



PUP2020-00014

Network Towers II

Staff Report for Board of Supervisors Public Hearing
Prepared August 27, 2020

This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter.

I. PUBLIC HEARINGS:

Planning Commission:	August 13, 2020	Recommended for denial
Board of Supervisors:	September 8, 2020	Pending (<i>Deferral requested by applicant to Oct. 13th hearing</i>)

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request:	Provisional use permit to allow a 164' high monopole telecommunications tower and related equipment
Existing Zoning:	A-1 Agricultural District
Acreage:	Lease Area – 3,600 square feet Parcel – 1.9 acres
Location:	North line of Kain Road approximately 1000' west of its intersection with Porsche Drive
Magisterial District:	Three Chopt
2026 Comprehensive Plan Recommendation:	Suburban Residential 1 (SR1)
Parcel Number:	Part of 735-770-6609
Zoning of Surrounding Properties:	North: A-1 (large lot single-family residence) South: A-1 (large lot single-family residence) East: A-1 (large lot single-family residence) West: A-1 (large lot single-family residence)

III. SUMMARY OF STAFF REPORT COMMENTS:

The applicant is requesting approval of a Provisional Use Permit (PUP) to construct a 164' tall wireless telecommunications tower and related equipment on residential property at 12444 Kain Road. The subject parcel is zoned A-1 Agricultural District and is recommended for Suburban Residential 1 (SR1) on the 2026 Comprehensive Plan's Future Land Use map.

Residential properties with adequate tree cover and spacing from surrounding homes can accommodate communications infrastructure; however, this use must be carefully evaluated in the larger context of its surroundings. The proposed tower site is in close proximity to seven single-family homes, and much of the subject parcel and surrounding area is designated SR1 on the 2026 Plan. With these considerations, the overall potential visual impact of the proposed tower should be reduced; therefore, staff has suggested Condition #1 to minimize the structure's physical profile. If these design modifications are made and the tower site is moved farther from existing homes, staff could support this request subject to the recommended conditions in Section IV of this report.

The applicant held a community meeting on July 27, 2020 to discuss details of the request with area residents and property owners. Surrounding residents have expressed various concerns with the request. The Planning Commission recommended denial of this item at their August 13, 2020 hearing. The applicant has requested the case be deferred to the October 13, 2020 hearing to provide additional time to discuss acceptable height/design options.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject site is part of a 1.9 acre parcel on the north line of Kain Road, approximately 1,000 feet west of Porsche Drive, the southern entrance to the Welwood subdivision. The parcel is mostly cleared and includes a single-family home with a detached garage. The property's northern third is wooded. The subject site and all adjacent lots are zoned A-1 and are developed for single-family residential use. In the broader context, nearly all other developed parcels within a $\frac{3}{4}$ mile radius are also residential of one type or another. The Comprehensive Plan's Suburban Residential 1 designation for the site and surrounding properties reflects this residential character.

As illustrated on the submitted exhibits, the applicant wishes to erect a 164' tall monopole tower with external antenna arrays and related ground equipment, all within a 60' x 60' lease area accessed via an extension of the home's existing driveway. Although a detailed ground compound exhibit has not been provided, the applicant has indicated the ground equipment would be within a 50' x 50' area surrounded by a wood-board fence, existing vegetation, and unspecified supplemental landscaping. To avoid long-term maintenance issues with wood fencing, staff has suggested vinyl fencing in Condition #3.

The 2026 Comprehensive Plan expresses a clear preference for avoiding residential parcels when constructing a new cell tower. Tall communication structures with industrial characteristics should primarily be located in industrial, commercial, or office areas, however, in some parts of the County with limited wireless signal coverage and data capacity it can become difficult to provide the desired levels of service while completely avoiding residential properties. As a result, in areas of the County where antenna co-location options are limited and existing towers are far removed from target service areas, there are some limited examples of a cell tower being sited on or near residential property.

However, in these instances, every effort should be made to locate, design, and screen the structure and its ground equipment in a manner that minimizes impacts on surrounding homes. To meet these objectives, the tower should be placed as far as practically possible from existing and planned homes, its visual profile should be reduced, significant landscape buffers should be

preserved and supplemented as needed, and emergency generators should be fully enclosed in a sound-reducing structure. If these mitigation measures are fully implemented, a proposed tower could be reasonably consistent with the 2026 Plan. The applicant's request does not reflect this level of impact mitigation as it is currently proposed.

As proposed, a total of seven homes would be within 550 feet of the tower, each with significant visibility of the structure which would extend well above the existing trees. The applicant is encouraged to explore other wooded locations more separated from these homes and surrounding neighborhoods. In addition to a different location, staff also recommends reducing the structure's maximum height to 110 feet and using internal antennas rather than external arrays, which have an industrial appearance inconsistent with residential uses.

As with any macro-tower facility of this type, the Federal Communications Commission (FCC) would regulate the system and the safety of its broadcast frequency. The unmanned site would not require water or sewer and would generate little traffic. Communication tower applicants are also required to submit location information to the Federal Aviation Administration (FAA) for an air traffic safety analysis. This analysis, among other things, determines whether the tower would need obstruction marking and lighting. If marking or lighting were required at this location, recommended Condition #7 requires Planning Commission approval for lighting or painting.

In its present form, staff believes the overall visibility and design profile of the structure would not be fully consistent with the 2026 Plan's tower siting policies near residential areas. For greater consistency with the Plan and improved compatibility with the area's residential character, staff suggests moving the tower and implementing additional mitigation measures as described above. If the applicant is unable to make these changes, staff would not support the request; however, staff could support the request and believes it could reasonably coexist with surrounding uses in a different location if developed according to the following recommended conditions:

1. The communication tower shall be a tapered monopole style with internal antennas, and shall not exceed a maximum height of 110 feet (including any attached equipment) prior to any one-time FCC-permitted height extension.
2. Electric wires and other cables shall be prohibited on the exterior of the telecommunication tower, and any generator shall be placed within a fully-enclosed equipment shelter.
3. A vinyl privacy fence a minimum of 8' in height shall enclose the entire equipment compound area. Wood and chain-link/barbed-wire fencing are prohibited. Construction drawings and color samples shall be submitted with the building permit for approval by the Director of Planning.
4. A landscaping plan shall be submitted with the building permit application to ensure existing vegetation is preserved and/or supplemental landscaping planted to provide a minimum 50' wide buffer to fully block ground-level views of the equipment compound, except for the minimum clearing needed for the access drive. The adequacy of the proposed tree preservation and supplemental planting shall be determined by the Director of Planning.
5. This permit shall apply only to the 3,600 square foot lease area identified on Exhibit A.
6. Construction of the approved project shall commence within two years of final approval and be diligently pursued to completion.
7. The applicant shall obtain approval from the Planning Commission should the FAA require the addition of standard obstruction marking and lighting (i.e. red lighting and orange and

white striping) to the telecommunication tower. Any changes to the proposed galvanized finish of the telecommunication tower shall be submitted to the Director of Planning for approval.

8. When site construction is initiated as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. In particular, land disturbance of more than 2,500 square feet will require that construction plans include a detailed drainage and erosion control plan prepared by a professional engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.
9. The co-location of as many additional users as technically feasible shall be allowed.
10. Prior to the co-location of any carrier's antennas or addition of equipment lease space, a revised site plan and equipment placement details shall be submitted to the Planning Department for approval.
11. Any UHF, VHF or other type of receivers/transmitters that would interfere with the County's Division of Police emergency communications are prohibited from this telecommunication tower. The leaseholder is responsible for mitigating any interference. The County shall have the right to install antennas and other equipment on the tower as well as place support equipment within the ground lease area, provided that all antennas and other equipment are compatible with other parties' use of the tower.
12. If ownership of the lease is transferred to another provider, the new owner shall submit a Transfer of Provisional Use Permit.
13. If the use of the tower for communication purposes is discontinued for 180 days, the antennas and all related structures shall be removed from the site within ninety (90) days. Within ten (10) business days after written request by the County, the owner of the antennas and equipment shall provide the County with written confirmation of the status of the facility, the number of and identity of users, available co-location space and such additional information as may be reasonably requested.

The applicant held a community meeting on July 27, 2020 to discuss details of the request with area residents and property owners. Surrounding residents have expressed various concerns with the request. The Planning Commission recommended denial of this item at their August 13, 2020 hearing. The applicant has requested the case be deferred to the October 13, 2020 hearing to provide additional time to discuss acceptable height/design options.

V. COMPREHENSIVE PLAN ANALYSIS:

Future Land Use Plan Recommendation:

The 2026 Comprehensive Plan's recommended future land use for the subject parcel is Suburban Residential 1 (SR1). Communication towers are not encouraged in designated Residential areas; however, if significant mitigation measures are implemented, communication infrastructure can be made reasonably compatible with surrounding residential properties, given adequate separation.

Vision, Goals, Objectives and Policies:

This request is most consistent with the following Goals, Objectives, and Policies of the 2026 Comprehensive Plan:

- Infrastructure/Service Provision & Growth Coordination Goal 7: The County will have managed development of wireless communications infrastructure, while at the same time

not unreasonably interfering with the development of the competitive wireless communications marketplace.

- Wireless Communication Technology General Policy 11: Limit clearing of the sites to allow existing mature vegetation to remain for visual screening.

This request is not fully consistent with the following Goals, Objectives, and Policies of the 2026 Comprehensive Plan:

- Infrastructure/Service Provision & Growth Coordination Goal 19: The County will horizontally separate wireless communication towers from residential neighborhoods and other visually sensitive areas to the extent necessary to minimize visual obtrusion.
- Wireless Communication Technology General Policy 18: Use flush-mounted or stealth antennas in visible or sensitive locations.
- Wireless Communication Technology Locational/Siting Policy 1: Discourage towers in areas zoned or planned for residential uses.
- Wireless Communication Technology Locational/Siting Policy 3: Encourage stealth tower design when towers are requested adjacent to or in close proximity to existing residential areas or areas recommended for residential use in Chapter 5 Land Use.
- Wireless Communication Technology Locational/Siting Policy 6: If co-location opportunities are not possible, encourage siting of towers at locations within wooded areas or remote sites away from residential structures. While such locations may not obscure from view the entirety of the tower, they may reduce the visual impact.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

No comments.

Drainage:

All proposed improvements must comply with all applicable Public Works plan of development requirements. The site must comply with applicable stormwater quality and quantity requirements if land disturbance will be greater than 2500 square feet.

Public Utilities:

No comments.

Schools:

No comments.

Division of Fire:

No comments.

Division of Police:

No comments.

General Services:

No comments.

Public Libraries:

No comments.

Recreation and Parks:

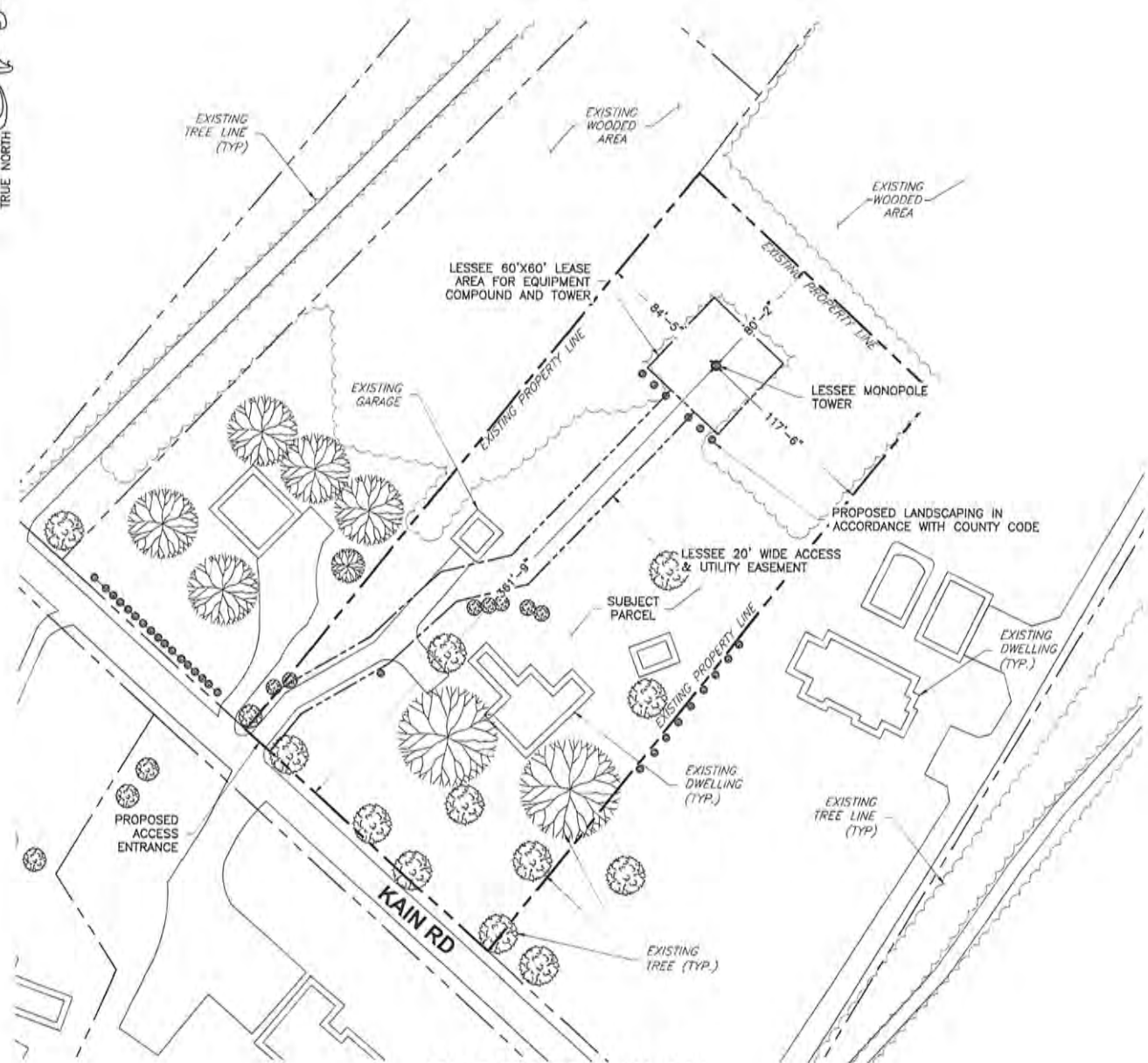
No park or recreation facilities, historical, archeological or battlefield impact.

Community Revitalization:

No comments.

Topography and Land Characteristics Adaptability:

There are no known topographic reasons or other specific land characteristics that would prevent the site from being developed as proposed.



PROPERTY PLAN

PROPERTY INFORMATION

OWNER: ALJABAR NAZAR A KATHRYN L
 OWNER ADDRESS: 12426 KAIN RD
 GLEN ALLEN VA, 23059
 PARCEL ID: 735-770-6609
 ZONING: A-1 (AGRICULTURE)
 ACREAGE: 2.0 ± ACRES



NB+C ENGINEERING SERVICES, LLC.
 4435 WATERFRONT DRIVE, SUITE 100
 GLEN ALLEN, VA 23060

"KAIN ROAD"
 12444 KAIN ROAD
 GLEN ALLEN, VA 23059

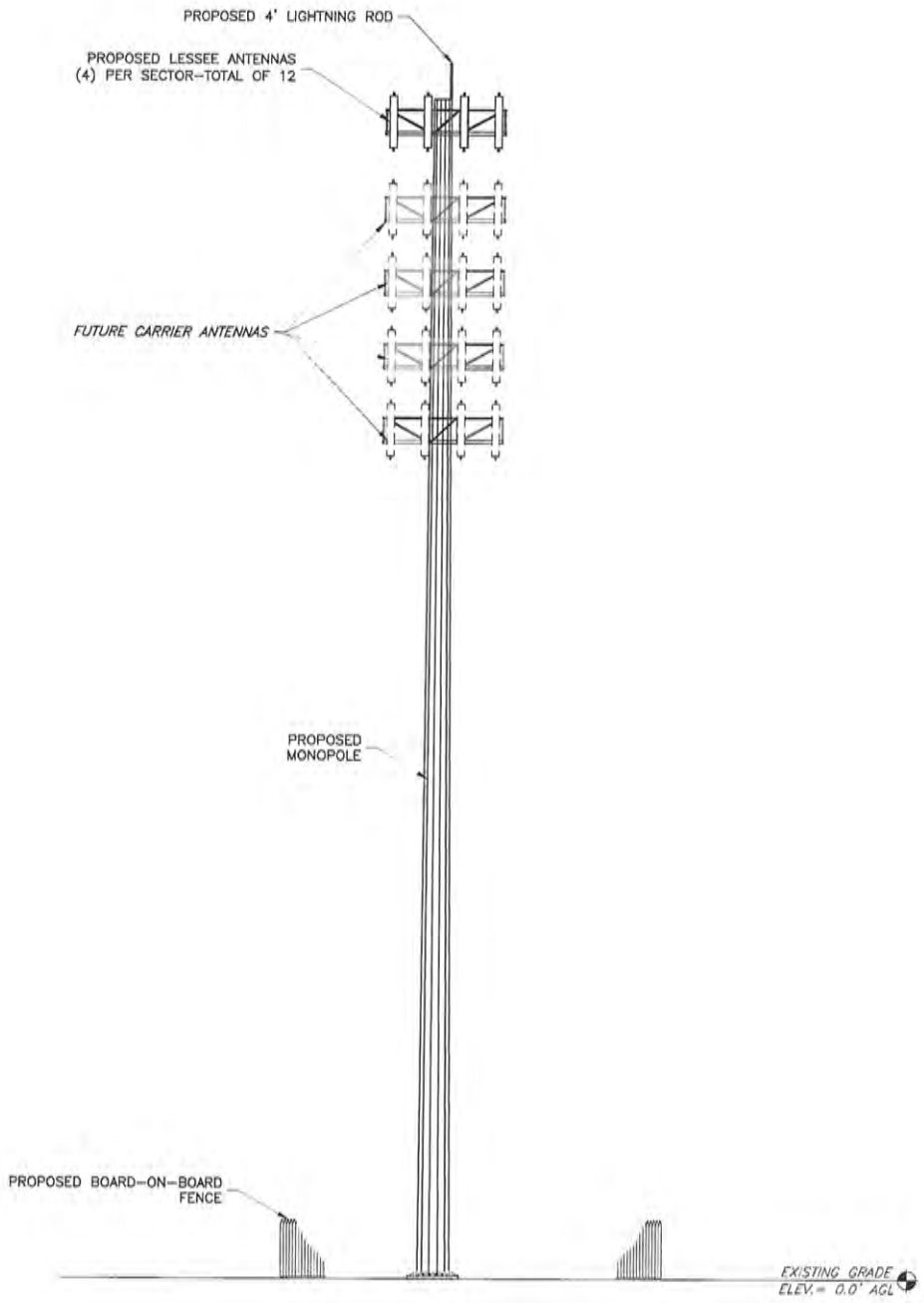
Exhibit A
PUP2020-00014

SITE INFORMATION

SITE VISIT BY: JAD DATE: 12/09/19

SHEET 1

12/10/2019
 BY: CCC



ELEVATION

NB+CTM
TOTALLY COMMITTED.

NB+C ENGINEERING SERVICES, LLC.
4435 WATERFRONT DRIVE, SUITE 100
GLEN ALLEN, VA 23060

"KAIN ROAD"
12444 KAIN ROAD
GLEN ALLEN, VA 23059

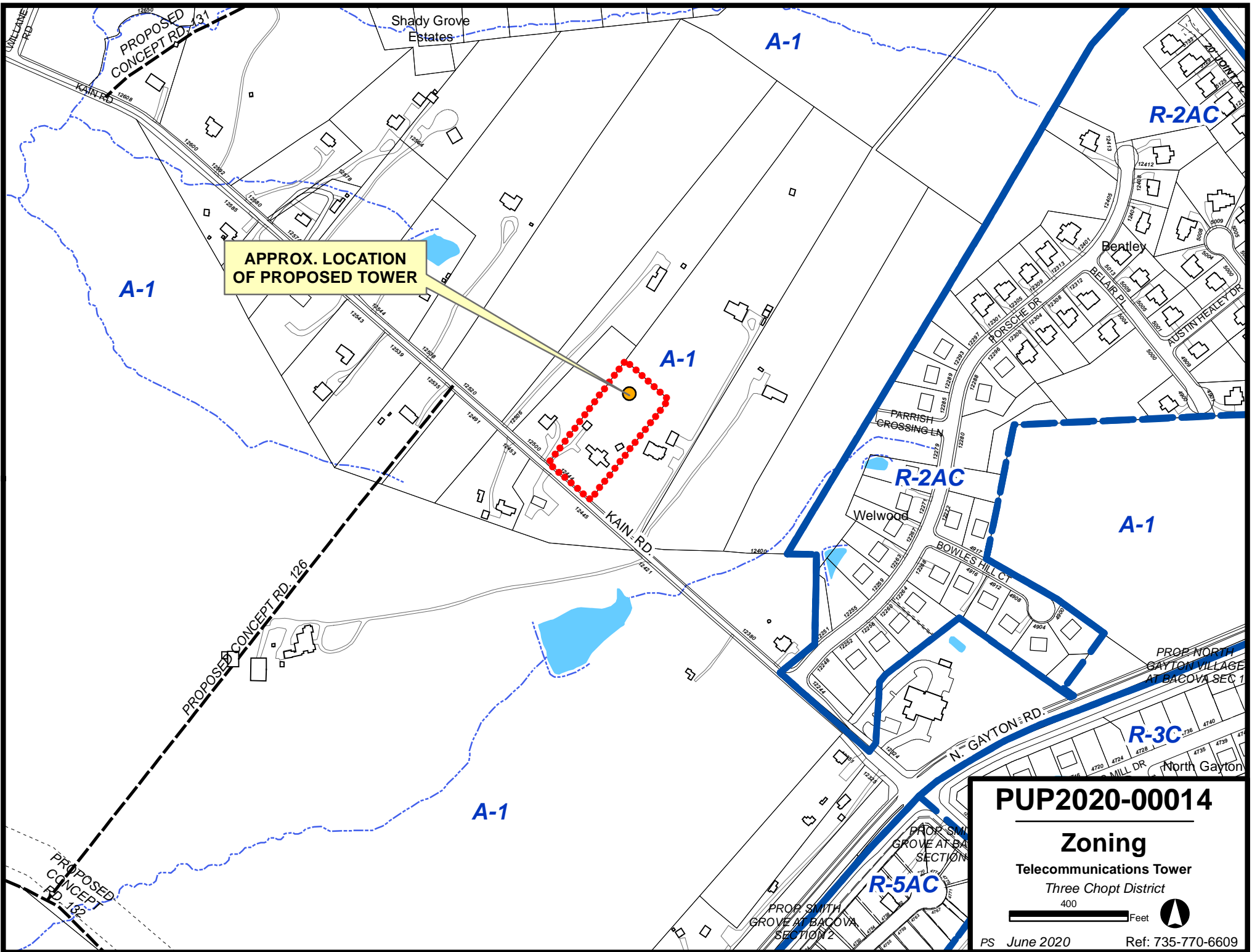
Exhibit B

SITE INFORMATION
SITE VISIT BY: JAD DATE: 12/09/19

SHEET 2

12/10/2019
BY: CCC

PUP2020-00014



APPROX. LOCATION OF PROPOSED TOWER

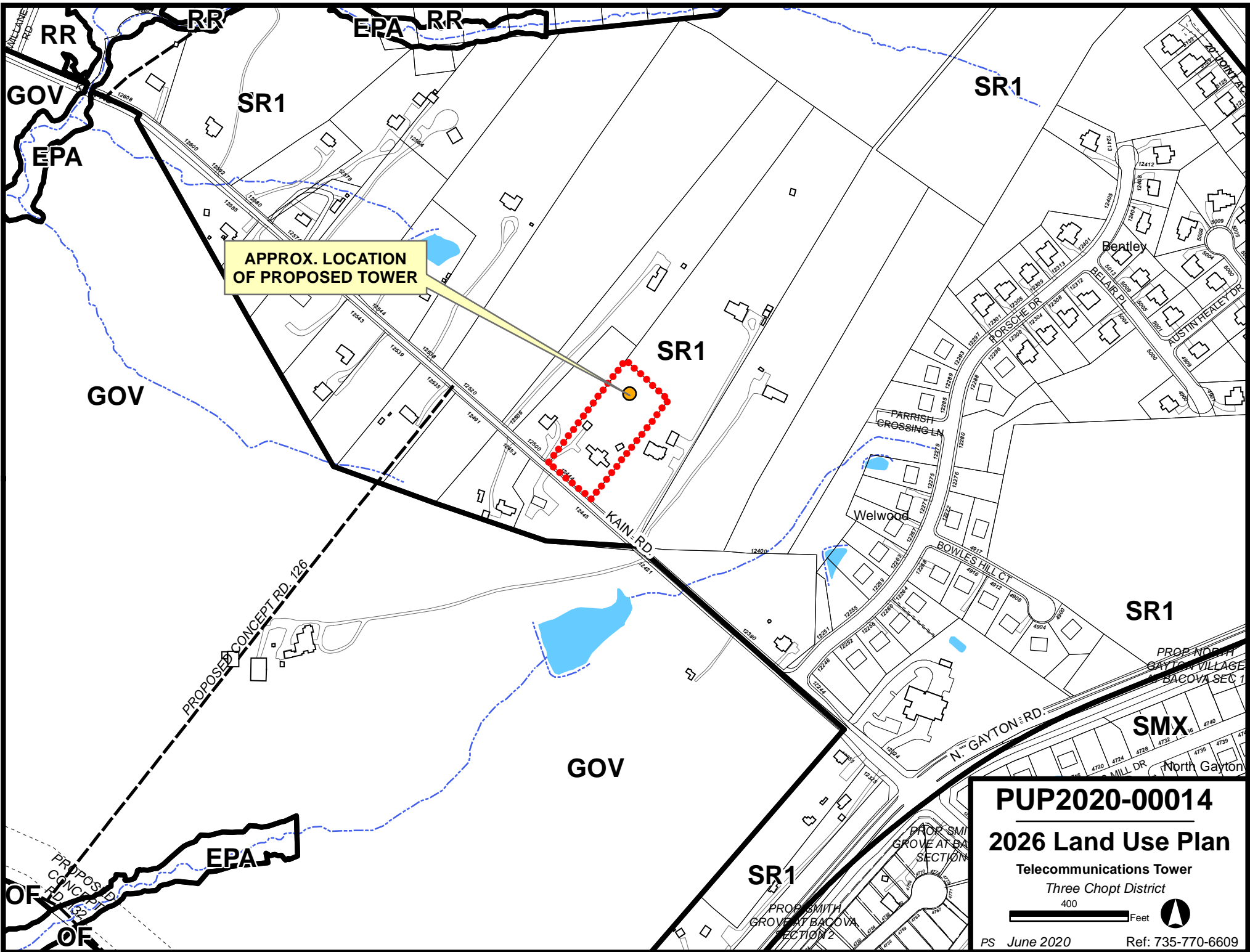
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Zoning

Telecommunications Tower
Three Chopt District

400 Feet

PS June 2020 Ref: 735-770-6609



APPROX. LOCATION
OF PROPOSED TOWER

PUP2020-00014
2026 Land Use Plan
 Telecommunications Tower
 Three Chopt District
 400 Feet
 PS June 2020 Ref: 735-770-6609