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**APPLICATION FOR A ZONING PERMIT /
SPECIAL EXCEPTION
Amherst County, Virginia**

The undersigned applicant wishes to petition Amherst County for an amendment, supplement, or change in the district boundaries or zoning classification on the Official Zoning Map. Please refer to Section 1004 of the zoning ordinance regarding changes to the Official Zoning Map. Please call the Department of Planning and Zoning at 434-946-9303 if you have any questions regarding the County zoning map or zoning ordinance.

Applicant / Property Owner Information

Crown Castle, Inc. c/o Donohue & Stearns, PLC, Donohue, Edward L.

Applicant Name

117 Oronoco Street, Alexandria, VA 22314

Applicant Address

City/Town

State

Zip Code

703-549-1123

edonohue@donohuestearns.com

Applicant phone number

Applicant fax number

Applicant E-Mail

You are the () property owner; (☒) agent for the property owner.

If you are the agent for the property owner, do you have consent of the owner attached? Please circle one: Yes/No

Tri-County Properties LLC

Property Owner Name

165 Fairhart Lane, Rustberg, VA 24588

Property Owner Mailing Address

City/Town

State

Zip Code

Property owner telephone number

Property owner fax number

Property owner E-Mail

Location of Property

2631 N. Amherst Highway, Amherst, VA 24521

68 A 1,41

Street Address

Tax parcel ID number

General Description of Property

Farmland with telecommunications facility

Current Use(s) of Property

Agricultural and telecommunications

Proposed Use(s) of Property

Agricultural and telecommunications

Total Acreage: 300.408 acres/ .037 acres devoted to telecommunications use

Check all categories that apply for the parcels requesting to be heard for special exception:

Public water _____ Private wells _____
Public sewer _____ On-site septic systems _____ Mass drainfield(s) _____

Comprehensive Plan Land Use Designation: Agricultural

Current Zoning:
(please circle one)

P-1 A-1 R-1 R-2 R-3 V-1 B-2 M-1 FH Other _____

Requested Special Exception Code Section: 919.08

VDOT Review: Will the proposed development require Chapter 527 review? YES NO ☒ X

Petitioner Comments (Continue on separate sheets if necessary.)

How will the proposed special exception affect adjacent property?

Adjacent properties will be minimally affected. The increased height of the structure
will have a minimal visual impact.

How will the proposed special exception affect the character of the district(s) surrounding the property?

SE will not change use of surrounding property nor generate any increase in traffic.
Visual impact will be minimal.

How is the use in harmony with the purpose and intent of the Zoning Ordinance?

Increased height of the monopole will accomodate collocation and avoid the need for an additional tall
structure - 919.01(A)(4).

How is the use in harmony with the uses permitted by right in the district?

Existing tower was permitted by-right; height increase allows for collocation. Agricultural use not
disturbed.

How will the use promote the public health, safety, and general welfare of the community?

The increased wireless service provided will benefit those living, working and traveling through the area. Emergency response personnel will also be benefitted.

Has the Planning Commission and/or Board of Supervisors heard a request for special exception of this property within twelve (12) months of the date of this application? **Yes/No**

Proffers and Conditions

List any conditions or proffers currently associated with this property.

n/a

Expiration

Any zoning permit shall automatically expire twelve (12) months from the date of issuance if the persons, firm, or corporation to which the permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of twelve (12) months.

Application fee and other requirements

A \$300.00 application fee must be paid to the County of Amherst upon submission of this application for the cost of advertising and for expenses of notifying the adjacent property owners and incidental to reviewing, publishing, and processing the application.

A survey plat of the property by a certified land surveyor must accompany this application. The scale must be 1"=100'.

Zoning Permit

Has a zoning permit been filled out and attached with this application? Yes X No

Signatures

The undersigned Applicant hereby affirms that all information contained herein is accurate to the best of his/her knowledge and confirms that he/she has read the Application and its Instructions and has paid all fees currently due and is aware of costs which may be assessed to Applicant related to this Application process. The undersigned Applicant (and Landowner, if applicable) also authorizes entry onto the subject property by the Zoning Administrator, Planning Director and/or Board of Zoning Appeals and/or Board of Supervisors during the normal discharge of their duties regarding the above Applicant.

Property Owner Signature

Date

Property Owner Signature

Date

E. J. Donahoe 1-19-18
Agent Signature Date

Agent Signature Date

*****DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY*****

For use by the County of Amherst Department of Planning and Zoning	
Case No. <u>2018-018</u>	
Actions Taken:	
<u>J. Turney</u>	<u>1/22/18</u>
County Official Receiving Application	Date
<u>J. Turney</u>	<u>1/22/18</u>
Public Hearing fee received by	Date
Application returned for correction/additional information	Date
Amended application received by	Date
Public Hearing advertised in	Date(s)
Adjacent property owner(s) notified by mail	Date
Action by Planning Commission	Date
Action by Board of Supervisors	Date

3. Zoning Permit Form



Application for Zoning Permit Amherst County, Virginia

Section A (Please print in blue or black ink)

Permit No: _____

Crown Castle, Inc. c/o Donohue & Stearns, PLC, Donohue, Edward L.			
Last (Name of Applicant)		First	MI
117 Oronoco Street, Alexandria, VA 22314			
Mailing Address	City	State	Zip Code
2631 N. Amherst Highway, Amherst, VA 24521			
Property Address	City	State	Zip Code
703-549-1123		edonohue@donohuestearns.com	
Telephone Number(s) Home	Business	E-Mail Address	
Tri-County Properties LLC			
Last (Name of Property Owner, if different)		First	MI

Is the lot recorded? Yes ☐ No ☒

If yes, complete section B

Section B (Please fill out as completely as possible)

Date lot recorded (if applicable) _____	Date lot surveyed (if applicable) _____
Name of subdivision _____	Tax Map # _____
Deed Book/Page No. _____	
Lot area: _____ acres.	
Lot width: _____ ft.	
The lot is served by (check all that applies):	
Public water: _____	Public sewer: _____
Private well: _____	Septic system: _____
Are the water and sewage systems adequate for the proposed use? YES NO	
Is the lot a corner lot? YES NO	
Does the lot have frontage on more than one street (i.e. double frontage)? YES NO	
Does the owner of the property own any adjacent lots? _____	
(If so, please include the locations and dimensions of adjacent lots on attached sketch)	
Is the parcel of land located in a flood district? YES NO If so, what flood district? _____	
Is the parcel of land located in a dam inundation zone? YES NO If so, what zone? _____	
The erection, modification, replacement of a sign or sign structure requires approval of a sign permit.	

Directions to project site (from Amherst County Administration Building):

Head NE on Washington Street toward 2nd Street. In .1 miles, turn right onto US-60E. In .2 miles, turn left to merge onto US-29N. In 6.4 miles, make u-turn at SR-725. Property is .2 miles on right and facility is down the drive.

Section C (Please fill in the blanks where applicable)

For construction of a new building (including accessory buildings and building additions):

Type of building: Telecommunications monopole Existing floor area: 0 sq. ft.
Proposed floor area: 0 sq. ft. Number of dwelling units proposed: 0



DONOHUE & STEARNS, PLC

January 19, 2018

Mr. Jeremy Bryant, Director of Planning & Zoning
Amherst County Administrative Offices
153 Washington St.
P.O. Box 390
Amherst, VA 24521

Cc: Dylan Bishop

Re: Request for Special Exception Relief
"Camp Creek - 5800080 Replacement"
2631 N Amherst Hwy
Parcel ID: 68 A 1,41

Dear Mr. Bryant:

On behalf of our client, Global Signal Acquisitions IV LLC, d/b/a Crown Castle, Inc. ("Crown" or the "Applicant"), I am submitting the attached Special Exception Application. Crown currently leases space on the property listed above, where it has an existing 50-foot monopole that serves one wireless service provider – AT&T. Crown desires to replace that existing monopole with an 80-foot monopole, so that it may collocate two (2) additional wireless service provider tenants – T-Mobile and Shentel. Because the proposal involves an increase of more than 20 feet, special exception approval is required under § 919.08(A) of the Zoning and Subdivision Ordinance of Amherst County, Virginia ("Zoning Ordinance").

The Zoning Ordinance specifies multiple criteria that the Applicant must demonstrate in order to obtain zoning permit approval for a telecommunications site. §§ 919.06 - .07. The Zoning Ordinance also requires an applicant to provide sufficient evidence of satisfaction of certain criteria before the Board of Supervisors may approve a request for special exception. § 1003.03(4).

To address the above and other requirements, the Applicant has attached the following documentation:

1. Statement of Justification
2. Special Exception Request Form
3. Zoning Permit Form
4. Site Plan Application Form

5. Zoning Drawings
6. Structural Analysis Report
7. Propagation Maps for Shentel and T-Mobile
8. Propagation Maps for T-Mobile
9. Photosims of the Proposed Facility
10. Inventory of Facilities within Amherst County and within one mile of County border
11. Proof of Ownership – Deed or Redacted Lease and Letter of Authorization
12. Proof of Insurance.
13. NEPA
14. Check for filing fee

I appreciate your consideration of the application. Please do not hesitate to contact me with any questions.

Sincerely,

Donohue & Stearns, PLC

A handwritten signature in blue ink, appearing to read "Ed Donohue", with a stylized flourish at the end.

Ed Donohue, Esq.

On behalf of Crown Castle, Inc.

Enclosures

1. Statement of Justification

**BEFORE THE
BOARD OF SUPERVISORS
AND
PLANNING COMMISSION
OF
AMHERST COUNTY**

Date: January 19, 2018

Re: Statement of Justification for
Request for Special Exception Relief
"Camp Creek - 5800080 Replacement"
2631 N Amherst Hwy
Parcel ID: 68 A 1,41

I. Introduction

Global Signal Acquisitions IV, LLC, d/b/a Crown Castle, Inc ("Crown" or "Applicant") requests special exception relief to allow it to replace a 50-foot tall telecommunications monopole with an 80-foot tall telecommunications monopole, which will accommodate collocation by two (2) additional wireless carriers. The proposed monopole will be more than 20 feet taller than the existing structure, and therefore requires special exception approval under Section 919.08(A) of the Zoning and Subdivision Ordinance of Amherst County, Virginia.

Applicant believes the increase of 20 feet of height will not present any significant impact on the surrounding area due to its relatively modest height, setting against a dense existing tree ridge relative to views from the public right of way, and the mass of counterbalancing agricultural uses. Granting the Applicant's request for relief will allow it and its wireless carrier tenants (AT&T, T-Mobile and Shentel) to avoid the need for additional wireless facilities in the area, such as another monopole. Based on reasons contained herein, Applicant satisfies all necessary

requirements for special exception approval and requests the Board of Supervisors APPROVE its request.

II. Description of Property and Surrounding Area

The property on which the proposed replacement monopole will be sited is identified as parcel 68 A 1,41, and addressed as 2631 N Amherst Hwy ("Property"). The Property is slightly larger than 300 acres in size and is used as farmland. The Property located in an A-1 Agricultural Residential District. A dense trees line much of the Property's frontage along US-29.

The Property is evenly split between wooded and agricultural use areas. The property is improved by only the existing monopole, a barn, and sheds. The existing monopole is sited within a fenced compound, which obscures from public view the wireless carrier's ancillary mechanical equipment. The existing monopole is further obscured by trees that surround the compound.

Similar to the Property, the area surrounding the Property is typified by both large open field agricultural uses and dense wooded areas. All other confronting properties along US-29 also have dense trees that obscure view from the right of way.

III. Telecom Standard

The Zoning and Subdivision Ordinance of Amherst County, Virginia ("Zoning Ordinance") stipulates multiple criteria which the Applicant must demonstrate in order to obtain zoning permit approval for a telecommunications site. §919.06-.07. Crown will address each request for statement below.

1. Description of changes

Crown currently leases land at the above referenced property, and has built a 50-foot telecommunications tower. That tower currently accommodates one wireless carrier tenant,

AT&T. Crown desires to replace the existing 50-foot monopole with an 80-foot monopole, so that it may collocate two (2) additional tenants (T-Mobile and Shentel).

Additionally, the proposed replacement monopole will be slightly wider than the existing monopole. The existing monopole is uniform 18 inches in width. The replacement monopole will be 40.5 inches wide at the base, and taper to 24 inches at the top.

2. Service gaps or expansions desired

Currently, Crown is only able to accommodate one (1) tenant, AT&T Mobility, LLC (“AT&T”). Crown requests zoning approval to allow it to accommodate additional wireless carriers who have service gaps in the immediate area – T-Mobile and Shentel.

3. Satisfaction with FAA requirements or no need

In review of the requirements enumerated in Title 47, Part 17 of the Code of Federal Regulations, and in Section 2110 of the FAA Extension, Safety and Security Act of 2016, Applicant’s tower does not require registration with the FAA. Crown continues to monitor all its assets that may require federal registration through its own due diligence process.

4. Description of access

Crown will continue its existing land lease, which allows for tower access. No new roadways, rights of way, or curb cuts requiring approval from the Virginia Department of Transportation (“VDOT”) will be required.

5. Satisfaction with Federal and State Historic Preservation and Environmental Requirements

Crown has enlisted the service of Dynamic Environmental Associates, Inc. to assist it in its state historic preservation and environmental compliance. That report is included with the Applicant’s submission.

IV. Special Exception Standard

In addition to the above, telecommunications facilities that request special exception relief must submit to the Board of Supervisors adequate evidence of satisfaction of the criteria in Section 1003.03(4). The Applicant will respond to each requirement below.

A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the county's comprehensive plan and/or [Article X]

The Applicant's proposal is in accordance with the general objectives of the Comprehensive Plan. The Applicant's monopole is located setback from the nearest public right of way, US-29, far in excess of setback requirements contained in 919.04(B). The current, shorter monopole – which stands 50 feet tall – presents a minimal visual disruption to the surrounding neighborhood, on account of the vast open and wood spaces that surround it. The additional height will not create a meaningfully greater visual impact and will still maintain the agricultural character.

The Comprehensive Plan does not specifically address telecommunications facilities. The Comprehensive Plan sets forth a goal that the county “be cognizant” that communications towers developed along the Blue Ridge Parkway may have an “adverse visual/scenic effect.” The Applicant's proposed monopole is not sited along the Blue Ridge Parkway and will not be visible from it. Furthermore, the Applicant's tower will not be of sufficient height to create an adverse visual impact to the surrounding area due to mitigating trees that obscure most views from confronting properties and the right of way.

B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area

The Applicant's proposed monopole has been designed to minimize its visual impact on the surrounding area. The proposed monopole will be 80 feet tall, which will be proportional in size to the adjacent wooded areas. The current monopole, which the proposed monopole will replace, is sited against sufficient existing tree coverage so that it does not create an obvious visual disruption. Additionally, the proposed monopole, like the existing monopole, will not require frequent traffic upon construction completion. The proposed monopole will not be permanently manned, and will require only occasional visits – typically once per quarter – for maintenance or necessary repairs. As such, the proposed monopole will be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and will not change the essential character of the area.

C. Will not be hazardous or disturbing to existing or future neighboring uses

The proposed monopole, given its setback location from property boundaries and adjacency to existing tree scape, and will not be hazardous or disturbing to existing or future neighboring uses.

D. If applicable, will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services

The proposed monopole will utilize existing electrical service used by the existing monopole. It will not require water or other utilities, and will not generate refuse disposal or create any burden on other utilities.

E. Will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community

As discussed above, the proposed monopole will not require additional utilities except a nominal increase in electricity usage to accommodate additional carriers. The proposed monopole will not create additional public costs for public facilities and services and will not be detrimental to the economic welfare of the community.

F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or water pollution

The proposed monopole will not generate any meaningful increase in traffic, noise, smoke, fumes, glare, odors, or water pollution. The proposed monopole will be unmanned and upon completion of construction, will only generate traffic for routine maintenance – typically once per quarter – and necessary repairs. Noise will be minimal and will not be audible from any surrounding properties. The proposed monopole will not generate any water pollution, fumes, glare, or odors.

G. If applicable, will have vehicular approaches to the property which shall be so designed as not to create any interference with traffic on surrounding public streets or roads

The proposed monopole will utilize an existing drive way that services the existing monopole.

H. Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

The proposed monopole location is not located near any historic features. The proposed monopole will maintain proportion with the existing tree scape in the background and, like the existing monopole, is sited to minimize visual disruption to the surrounding area.

V. Conclusion

Applicant is requesting a modest increase in height and width so that it may accommodate additional wireless service collocations on a replacement monopole. Granting the Applicant's request will allow Applicant and other wireless carriers (T-Mobile and Shentel) to avoid the need for additional wireless facilities, such as another monopole. The Applicant's proposed monopole will not create any significant visual impact on the surrounding area and is harmonious with the general intent of the Comprehensive Plan. For the reasons addressed above, Applicant requests that the Board of Supervisors APPROVE its request for special exception relief.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. C. Donohue".

Donohue & Stearns, PLC

2. Special Exception Request Form



Permit #2018018

Address

Address 2631 N AMHERST HWY

City AMHERST, VA 24521

State

Zip

Payment Info

Receipt # 30

Date 1/22/2018

Paid By DONOHUE & STEARNS
PLC

Description ck 2284

Payment
Type check

Accepted By Stacey Stinnett

Fees Paid

Fee	Fee Description	Factor	Total Fee Amount	Amount Paid
Public Hearing	PHEAF		0 300.00	300.00

Total Payment: 300.00

emailed

edonohue@donohuestearns.com

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