~~July 18, 2006 CPC~~
August 15, 2006 CPC

SUBSTANTIAL ACCORD REVIEW

06PD0398

New Cingular Wireless PCS, LLC

Matoaca Magisterial District
West line of Royal Birkdale Drive

REQUEST: Confirmation of the decision of the Director of Planning that the proposed public facility (communications tower) is consistent with the Comprehensive Plan and exempted from the requirement of substantial accord review.

PROPOSED LAND USE:

A communications tower, incorporated into an existing electrical transmission structure, and associated improvements are planned.

DIRECTOR'S DETERMINATION

The Director of Planning finds the request to be in substantial accord with the provisions of the adopted Comprehensive Plan for the following reasons:

A. The proposal conforms to the Public Facilities Plan and Tower Siting Policy, incorporation of the communications facilities into an existing electrical transmission tower eliminates the need for an additional freestanding structure in the area, thereby minimizing tower proliferation.

B. The Ordinance minimizes the possibility of any adverse impact on the County Communications System or the County Airport.

GENERAL INFORMATION

Location:

Fronts the west line of Royal Birkdale Drive south of Turning Lane. Tax ID 725-665-Part of 7515.

Existing Zoning:

R-9

Size:

0.4 acre

Existing Land Use:

Dominion Power transmission line, golf course and single family residential use

Adjacent Zoning and Land Use:

North, South and East – R-9; Single family residential use, golf course or vacant
West – A; Public utility (electric substation), golf course or vacant

UTILITIES; PUBLIC FACILITIES; AND TRANSPORTATION

This request will have no impact on these facilities.

ENVIRONMENTAL

Drainage and Erosion:

The Department of Environmental Engineering has no problem with the co-location of the cell tower; however, if more than 2500 square feet of land is disturbed in the construction, a land disturbance permit must be obtained from the Department of Environmental Engineering.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to construction of the communications tower. Once the tower is in operation, if interference occurs, the owner/developer will be required to correct any problems.

COUNTY AIRPORT

A preliminary review of this proposal indicates that, given the approximate location and elevation of the proposed installation, it appears there will be no adverse affect on the County Airport.

LAND USE

Comprehensive Plan:

The request property lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less.

The Public Facilities Plan, an element of the Comprehensive Plan, suggests that energy and communications uses should be co-located, whenever feasible, to minimize impacts on existing and future areas of development.

Area Development Trends:

Adjacent properties are zoned Agricultural (A) and Residential (R-9) and are occupied by single family residential use within the Birkdale subdivision, Dominion Virginia Power substation and transmission lines, golf course or remain vacant. It is anticipated that residential uses will continue in the area, as suggested by the Plan.

Development Standards:

The Zoning Ordinance provides that communications towers may be permitted within Residential (R-9) Districts provided that antennae are co-located on electric transmission structures; are flush-mount; are restricted to a maximum height of twenty (20) feet above the height of the transmission structure; and are gray or other neutral color.

CONCLUSIONS

The proposed communications tower satisfies the criteria of location, character and extent as specified in the Code of Virginia. Specifically, the Public Facilities Plan suggests that communications towers should be located to minimize the impact on existing or planned areas of development and that energy and communications facilities should co-locate whenever feasible. The communications tower will be incorporated into an existing permitted electrical transmission structure. The addition of the communications facilities into the structure of the existing transmission tower does not generate a visual impact that is significantly greater than the visual impact of the existing electrical transmission tower. This co-location will eliminate the need for an additional freestanding communications tower in the area, thereby minimizing tower proliferation. In addition, the Ordinance minimizes the possibility of any adverse impact on the County Communications System or the County Airport.

Given these considerations, the Director of Planning finds the proposal consistent with the adopted Comprehensive Plan. Staff requests that the Commission confirm this decision.

CASE HISTORY

Planning Commission Meeting (7/18/06):

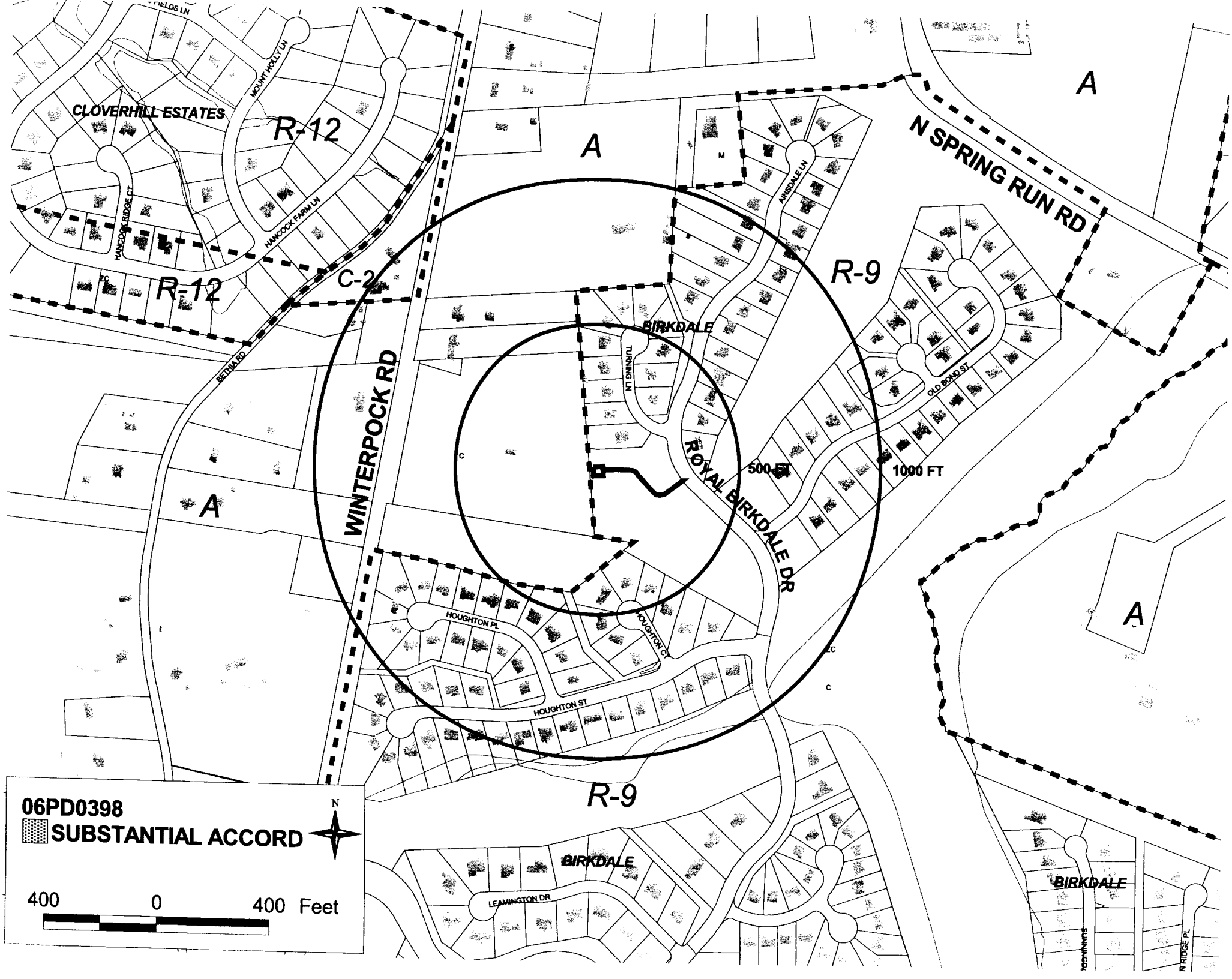
At the request of the applicant, the Commission deferred this case to August 15, 2006.

Staff (7/24/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than July 31, 2006, for consideration at the Commission's August 15, 2006, work session.

Staff (7/26/06):

To date, no new information has been received.


06PD0398
SUBSTANTIAL ACCORD
N
400 0 400 Feet
CLOVERHILL ESTATES
R-12
R-12
MOUNT HOLLY LN
HANCOCK RIDGE CT
HANCOCK FARM LN
BETHIA RD
C-2
A
A
A
A
N SPRING RUN RD
AINSDALE LN
R-9
BIRKDALE
TURNING LN
OLD BOND ST
WINTERPOCK RD
ROYAL BIRKDALE DR
500 FT
1000 FT
HOUGHTON PL
HOUGHTON CT
HOUGHTON ST
R-9
BIRKDALE
LEAMINGTON DR
BIRKDALE