot monopole tower as part of their redevelopment plans for the property. The proposal includes an enclosed lease area at the base of the tower that will house associated equipment.

PETITION: Tier III Personal Wireless Service Facilities are permitted by special use permit in accord with Chapter 18, Section 24.2.2(16) of the Code of Albemarle and are subject to the supplementary regulations in Chapter 18, Section 5.1.40.

ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)

ENTRANCE CORRIDOR: YES

OVERLAY DISTRICT(S): AIA Airport Impact Area, Flood Hazard, and Steep Slopes – Managed and Preserved.

COMPREHENSIVE PLAN: Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams; and Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses in Neighborhood 5 of the Southern and Western Neighborhoods Master Plan.

CHARACTER OF SURROUNDING AREA

The property is bordered on the south by I-64. Property to the north is floodplain or developed residentially. A hotel and commercial development are located to the northeast and east. Attachment 1 is map of the area.

PLANNING AND ZONING HISTORY

SP 1986-09 Virginia Electric and Power Company – Approval for a 160-foot tower. This is the approval for the existing tower.

SDP 1985-54 Virginia Power Western Division Headquarters – Approval of the site plan for the building located on the property. Site plan amendments were submitted in 2023, and a major amendment is currently under review, SDP 2024-35 for the demolition of the existing building and construction of a new building for UVA Community Credit Union.

DETAILS OF THE PROPOSAL

The applicant's submittal information is included as Attachment 2. The proposal is to remove the existing 156 foot tower with a new 165 foot tower. The new tower location is approximately 400 feet to the northeast of the existing tower. The new tower is taller than the existing tower due to changes in base elevation. The relative height above sea level for the two towers is approximately the same. The proposal includes ground area for multiple service providers.

COMMUNITY MEETING

A community meeting was held on September 19th with the 5th Street and Avon Community Advisory Committee. During the meeting the committee discussed the visibility of the new facility compared to the existing facility. The conclusion was that the visibility is essentially the same. The committee also verified that the proposed tower will not interfere with the community use of the fields located in the floodplain of the property.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.8 of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined.

The comments below are based on staff's analysis of the application including information submitted by the applicant. The information submitted by the applicant contains information addressing the review criteria. That information is included as attachment 2. Staff will not restate all of the submitted information in this staff report and refers the reader to attachments for detailed information.

No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

The proposed tower will not impact the use of adjacent parcels. Staff attended a balloon test to determine visibility. This balloon test was unique due to the presence of the existing tower. This allowed staff to verify the height of the balloon more accurately and to compare proposed visual impacts with existing impacts. The visual impact of the proposed tower is substantially the same as the existing tower and no new impacts are anticipated.

Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

The construction of the new tower will result in visual impacts substantially the same as the existing tower. Therefore, staff opinion is that the character of the area will not be changed.

Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,

Staff has reviewed this request as it relates to the "purpose and intent" that is set forth in Section 1.4 of the Zoning Ordinance and as it relates to the intent of the HC, Highway Commercial District and the Entrance Corridor Overlay District.

Section 1.4 states that the zoning ordinance is designed "to facilitate the creation of a convenient, attractive and harmonious community". Staff opinion is that the proposed tower does not impact the community any more than the existing tower.

On September 16, 2024 the Architectural Review Board (ARB) approved a certificate of appropriateness for the ground equipment and base station and recommended "The ARB finds that the proposed location of the facility is expected to result in similar visual impacts as are produced by the existing facility. No additional negative impacts on the general character of the area are expected."

Based on the action of the ARB staff recommends that this application is in harmony with the purpose and intent of this chapter.

...with the uses permitted by right in the district

This property is zoned for commercial use. The presence of a tower does not conflict with uses permitted by right in the district.

...with the regulations provided in section 5 as applicable.

The proposed tower is consistent with the regulations of Section 5.1.40.

...and with the public health, safety and general welfare (including equity).

The public health, safety, and general welfare, including equity, is protected through the special use permit process, which assures that uses approved by special use permit are appropriate in the location requested.

In this case, staff notes that the tower has impacts similar to the existing tower and does not result adversely impact the public health, safety, and general welfare.

Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.

This application is for the relocation of an existing tower. The use of existing towers is encouraged by the Comprehensive Plan. Existing towers are considered opportunity sites. The existing tower is specifically mentioned in the Comprehensive Plan as an example of an opportunity site. In evaluating consistency with the comprehensive plan staff has considered this application to be the updating of an approximately 40 year old tower (opportunity site) to improve service by allowing for a stronger and more engineered structure capable of supporting modern equipment and meeting current and hopefully, future needs.

Based on this evaluation staff considers this request to be consistent with the comprehensive plan.

Section 704(a)(7)(b)(i) of the Federal Telecommunications Act of 1996 and Title 15.2, Chapter 22, Article 7.2 of the Code of Virginia:

During the review of this application staff has considered the provisions of Section 704(a)(7)(b)(i) of the federal Telecommunications Act of 1996 and Title 15.2, Chapter 22, Article 7.2 of the Code of Virginia.

This application is subject to the federal Telecommunications Act of 1996, which provides in part that the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof (I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C.S 332(c)(7)(B)(i). Virginia Code §15.2-2316.4:1(F)(1) likewise provides that localities may not "unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services."

In order to operate this facility, the applicant is required to comply with the FCC guidelines for radio frequency emissions that are intended to protect the public health and safety. Neither the Comprehensive Plan nor the Zoning Ordinance prohibits the provision of personal wireless services. However, both do implement specific policies and regulations for the siting and design of wireless facilities. The applicant has not provided any detailed additional information regarding the availability, or absence of alternative sites that could serve the same areas that would be covered with the proposed facility.

Virginia Code §15.2-2316.4:2(E)(2) provides:

"If the locality is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the locality shall identify them in the written statement provided under subdivision 1."

Staff provides the provision above in case the Board of Supervisors wishes to deny this application. Since Staff is recommending approval of the proposed application, there are no additional comments regarding these applicable codes and regulations.

Other Relevant Information

FCC regulations would apply to a tower constructed as proposed in this application. The regulations would limit the County's ability to review additional uses and modifications to the facility once approved. The County may only deny changes to the facility if.

- The tower is increased in height by more than 20 feet; or
- Antenna or other equipment would protrude more than 20 feet from the tower; or
- More than 4 ground-based cabinets are added; or
- Excavation occurs outside the lease area; or
- The change would defeat concealment elements.

Simply stated, if the County approves this monopole at 145 feet, the applicant can administratively apply for a one time increase in height by 20 feet for a total height of 165 feet. This is the height requested by the applicant.

SUMMARY

This application is essentially the relocation of an existing tower. The impacts from the new tower are substantially the same as the existing tower. In addition, the new tower will be able to better accommodate current and future wireless services.

Staff finds the following factors favorable to this request:

The proposed tower is consistent with the review criteria for special use permits. The proposed tower has impacts like the previously approved tower on this site.

Staff finds the following factors unfavorable to this request:

None identified.

RECOMMENDED ACTION

Staff recommends approval of the special use permit with the following conditions:

1. The maximum height of the tower is 145 feet above ground level.
2. The facility must be located and designed in general accord with the plans titled "UVA Community Credit Union Tower Relocation", prepared by Timmons Group and last revised 9/6/2024.
3. The existing tower must be removed within 90 days of activation of service on the new tower.

Motions:

Special Use Permit

- A. Should the Planning Commission choose to recommend approval of this special use permit:

I move to recommend approval of SP202400019 UVA Community Credit Union Tower Relocation with the conditions outlined in the staff report.

- B. Should the Planning Commission choose to recommend denial of this special use permit:

I move to recommend denial of SP202400019 UVA Community Credit Union Tower Relocation. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.

ATTACHMENTS

- Attach 1 - [SP2024-19 UVA CCU Tier III PWSF - Map](#)
Attach 2 - [SP2024-19 UVA CCU Tier III PWSF - Applicant submittal information](#)
Attach 3 - [SP2024-19 UVA CCU Tier III PWSF - Balloon test photos](#)
Attach 4 - [SP2024-19 UVA CCU Tier III PWSF - Photo Simulations](#)