~~June 19, 2007 CPC~~
~~August 21, 2007 CPC~~
October 16, 2007 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0323

Richmond 20 MHZ LLC

Dale Magisterial District
Southeastern terminus of Cotfield Road

REQUEST: Conditional Use to permit a communications tower in a Residential (R-7) District.

PROPOSED LAND USE:

A 199-foot communications tower with accessory equipment is planned.

RECOMMENDATION

Recommend approval for the following reasons:

A. The proposal conforms to the Public Facilities Plan and Tower Siting Policy.

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

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.)

CONDITIONS

1. There shall be no signs permitted to identify this use. (P)

2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. A minimum 100-foot area of mature trees shall be preserved outside of, and adjacent to, the compound, on the north and east sides of the compound. A detailed plan depicting these requirements shall be submitted to the Planning Department for approval in conjunction with final site

plan review. Except as otherwise provided herein, no trees within the buffer may be removed unless such trees are dead, diseased or dying. (P)

3. The color, design and lighting system for the tower shall be as follows:

   a. The tower shall be gray or another neutral color, acceptable to the Planning Department.

   b. The tower shall not be lighted.

   c. The tower shall be a monopole structure. (P)

4. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

   (NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

5. The tower shall not exceed a height of 199 feet. (P)

6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

GENERAL INFORMATION

Location:

Southeastern terminus of Cotfield Road, south of Pano Road. Tax ID 781-676-Part of 7315.

Existing Zoning:

R-7

Size:

1.2 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North, South, East and West – R-7; Single-family residential or vacant

UTILITIES; PUBLIC FACILITIES; AND TRANSPORTATION

This use will have no impact on these facilities.

ENVIRONMENTAL

Drainage and Erosion:

If more than 2,500 square feet of land area is disturbed, a land disturbance permit will be required from the Department of Environmental Engineering.

Water Quality:

The parcel on which the cell tower is to be installed has a perennial stream therefore, the tower and any associated clearing must take place outside of the Resource Protection Area (RPA).

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.

COUNTY AIRPORT

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

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for residential use of 1.0 to 2.5 dwelling units per acre.

Area Development Trends:

Adjacent properties are zoned Residential (R-7) and are occupied by single-family residential uses in Kimberly Acres, Reedy Branch and Indian Springs subdivisions and on acreage parcels or remains vacant. It is anticipated that residential uses will continue in the area, as suggested by the Plan.

Use:

Communications towers are allowed as a restricted use in a Residential (R-7) District, with certain provisions. If these restrictions cannot be met, then the use may be allowed through the Conditional Use process.

Development Standards:

The request property lies within an Emerging Growth Area. The purpose of the Emerging Growth District standards is to promote high quality, well-designed projects. However, because the property is zoned Residential (R-7), development is not required to meet the development standards for Emerging Growth Areas. A condition should be imposed to require compliance with Emerging Growth Area requirements relative to the architectural treatment of the proposed equipment building. (Condition 4)

The Conditional Use process provides a means of addressing ways to minimize the possibility of any adverse impact of a tower on existing and planned areas of development. The Tower Siting Policy suggests, where towers are to be located in the vicinity of existing or planned areas of development, the tower should be located as remotely as possible from these areas and on property which is densely wooded with mature vegetation. The Policy also suggests measures should be taken to insure the preservation of a mature stand of trees around the tower.

The proposed communications tower will be located on a heavily wooded parcel, adjacent to a stream and a Resource Protection Area (RPA). The RPA is an environmentally protected area which cannot be disturbed. Mature vegetation is located within this RPA as well as in the area immediately surrounding the proposed tower site. This vegetation, as well as topographical differences in the area, will mitigate the visual impact of the tower from area residential development. (Condition 2)

The height of the tower is not to exceed 199 feet (Condition 5). Access to the tower site will be via a driveway access to the existing residence on the property. Consistent with past actions on similar facilities, should this request be approved, the base of the tower should be secured with a fence to discourage trespassing (Condition 2). Due to the proximity of area development, the communications tower should be gray or another neutral color so as to minimize the visual impact such development. (Condition 3)

Consistent with past actions on similar facilities and to ensure that the tower does not become a maintenance problem or an eyesore, the tower should be removed at such time that it ceases to be used for communications purposes. (Condition 6)

CONCLUSION

The proposal conforms to the Public Facilities Plan, which suggests that communications towers should be located to minimize the impact on existing or future areas of development. In addition, the proposal conforms to the Tower Siting Policy which suggests, where towers are to

be located in the vicinity of existing or planned areas of development, the tower should be located as remotely as possible from such areas and on property which is densely wooded with mature vegetation. The Policy also suggests measures should be taken to insure the preservation of a mature stand of trees around the tower.

Mature vegetation is located within the area immediately surrounding the proposed tower site. This vegetation, as well as topographical differences in the area, will mitigate the visual impact of the tower from existing and future area residential development.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (6/19/07):

At the request of the applicant, the Commission deferred this case to August 21, 2007.

Staff (6/20/07):

The applicant was advised in writing that any significant new or revised information should be submitted no later than June 25, 2007, for consideration at the Commission's August 21, 2007, public hearing. Also, the applicant was advised that a $130.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (7/18/07):

The applicant paid the deferral fee.

Staff (7/19/07):

To date, no new information has been received.

Planning Commission Meeting (8/21/07):

At the request of the applicant, the Commission deferred this case to October 16, 2007.

Staff (8/22/07):

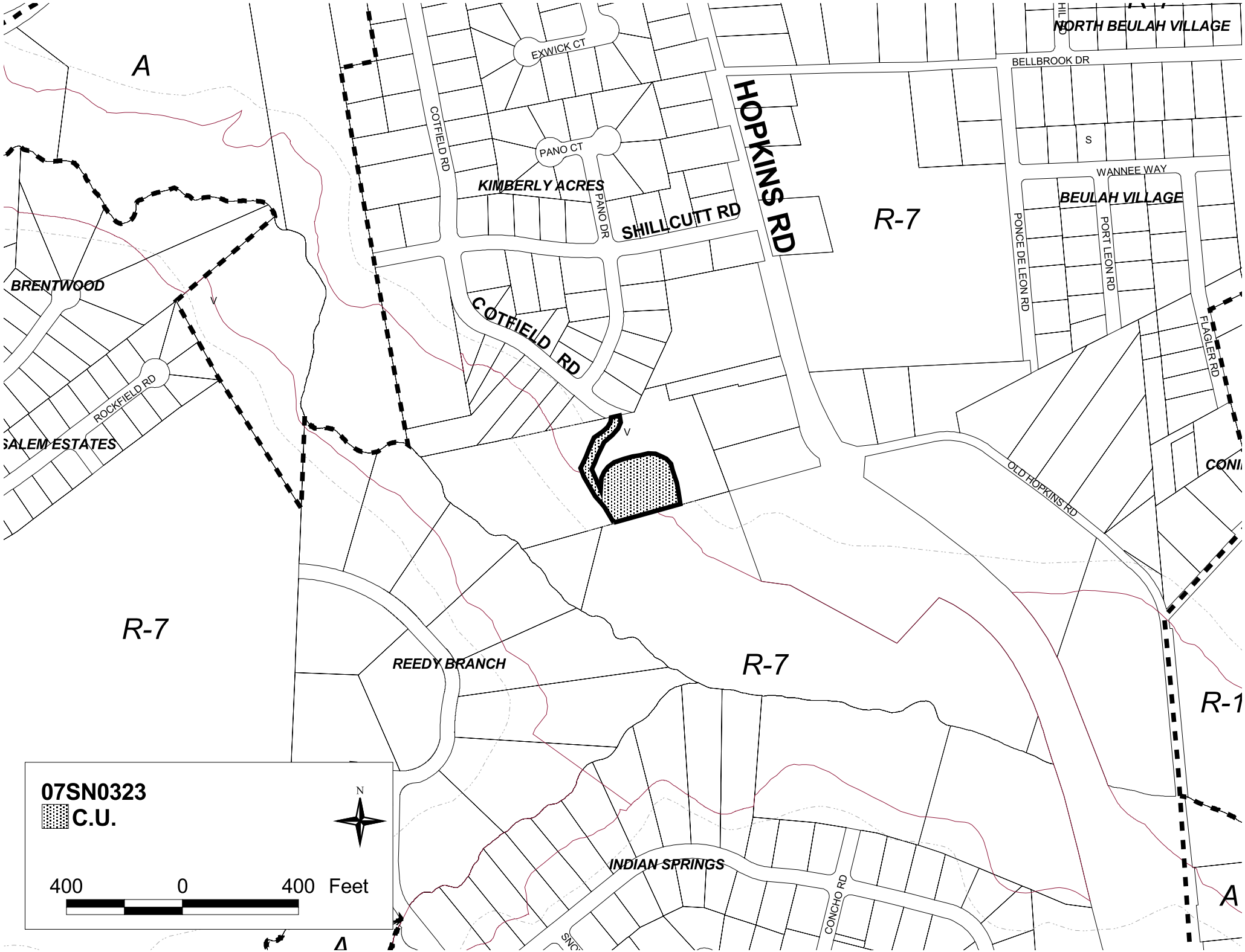
The applicant was advised in writing that any significant new or revised information should be submitted no later than August 27, 2007, for consideration at the Commission's October 16, 2007 public hearing. Also, the applicant was advised that a $130.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (9/11/07):

The deferral fee was paid.

Applicant (9/13/07):

To date, no new information has been submitted.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