



DRAFT ARB ACTION MEMO / MINUTES

Date: December 4, 2023

Time: 1:00 PM

Meeting Room: Lane Auditorium

Members:

Chris Henningsen, Chair: Present
Frank Hancock, Vice-Chair: Present
Frank Stoner: Present
Dade Van Der Werf: Present
Taro Matsuno: Present

Staff:

Margaret Maliszewski
Mariah Gleason
Bill Fritz

CALL TO ORDER: Mr. Henningsen called the meeting to order at 1:00 p.m. and established a quorum.

DISCLOSURES: Mr. Matsuno disclosed that he is employed by the firm that designed the Mountaintop Montessori project and he would, therefore, recuse himself from that discussion.

PUBLIC COMMENT: None.

CONSENT AGENDA:

a. **SP2023-95: The Home Depot Outdoor Storage Display Sales**

Location: 1531 Rio Road East

Proposal: To establish outdoor storage, display and sales of lawn, garden and related merchandise in association with the construction of a Home Depot store at the former location of the Sears store at the Fashion Square Mall property.

Staff Contact: Margaret Maliszewski

Representative: Valerie Long

Motion: Mr. Van Der Werf moved to recommend approval of the Special Use Permit with the following conditions:

1. Development must be in general accord with the Home Depot plans (the Plan) drawn by Kimley Horn dated 10/16/2023 and included as Attachment 5, and MG2 Home Depot plan sheets DD50-08 and DD50-09 dated 11/16/23 and included as Attachment 6. To be in general accord, development must reflect the following major elements essential to the design of the development:
 - a. Location of areas of storage, sale, and display; and
 - b. Location and design of fencing.

2. Products for storage, display and/or sale must not be stacked higher than the adjacent garden center fence.
3. The color temperature of garden center light fixtures must not exceed 3000K.
4. Outdoor illumination, including illumination of items for storage, display, and sale, must not exceed 30 footcandles at the display areas facing Rt. 29 and 20 footcandles elsewhere.
5. All outdoor illumination must be full-cutoff fixtures.
6. Large shade trees, 3½” caliper at planting, spaced 35’ on center, and interspersed ornamental trees are required along the Rt. 29 frontage of parcel 61-132. An alternative planting within the existing planting area located between the parking lot and the right-of-way may be approved by the ARB with the final site plan, subject to VDOT approval.
7. The Rio Rd. frontage of parcel 61-132 must be landscaped as shown on the Plan, except that the landscape plan must be revised to include more diverse species along Rio. Rd. Other changes to the landscape plan may be approved by the ARB with the final site plan.

Mr. Stoner seconded the motion.

The motion was carried by a vote of 5:0.

REGULAR REVIEW ITEMS

a. ARB2023-95: Mountaintop Montessori Middle School Addition

Location: 1462 Richmond Road

Proposal: To renovate the existing Middle School and construct 2,500 square feet of additions on the north and south sides.

Staff Contact: Mariah Gleason

Representative: David Timmerman

Mariah Gleason gave a Power Point presentation summarizing the staff report. ARB members had no questions for staff. David Timmerman with BRW Architects summarized the proposal for the ARB, noting the school’s need for additional space, the special quality of the site and the significance of the site to the community, the distinction between old and new in the design and the breaking down of the mass of the building, the angle of the addition resulting from site analysis and optimizing views. Sherry Tracinski of the School’s Board of Trustees, addressed the ARB, noting the school’s desire to work with the site and the cohesive quality of the proposed design. Mr. Timmerman then addressed each of the recommendations in the staff report, indicating that the replacement windows will match the size of the existing windows, that the wall area referred to as “blank” is needed on the interior as a presentation wall, that three wall sconces will be proposed at the building exterior, that ground disturbance will be minimal. ARB members had no questions for the applicant but complimented the use of the existing building, considered the blankness somewhat mitigated by the scale and arrangement of the building and additions, noted the addition of shrubs or small trees could further mitigate the blankness (although they would not have to be located close to the building).

Motion:

Mr. Van Der Werf moved for approval with the conditions listed in the staff report, amended as follows:

1. Revise the plan to identify all existing trees or shrubs to be removed.
2. New brick matching the original brick color and texture will be used.
3. Revise the plans to identify that the finish of the metal roof will not be highly reflective.
4. Consider revising the architectural drawings and/or landscaping to alleviate the appearance of blankness on the west elevation of the northern addition.
5. If the screening wall will be visible from the EC, provide the dimensions, material, and color information for the feature.
6. Replace Note 2 of the Elevation Notes on Sheet 13 with the standard equipment note: “Visibility of

all mechanical equipment from the Entrance Corridor shall be eliminated.”

7. If wall- or building-mounted light fixtures will be installed, provide light locations and fixture details.
8. Revise the plan to show the limits of disturbance and tree protection locations, notes, and details.

Mr. Stoner seconded the motion.

The motion was carried by a vote of 4:0. (Matsuno recused)

WORK SESSION

a. Personal Wireless Service Facilities Ordinance Update

Staff: Bill Fritz

The ARB received the Personal Wireless Service Facilities Ordinance update from Bill Fritz. Mr. Fritz gave a brief history of telecommunications regulations in the County, noting that only minor changes have been made to the ordinance that was adopted in 2000, that a consultant has been hired to evaluate that policy, and that major proposed revisions include updates for consistency with state and federal regulations, an increase from 10' to 30' for Tier 2 pole height increases, elimination of Agricultural and Forestal districts as Avoidance Areas, elimination of the limit on the number of towers that can be constructed in close proximity under Tier 2 provisions, removal of the limit on the number of arrays, removal of the antenna size limit, and removal of the standoff limitation. Mr. Fritz noted that there are no procedural changes proposed, and some Special Exceptions would no longer be needed because of some of the technical changes. He summarized the review schedule and stated that the public comment deadline is December 15.

Board members asked questions and discussed various aspects of the proposal. Mr. Matsuno asked about the impetus for some of the technical specification changes. Mr. Fritz responded that it was a combination of changes in technology, service providers wanting to accommodate more services on a single tower, the BOS has been willing to grant exceptions, and general changes in attitude about cell towers. Mr. Matsuno asked particularly about the 10' to 30' height change. Mr. Fritz noted that taller towers have greater geographic coverage, and with changing pieces of the spectrum, a part of it is more impacted by water and structures, so signals are typically scattered more when nearer to trees. Also, the taller height offers greater opportunities for attaching multiple antennas and multiple arrays. Mr. Hancock asked about public comment. Mr. Fritz said there would be minimal summarizing of public comments by staff, but some categorization would be done, particularly where options were given in the survey. Mr. Hancock asked if the ordinance would apply to retrofits or new sites. Mr. Fritz answered that it would be a mix. Mr. Van Der Werf commented on the positive impact the current ordinance has had on the character of the ECS and the minimal visual impact of the treetop towers, and asked what the process would be for increasing the height in the ECs. Mr. Fritz said that the ARB is one of the groups that provides advice on potential impacts; that advice is considered by staff. But the evaluation will be different. It will be based on a 30' facility as opposed to a 10' facility.

Mr. Stoner asked if the County would have the ability to deny an application if it meets the standards just outlined. Yes. The criteria still say it can't be skylit, and whether it is intrusive. We will have to change our thinking of visual impacts of 10' vs. 30'. Staff is still considering whether we need to include changes to make it clearer when staff can deny. Did any survey questions get unanimous answers. Not really.

Mr. Van Der Werf noted comments on the proposed ordinance are due by December 15 and the next ARB meeting is December 18. He asked if members wanted to formulate a recommendation on the proposed ordinance. Staff said that there could be continued discussion now, comments could be forwarded to staff, or discussion could continue at a future meeting.

Mr. Stoner said the 30' height is the change that is potentially problematic. Mr. Van Der Werf said the administrative height increase and no limit on what devices are mounted or how far off they could be mounted could result in facilities with dramatically, or exponentially, more visibility. He said he would

like to understand more about when staff can deny an application. He said the changes are a concern because there has been success in the more than 20 years of work that has gone into preserving the County's character. The County has more sites than if taller towers were used all along. It isn't just that they will get taller; we already have more than is typical. This is another way impacts could be multiplied. The board had questions about how the visual impact will be judged in an empirical way. Mr. Hancock asked about screening. Ms. Maliszewski stated that the ARB typically looks at two issues: 1) screening of ground equipment and 2) providing advice on whether visibility of the overall facility is sufficiently minimized.

Mr. Van Der Werf noted that the ARB has supported a number of proposals for treetop towers that meet the criteria. If all those sites could now be 30' taller, it creates a structure that allows them to be more visible. Mr. Hancock asked about the color; Mr. Vander Werf noted that java brown is the typical color. Mr. Henningsen asked if the changes apply to locations that the ARB would review or are they typically administrative. Staff responded that it would include locations the ARB would review. Mr. Hancock asked if balloon tests would still be required. Staff said yes. It was clarified that would be for new sites. For existing sites, a survey would only be needed. Photo-simulations might also be submitted.

Mr. Hancock said he agreed with Mr. Van Der Werf's concerns. Mr. Stoner agreed as well, noting that the 30' height shouldn't be prohibited, because it could be fine in the right location. It is the idea of what is handled administratively; additional height and equipment could have a negative impact on the corridors. The board could request to incorporate more clarifications about when denial is allowed, or require empirical measurement or simulation of the proposed facility (balloon test, photo-simulation). Mr. Stoner said it would be helpful to know what latitude the County will have for denial. Staff summarized that Mr. Van Der Werf, Hancock and Stoner believed the multiplied impacts could potentially increase impacts on the corridors. Mr. Matsuno agreed and said it makes sense for there to be a board position and it would be good to know what alternatives or policy recommendations could be put forward. He said they need clarity on a few questions, but they could hammer out the part about concerns. Height is one issue. Mr. Hancock said the next step is – is there ARB review that provides for a public hearing. Mr. Van Der Werf said that one alternative would be to leave existing regulations in place in the Entrance Corridors because they've been working. Another option is don't allow purely administrative review/approval but require a finding of sufficient limitation of visibility by the ARB. Ancillary to that is requiring photo-simulations and balloon tests.

Mr. Matsuno asked what falls within the ECs. Staff displayed a GIS layer showing the EC overlay and existing tower facilities. Mr. Fritz rejoined the meeting. He noted that there are 11 towers within 500' of I64 between the county line at Afton and the Keswick interchange. They are mostly not visible today, but if 30' above, they would likely become visible. The group noted the four towers located in close proximity across the interstate from the VDOT workers memorial, each with a different provider. Mr. Stoner asked if the ordinance changes would contribute to more co-location by multiple providers on a single tower. Mr. Fritz said he didn't think so.

Mr. Van Der Werf asked if there are any measures regarding denial that he could share. Mr. Fritz said it is all about visibility and mitigating visual impact. He clarified the difference between visibility and aesthetics. He explained that the current regulations assume that 10' above the treetop is acceptable mitigation. The proposal would assume 30' above the treetop is acceptable. As an example of a basis for denial, he said a single tree out in a field would probably not be sufficient screening.

The Board determined that they would review the draft minutes from this discussion and continue the discussion at the next meeting.

OTHER BUSINESS

a. Minutes Approval:

Motion: Mr. Stoner moved for approval of the minutes from the November 20, 2023, ARB meeting.
Mr. Van Der Werf seconded the motion.
The motion was carried by a vote of 5:0.

b. Other items from staff or ARB members:

- i. Staff followed-up on the Presidio/Alto View discussion from the previous meeting, noting that the photo-simulations are different from the more technical site plans and architectural elevation drawings and would not typically be considered conditions of approval.
- ii. Mr. Stoner asked about the EC guidelines work. Staff responded that the 5th Street Extended addenda would be presented at the next meeting and the Rt. 20 South addenda would be presented in January.

c. Next ARB Meeting: Monday, December 18, 2023, 1:00 PM – Lane Auditorium
Mr. Matsuno noted that he would not be able to attend the December 18 meeting.

ADJOURNMENT

The meeting was adjourned at 2:28 p.m. to the next ARB meeting on Monday, December 18, 2023, at 1:00 p.m.