



KING GEORGE COUNTY PLANNING COMMISSION AGENDA

Meeting Date: July 13, 2021

Item Number: _____

Subject: Case Number 21-02-E01: Special Exception Permit request made by Telecom Capital Group on behalf of Ronne V. Posey, owner, for a Telecommunication Facility consisting of a 195-foot monopole plus a 4-foot lightning rod and 60-foot by 60-foot equipment compound. Access off Hobson Lane (State Route 659). Parcel owned by Ronnie V. Posey, Tax Map 16 Parcel 21, 18.4 acres zoned A-2 (Rural Agricultural District).

Recommended Action: The Department of Community Development Staff recommends that the Planning Commission:

1. Forward Case Number 21-02-E01: Special Exception Permit request made by Telecom Capital Group on behalf of Ronne V. Posey, owner, for a Telecommunication Facility consisting of a 195-foot monopole plus a 4-foot lightning rod and 60' X 60' equipment compound to the Board of Supervisors with a recommendation for approval.

Summary of Information: Telecom Capital Group, LLC is requesting a special exception to construct and operate a telecommunication facility. The facility will consist of a 195-foot monopole with a 4' lightning rod, for an overall height of 199 feet, and a 60-foot by 60-foot equipment compound. The facility will be located on Parcel 21 on Tax Map 16. This parcel is zoned A-2 and is 18.4 acres in size. The monopole will be designed to accommodate Verizon's antennas and up to three future carriers. One point of access off Hobson Lane is proposed.

Background: Telecom Capital Group, LLC, submitted an application for a special exception on February 11, 2021. At its June 15, 2021 meeting, the Board of Supervisors voted unanimously to forward the application to the Planning Commission to hold a public hearing and provide a recommendation.

The King George Zoning Ordinance (KGZO) Section 2.4.3, *Additional Uses permitted Only by Special Exception*, lists the use of "Telecommunication Facility" as a use permitted by special exception in the A-1 Zoning District. The facility and the application must also meet all requirements outlined in KGZO Section 4.12, *Standards for Telecommunication Facilities*.

SPECIAL EXCEPTION APPLICATION CASE NUMBER 21-02-E01

This Staff Report is prepared by the King George County Department of Community Development Staff to provide information to the Planning Commission to assist them in making a recommendation on this application. It may also be useful to the general public interested in this application.

PUBLIC HEARINGS

Planning Commission: July 13, 2021
Board of Supervisors: August 17, 2021 (tentative)

SUMMARY FACTS

Applicant: Telecom Capital Group, LLC
Land Owner: Ronne V. Posey
Proposed Use: Telecommunication Facility.
Location: Route 659 (Hobson Lane)
Tax Map, Parcel: Tax Map 16, Parcel 21
Zoning: Rural Agricultural District (A-2)
Comprehensive Plan: Potomac River North Rural Development Area.
Surrounding Zoning: North: Rural Agricultural District (A-2)
South: One-Family Dwelling District (R-1)
Rural Agricultural District (A-2)
East: One-Family Dwelling District (R-1)
West: Rural Agricultural Dwelling District (A-2)
Staff Contact: Louis Pancotti, Phone (540) 775-8553.

Summary: Special Exception Permit request made by Telecom Capital Group on behalf of Ronne V. Posey, owner, for a Telecommunication Facility consisting of a 195-foot monopole plus a 4-foot lightning rod and 60-foot by 60-foot equipment compound. Access off Hobson Lane (State Route 659). Parcel owned by Ronnie V. Posey, Tax Map 16 Parcel 21, 18.4 acres zoned A-2 (Rural Agricultural District).

PARCEL CHARACTERISTICS:

Below is a description of Tax Map 16 Parcel 21:

Acreage. Parcel 21 contains 18.4 acres.

Property Location. The property has frontage on both Hobson Lane (Route 659) and Dahlgren Road (Route 206) in the James Monroe Voting District.

Access. The proposed access to the property is from Hobson Lane (Route 659).

Utilities. The only utilities used for this proposal will be electric.

Wetlands Impacts. This plan does not propose any impacts to the Wetlands.

Existing Zoning. Tax Map 16 Parcel 21 is currently zoned Rural Agricultural (A-2).

Adjacent Zoning and Land Use. The surrounding properties are zoned either Rural Agricultural District (A-2) or One-Family Dwelling District (R-1) and are used for Single Family Dwelling lots.

Existing Land Use. The property is currently vacant.

APPLICATION:

Site Development: The site will be comprised of a 6,400 square-foot lease area. The lease area will contain the four equipment spaces and a 195-foot monopole with a 4-foot lightning rod. It will be enclosed by an 8-foot-tall security fence with barbed wire and one 12-foot-wide access gate. The lease area will be cleared and will consist of geotextile fabric and #57 stone. The tower itself will be located 251.25 feet from the front property line, 724.81 feet from the rear property line, and 348.75 feet and 195.06 feet from the side property lines, respectively. The proposed tower is located 402 feet from the nearest residence. The tower will have a galvanized gray finish and will not be illuminated. The applicant will purchase nutrient credits as part of the SWM plan.

Access: Access to the site is provided by a 30-foot easement with a 30-foot by 50-foot turnaround/parking area. The drive will be 20-foot wide and will be comprised of compacted gravel. The drive has been designed to accommodate a fire apparatus. King George Department of Fire, Rescue, & Emergency Services approved of the plan on May 25, 2021. The entrance will be located off Hobson Lane (State Route 659). It will have a total width of about 77-feet and will include 18-foot culvert. As stated in the "Statement of Justification" provided by the applicant, once construction is complete, visits to the facility will be limited to one to two per month. VDOT found the entrance plan acceptable on May 10, 2021.

Buffer: The applicant believes that additional landscaping will not be required as the monopole will be surrounded on all sides with existing mature trees and other existing understory vegetation. The required four-foot buffer that consists of this existing vegetation is indicated on the drawings and included in the special exception area. This area will be maintained and preserved by the applicant so as to ensure the continuity of the screening of the equipment compound.

Radio Frequency Engineering Study: The applicant has provided a Radio Frequency Engineering Study

(RF Study) to justify the need for such a facility and to provide background information and context. The RF Study found the following:

1. The proposed candidate provides continuous coverage to the heavily traveled SR 206 corridor and the surrounding area.
2. The proposed candidate can accommodate multiple national, regional, and local service providers.
3. There is a lack of existing communication transmission structures. There are no communications towers within a two-mile radius.

FFA Determination: The federal Aviation Administration has determined the proposal will not be a hazard to air navigation. Naval Support Facility Dahlgren has also confirmed that the tower will not impact their operations.

Co-location: Space for 3 wireless carriers will be available in addition to space for the lead carrier, Verizon Wireless. A site agreement with Verizon Wireless has been provided by the applicant.

PERMIT CONDITIONS:

This Permit will be issued with the following conditions to which the applicants will have to comply:

1. The site shall be developed consistent with the preliminary site plan entitled “Eden Estates” prepared by Christopher D. Morin, dated May 3, 2021.
2. Prior to any site work or construction, a Final Site Plan submitted and approved in accordance with the King George County Zoning Ordinance must be filed.
3. King George County shall be provided at no cost to the County, co-location opportunities to improve radio and other communication for County departments, authorities, agents, its citizens and emergency services, and other such persons or entities as the County sees fit to benefit the public interest. Such space shall include both tower space and sheltered equipment space on the ground. County telecommunication and E-911 emergency services equipment shall be installed on the telecommunication facility at the expense of the Owner. This condition shall apply only to the physical installation of the equipment on the telecommunication facility and shall not include those tasks related to the operation of the equipment. The Owner shall enter into the appropriate leases to effectuate this Condition.
4. Space shall be reserved for use by King George County at no cost. This shall not preclude the County from being granted additional space, free of cost, if additional needs arise. Additionally, adequate ground space shall also be made available to the County for the location of communications equipment. Telecommunications services provide at this site shall be guaranteed not to interfere with the County’s radio/communication system. The Owner shall enter into the appropriate leases to effectuate this Condition.
5. The facility must meet or exceed current standards and regulations of the FAA and the Federal Communications Commission (FCC), and any other agency of the Commonwealth and/or federal government with the authority to regulate towers and antennas. This includes compliance with current radio frequency emission standards of the FCC.
6. The facility shall be designed not to and shall not exceed an overall height of 199 feet.
7. The tower shall be constructed with and maintain either a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color, so as to reduce visual obtrusiveness.

8. The design and construction and maintenance of the buildings and related structures shall, to the extent possible, use materials; colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
9. No advertising of any type may be placed on the tower or accompanying facility.
10. The facility shall be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the facilities. The existing natural vegetation sufficient to serve as buffer may be used in lieu of planting a landscaped buffer. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. All plant material, used as landscaping and/or buffering, shall be tended and maintained in a healthy growing condition. Dead plant material shall be replaced in-kind.
11. The facility shall be enclosed by security fencing no less than eight feet in height and shall also be equipped with an appropriate anti-climb device.
12. Access to the facility shall be provided by an entrance approved by the Virginia Department of Transportation (VDOT) and a twenty-foot-wide access road.
13. Prior to the issuance of a building permit, an engineering report, certifying that the proposed tower is structurally suitable and of adequate height for co-location with a minimum of three users including the primary user, must be submitted by the applicant.
14. If the facility is not operation for a continuous period of 24 months, it shall be considered abandoned. The owner of the abandoned facility shall have it removed within 90 days of receipt of notice from the County notifying the owner of such removal requirement. The posting of a bond will be required prior to final site plan approval equal to the cost of decommissioning. The bond amount shall be determined based on an engineer's cost estimate approved by the Department of Community Development. In the event that the bond amount is insufficient to cover the cost of removal, the County reserves the right to seek the remaining balance from the owner.
15. Prior to further expansion of the structures/facilities that would constitute substantial change under Section 6409 of the Tax Act (47 U.S.C. 1455), a new Special Exception Permit must be obtained from the Board of Supervisors. A Site Plan submitted and approved in accordance with the King George County Zoning Ordinance must be filed with any request to substantial change the structures/facilities.
16. The preliminary plan shall be valid for one year after the date of this special exception.

ORDINANCE REQUIREMENTS:

Special Exception Requirements (Section 5.4): The applicant has provided the following responses to the criteria set forth in Section 5.4, *Procedures for Special Exception*, of the Zoning Ordinance:

Special exception may be issued for any such use in the zoning district regulations when the governing body of the county finds that the proposed:

a. Will not be detrimental to the safety, health, morals and general welfare of the community involved;

The proposed facility will not pose any detrimental effects to the safety, health, morals and general welfare of the community. In fact, it will enhance wireless service in the surrounding area and assist emergency response personnel in better serving those in need thereby improving the

safety, health and general welfare of the community.

b. Will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;

Facility is unmanned and will have a separate access road off Hobson Lane for applicant and applicant's tenants. Visits to the facility once the initial construction is completed are generally limited to one to two visits per month, per tenant

c. Will not create hazards for fire, panic or other dangers;

The proposed facility will be installed in accordance with all building and safety codes and will not create hazards for fire, panic or other dangers.

d. Will not tend to overcrowding of land and cause an undue concentration of population;

Facility is unmanned and as such will not increase the population in the area. The actual disturbed area is approximately .25 acres which is nominal considering the overall size of the parcel (18.4 acres).

e. Will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements;

As stated above, the proposed facility is self-contained and will have no traffic or utility impacts on the subject or surrounding parcels. The only utility accessed will be power.

f. Will not interfere with adequate light and air;

Facility will not be lighted unless required by the FAA, and as such will create no interference with light and/or air.

g. Will not interfere with the general purpose and intent of this ordinance.

As demonstrated in this application, the proposal is in accordance with the purpose and intent of the King George County Zoning Ordinance.

h. The use shall not tend to change the character and established pattern of development of the area of the proposed use.

A telecommunication facility is a use permitted by special exception in the A-2 zoning district and the county has already approved other towers in the A-2 zoning district. The proposed facility will have minimal visual impacts on this A-2 zone and will significantly improve wireless service to those living, working and traveling through this part of King George.

i. The use shall be in harmony with the uses permitted by right in the Zoning District.

A telecommunication facility is a permitted use by special exception in the A-2 zoning district and will serve those participating in the other uses permitted by right in this zone with only minimal visual impact.

Standards for Telecommunication Facilities (Section 4.12): Section 4.12 of the Zoning Ordinance outlines the standards that all telecommunications facilities must meet. The proposed facility meets all these requirements. Section 4.12 can be found in Attachment O and the applicant's responses to all requirements can be found in Attachment L, Statement of Justification.

COMPREHENSIVE PLAN:

Section N: Telecommunications Plan

The guidelines set forth shall apply to the sighting of antennas, telecommunication towers and equipment ancillary to their operation. Given the number of existing and approved structures and their geographic distribution throughout the County, many opportunities exist for co-location that will adequately support future demand for tower space. Hence, sharing of tower space is a desirable goal.

King George County Wireless Telecommunication Issue. A primary concern for King George in addressing telecommunication facilities is to ensure that the minimum numbers of towers are constructed to provide the maximum service to the Community. A primary method to reduce the number of towers that are constructed is to require that carriers co-locate on existing towers. To ensure adequate review of proposed telecommunication facility sites, the Board of Supervisors has implemented a Special Exception Permit procedure for new facilities. New proposed facilities must pass a propagation model study to ensure that collocation is not an option. Only in instances where co-location is not an option, should new facilities be approved.

Tower Conditions. There are currently four (4) towers available to serve the Route 3 between the Stafford County Line and Route 301. The Route 3 towers are approximately 3 miles apart and co-location is the most viable option for new service along Route 3. One additional tower is located in Stafford County within the three (3) miles of the most western King George facility. There are six (6) towers located along the U.S. Route 301 and co-location is the most viable option for new service along the U.S. Route 301 corridor. Three towers exist along the Route 218 corridor and these towers are approximately 6 miles apart. One tower exists along the Route 3 corridor located between U.S. Route 301 and the Westmoreland County Line. One tower exists near the Westmoreland County Line. Propagation models should be carefully reviewed prior to approval of additional towers.

Applicant Response: The wireless carriers always prefer to co-locate on existing structures whenever possible, as long as locating on those structures will adequately serve their network needs. As shown on Exhibit E, this particular area has no suitable structures within a 2-mile radius, and as such a new telecommunication tower is required. Further, TCG intends to build the tower to a height that will accommodate the needs of all major carriers, reducing the need for additional towers in the future. Accordingly, TCG believes that this application for a new telecommunication facility is in compliance with the spirit and intent of The King George County Comprehensive Plan.

Chapter V. Utilities: Telecommunications Facilities Policy/ Implementation Strategies

The following goals and action strategies are intended to supplement and complement the existing Telecommunications Facilities Policies/Implementation Strategies contained within the King George County Comprehensive Plan and are further intended to help to achieve the County's vision for an effective and harmonious telecommunications operation for users and providers alike.

Goal 1. Allow for the provision of a broad range of telecommunication services, while encouraging the shared use of structures to minimize the proliferation of tower sites to maintain and preserve the agricultural and residential character of the County.

Action Strategy

1. Require applicants to present structural documentation that new towers (tower and foundation) are capable of supporting multiple antennas. (The number of antennae will be determined as a function of the tower height.) Facilities should be constructed to accommodate a minimum of three providers, where height restrictions permit.

Applicant Response: The proposed monopole will accommodate a total of four (4) wireless carriers.

2. Require sufficient ground space to be made available for locating equipment to correspond with the number of potential co-locators as determined above.

Applicant Response: Future lease space is provided within the proposed equipment compound to accommodate any future tenants.

3. Advocate that all co-location alternatives are fully exhausted before considering an application for a new structure.

Applicant Response: As depicted in Exhibit E, there are no suitable structures for co-location within a 2-mile radius of the site area. Please see Virginia Code § 15.2-2316.4:2's preemptions.

4. Encourage service providers to implement any reasonable available technology that may reduce the visibility of the antenna or the height of the tower.

Applicant Response: The proposed height of the monopole is the minimum height necessary to achieve effective propagation for the lead carrier, Verizon Wireless.

5. Encourage the use of alternative support structures such as rooftops, utility poles, sign structures, etc. Antennas on structures should be designed to be compatible with the principal structure's architectural design, color and scale.

Applicant Response: The height required here for sufficient propagation makes a monopole the only feasible design.

6. Maintain an inventory of existing structures available for co-location and make available to service providers.

Applicant Response: N/A – No suitable structures were available for colocation.

7. Give preferential treatment to all proposals for co-location i.e., administrative review process or "by-right" status to all proposals for co-location.

Applicant Response: N/A

8. Develop a plan to bring broadband telecommunication service to King George County.

Applicant Response: N/A

Goal 2. Encourage the use of County lands when it can be demonstrated through both quantitative and qualitative analysis that no co-location alternatives are available.

Applicant Response: Please see Virginia Code § 15.2-2316.4:2(A)(5) preemption.

Objectives

1. Establish telecommunication facilities on public properties and public safety facilities when the

following parameters can be met:

- a. The use and character of public properties and adjacent properties is not adversely impacted;
 - b. The proposed telecommunication facilities are consistent with other elements of the Comprehensive Plan and the Zoning Ordinance; and
 - c. Appropriate approvals and agreements are reached with the public agencies, boards, or authorities.
2. Encourage new telecommunication facilities to be built through public/private partnerships when the telecommunications service needs of both parties can be met by one facility.
 3. Develop lease agreements that will facilitate the leasing of County land to private service providers at fair market value.
 4. Maintain an inventory of County lands that are available for new tower development. (Potential County-owned sites that could be used for new tower development are described in the Appendices.)

Goal 3. Comply with the spirit and intent of the Telecommunications Act of 1996 and the rules and regulation of the Federal Communications Commission so as to encourage competition between existing and new communication services and to promote a broad range of communication capabilities for County residents and businesses.

No comments from Applicant as these objectives pertain to the County's process.

Objectives

1. Encourage managed development of wireless communications infrastructures through established policies and procedures that will ensure fair and equitable evaluations.
2. Develop a checklist to be submitted with applications to facilitate the application and ensure completeness of the application. (A sample checklist is presented in the Appendices.)
3. Provide a uniform and comprehensive set of standards for the development and installation of wireless communications towers, antennas and related facilities
4. Advocate that the development of wireless facilities is done in a manner that meets all requirements and standards of the Federal Aviation Administration, the Federal Communications Commission, and the Uniform Statewide Building Code.
5. Review all applications for new telecommunications facilities in a timely fashion so as not to unreasonably delay deployment of facilities.

Goal 4. Require telecommunication facilities to be designed in a way that preserves the aesthetic value of the County through the use of camouflage and concealment techniques.

Objectives

1. Limit tower height to a maximum of 80 feet or 10 feet above the tree line near residential, scenic, historic, or park areas.

Applicant Response: The proposed monopole will be 195' with a 4' lightning rod and will be located in the A2 zone within a densely wooded area so visual impacts to surrounding areas will be minimized to the greatest degree possible.

2. Locate sites in wooded areas to provide maximum screening.

Applicant Response: The proposed monopole will be 195' with a 4' lightning rod and will be located in the A2 zone within a densely wooded area so visual impacts to surrounding areas will be minimized to the greatest degree possible.

3. Use natural wood pole as support structure for 80-foot "micro-cell" site.

Applicant Response: N/A

4. Flush-mount antennas to minimize visual obtrusiveness.

Applicant Response: The antennas will not be flush-mounted as this would require the supporting equipment to be located on the monopole at different heights and would eliminate space for collocating wireless carriers.

5. Conceal antennas in flagpoles, silos, church steeples, sign structures, etc.

Applicant Response: There were no such structures at the needed height.

6. Restrict height of towers to 199 feet so as to minimize the possibility that tower would have to be lighted by beacon or strobe.

Applicant Response: The monopole will be a total height of 199' and will not be lit.

7. Natural aggregate finishes, in earth tones, should be utilized for equipment shelters.

Applicant Response: Applicant will comply.

8. When natural vegetative screening material does not exist, appropriate vegetative material should be planted around the perimeter of the structure to screen the compound.

Applicant Response: As shown on Sheet A-1 of Exhibit C, TCG believes that additional landscaping will not be required as the monopole will be surrounded on all sides with existing mature trees and other existing understory vegetation (photos attached). The four foot buffer that consists of this existing vegetation is indicated on the drawings and included in the special exception area. This area will be maintained and preserved by the TCG so as to insure the continuity of the screening of the equipment compound.

Attachments:

- A. Draft Special Exception Permit
- B. Location Map
- C. Zoning Map
- D. Special Exception Permit Application
- E. Applicant Cover Letter
- F. Redacted Lease
- G. Site Plan
- H. Redacted Site Agreement
- I. RF Study
- J. FAA Determination
- K. Photo Simulations
- L. Applicant Statement of Justification
- M. VDOT Approval
- N. Fire Marshall Response
- O. Article 4.12 of the King George County Zoning Ordinance