

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON AUGUST 11, 2010 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
Ryan Thum, Secretary
Joel Donahue, Member
Malvin Wells, Member
Frank Lau, Member
Walt Haynes, Member
John Tuttle, Member
John Muffo, Board of Supervisors Liaison
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Jamie MacLean, Development Planner
Brea Hopkins, Planning & Zoning Technician

Absent: Robert Miller, Member
William Seitz, Vice Chair

APPROVAL OF AGENDA:

On a motion by Mr. Haynes, seconded by Mr. Wells, and unanimously carried the agenda was approved.

PUBLIC ADDRESS:

Mr. Rice opened the public address session.

Mr. Steve Newford, Blossom Trail West, stated he was in opposition of the tower request because of aesthetic views.

There being no additional speakers, Mr. Rice closed the public address session.

PUBLIC HEARING:

A request by Joseph & Elizabeth Maxwell (Agent: Rich Rosenfeld) for a special use permit on 25.12 acres in a General Business (GB) zoning district to allow a 199 ft. telecommunication tower. The property is located at 1485 Harding Road, approximately 350 feet south of the intersection with Fleets Way (private), and is identified as Tax Parcel No. 041-A-60 (Acct # 012046) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Residential Transition in the 2025 Comprehensive Plan.

Mr. Rice introduced the request.

Ms. Jenkins reviewed the special use permit request by Rich Rosenfeld for a telecommunications tower located on Harding Road. She presented maps and photos of the property. The site is located across Harding Road from a well known location, "The Bug Shop". The proposed tower is 195 feet with a 4 ft.

lightning rod. The goals stated by the applicant are to increase coverage and carrying capacity. The parcel is split zoned. The majority of the property is zoned Residential (R2) and a portion is zoned General Business (GB). Traffic is expected to be limited to the site once construction is completed. VDOT has located a suitable entrance; however, has not issued final approval. VA Tech airport has been notified and is awaiting information from the FAA regarding the request. Within 2500 ft. of the proposed tower are 8 structures identified as having some historical significance. Lighting is not proposed unless required by FAA. The tower is proposed to be monopole design; however, is not proposed to have flush mount antennas. Three collocations for cellular companies and one collocation for county emergency services are proposed. The applicant has indicated that a 9 ft. high chain link privacy fence with heavy landscaping to screen the base of the tower and ground equipment will be installed since thinning of the existing vegetation is necessary. Based on a preliminary review of the application materials, it appears the proposed tower location could be characterized as a "Location C", as the tower is located within a General Business zoning district. However, since the parcel is designated Residential Transition in the Comprehensive Plan, the proposed location could also be considered a "Location H". (A-L, Most to least desirable). There are ways to mitigate visual impacts such as non-reflective paint, flush mounted antennas. A balloon test was conducted on July 14, 2010 and nearby residents were notified. There was substantial wind which may have prohibited maximum height of 199 ft. A view shed analysis of the proposed tower has been performed by GIS personnel and it indicates a reduction in height may be acceptable. There have been many interested parties that have submitted comments regarding this request. The Town of Blacksburg has stated that it has been a couple of years since there was any discussion regarding possible collocation opportunities in the Town limits. Staff has recommended that the request be tabled until the applicant is able to submit additional information and a response from the FAA and VA Tech Airport is received.

Mr. Pearsall, GIS Manager, discussed how the viewshed analysis was prepared. He then reviewed the viewshed analysis for the proposed tower at heights of 195, 165, and 135 ft. Collocators would be located below the overall approved height; however, would still have the potential to receive coverage.

Mr. Mike Pace, Attorney representing AT&T, stated staff has covered many details and the recommendation of tabling the request is acceptable. AT&T originally proposed a site with a higher ground elevation; however, staff suggested another location be considered due to height. AT&T tried to place the tower on the property across the street at the "Bug Shop"; however, a site could not be located behind the building. Extensive search had been conducted to find a site in the area. AT&T collocates wherever possible. There was a conversation with the Town in 2008 regarding a location on the water tank; however, the town was reluctant for a collocation opportunity due to the current capacity and lack of ground space for ground equipment. The water tower is too short to reach the intended coverage area. AT&T also considered constructing a 100 ft. tower on that same property; however, the Town was reluctant to allow the construction. The church steeple at Alleghany & Clay Street was considered but was too short and another site was investigated; however, proved to be too far away to achieve the coverage objectives. The 195 ft. tower is requested at this location to provide in-building coverage for area residents. A lack of coverage is causing dropped calls and other dead spots in the building. The purpose of a continuance is to provide a different test to show how in-building coverage is affected by decreasing height. This property is split zoned with split comprehensive plan designations as it relates to telecommunication towers. This property is zoned General Business (GB) and the site is close to the road. AT&T is extremely sensitive to the viewshed and has offered to install a monopole neutral in color, and will install flush mount antennas if the desired coverage can be obtained.

Mr. Lau asked if the Maple Ridge tank had been considered.

Mr. Pace stated AT&T has sites within the Town that are either in use or in plans for use. This site will be used to connect existing sites. There is coverage on Main Street in Blacksburg. There are roughly 15 AT&T sites consisting of collocations and towers in the Blacksburg area.

Mr. Donahue stated there are not many other collocating opportunities and not much coverage in the valley. He noted that locating the tower into the town may not meet the coverage needs of the valley.

Mr. Pace noted that one of the three locations on this tower can be reserved for county use.

Mr. Rice asked how often the generator will be in operation.

Mr. Pace stated it would only operate in the event of a power failure.

Mr. Rice opened the public hearing.

Mr. Robertson, attorney representing several area land owners, stated he was addressing concerns of those land owners that would be impacted by the proposed tower. It does not appear that there has been enough effort put forth to address the comprehensive plan. There has been no clear indication from the Town of Blacksburg that a collocation is not possible. Citizens have noted there are several studies regarding safety of towers; however, it should be noted that the board cannot consider safety issues as long as the FCC regulations are met. There is a concern regarding land values and this can be considered. Studies should be conducted to determine the impact of land values. Aesthetically the tower is intrusive. The Bug Shop was spot zoned and this property was included as a buffer to the residential neighborhood. The fact that the property is within a residential transition area in the 2025 Comprehensive Plan should be considered. There are other alternatives for emergency services coverage and there is coverage within Blacksburg at this point. This proposal may not be appropriate for this area. AT&T has 13 towers in the area. If permitted, the citizens would request that the tower be removed once the use is abandoned. Other mitigation efforts should be considered to lessen the impact on area land owners. These citizens are requesting the planning commission give the request thorough consideration and if necessary mitigating factors.

Ms. Rosemaria Sawdon, 1201 Harvest Ridge Ln., discussed the concerns of potential health issues and noted that as a government body it is the planning commission's obligation to protect the citizens and property rights.

Ms. Jenkins stated the county attorney could not be present; however, he would counsel that it is against Federal Law to consider health risks associated with cellular towers. She noted that a bond is required to ensure removal of towers once the tower is no longer in use.

Mr. Misra, 1451 Harding Road, stated the tower would land on his property if it were to fall. He stated he would not discuss potential health defects based on the radiation from cellular towers since the federal law prohibits such discussions. There is concern regarding the reduction in property value because of those health issues. The tower is also affecting aesthetic values. He presented a map showing tower locations. With so many towers in the area there should be collocations available. Noise is another concern. There are frequent power failures in the area; therefore, there will be noise from the generator. In addition, technicians will be coming to the property and will invade the privacy of adjoining land owners. More studies need to be conducted prior to approving the tower.

Mr. William Hopkins, 1515 Harding Road, noted the eastern continental divide runs through this area. Assuming this tower is proposed at a height to get across the divide and service Blacksburg, if the tower were to fall it would land in his yard. He stated it is his goal to have a sustainable property; however, cell tower radiation does not support that. His daughter will play within 200 feet of this proposed tower. The Bug Shop was grandfathered; however, the general business zoning should never have been applied to this property. There is a three (3) phase power line through the property. If the tower falls it could potentially knock the power line down and could be detrimental to many area dwellings. The Planning Commission should consider what is more important- the money, the tower, or the health of residents?

Ms. Misra, 1451 Harding Road, stated the health effects of towers were not important according to laws, but research had not been conducted when the law was passed. This tower would be visible from all areas of her home.

Ms. Christin, graduate student at VA Tech, stated that even though the commission may not be able to legally consider health risks, they can consider property values. The housing market is already in crisis and this will devalue some of the best properties in the area.

Mr. Pace stated there is a balance. There are many people who are not here that use their phone every day. The balance is to provide coverage to citizens with the legitimate issues of the citizens as it relates to viewshed.

Ms. Lynn Wright, Wrights Way, stated she was collecting signatures of area residents opposing the tower. No-one wants a tower in their backyard. Regardless of the zoning for this piece of the property it is a residential area.

There being no further speakers the public hearing was closed.

Mr. Haynes noted that everyone in the meeting probably owns a cell phone. There is a tower close to his property; however, he never notices it. A decision cannot be made until other reports are received.

Mr. Wells stated he would like clarification regarding noise pollution and the number of power outages in the area.

On a motion by Mr. Haynes, seconded by Mr. Thum and carried by a 7-0 vote the planning commission tabled the request until September 8, 2010 to obtain additional reports and comments.

Mr. Sandy stated the board will continue their public hearing until recommendation is received by the Planning Commission.

OLD BUSINESS:

Discussion regarding amendment(s) to the By-Laws

Mr. Sandy stated there were a couple of items that were looked at for revision. He reviewed the proposed changes. He noted it may be more beneficial to reverse the public address and public hearing sessions from the way it has been done in the past. There is some possible changes that may be necessary regarding a quorum.

Mr. Rice requested to add the language "voting members" to section 6.3 of the bylaws.

On a motion by Mr. Thum, seconded by Mr. Donahue and carried by a 7-0 vote the planning commission recommended an amendment to Section 6.3 to add the term "voting" before membership.

On a motion by Mr. Donahue, seconded by Mr. Thum and unanimously carried, the planning commission approved the amendments to the By-Laws.

NEW BUSINESS:

WORK SESSION:

Sign & Landscape Ordinance Amendments

Mrs. Hopkins stated staff had identified sections of the sign ordinance and landscape ordinance that needed to be amended based upon code changes and other potential issues.

She discussed the potential issues with the current sign ordinance, including sign height along Interstate I-81 and potential solutions.

Mr. Wells stated he would prefer a more thorough study regarding sign height along Interstate I-81.

Mr. Rice stated he would prefer to see some information and consideration for LED signs.

Mrs. Hopkins discussed changes that may need to be made to the landscape ordinance based on the Code of Virginia and issues that had been identified during site plan reviews/submittals.

Mr. Haynes stated that staff should be entrusted to make the necessary revisions to the landscape ordinance since they deal with it on a daily basis.

Mr. Rice closed the work session.

There being no further business, the meeting was adjourned at 9:15 pm.