

**BEDFORD COUNTY PLANNING COMMISSION MINUTES**  
October 15, 2019

The Planning Commission held a regular meeting Tuesday, October 15, 2019 in the Bedford County Administration Building Boardroom with all Commissioners present. County staff present was Mr. Patrick Skelley, County Attorney, Mr. Gregg Zody, Director of Community Development, Mr. Jordan Mitchell, Mrs. Mariel Fowler, Planners and Mrs. Patricia Robinson, Administrative Manager.

Mr. Mays called the meeting to order and determined a quorum was present to conduct business. Mr. Mays stated the County Attorney will address the individuals present regarding the citizen comment period. Mr. Skelley noted the citizen comment period is for a citizen to speak regarding items not on the agenda. Mr. Skelley noted there is an item related to the New London airport rezoning on the agenda tonight; however it is not a public hearing rather a discussion of the proposed change to the ordinance. He noted there will be another public hearing when the proposed changes to the ordinance come before the Planning Commission for consideration and action.

Mr. Mays asked if there were any additions, changes or deletions to the agenda. There being none, Mr. Burdett made a motion to approve the agenda as presented. Mr. Woodford seconded the motion. The motion carried with a vote of 7-0.

Mr. Mays moved to Item 2 Approval of Minutes. Mr. Burdett asked if this was needed since it was a transcript from the court reporter. Mr. Woodford stated there were some mistakes which indicated some comments were made by Mr. Steele rather than me. Mr. Skelley stated these are draft minutes and we can correct any clerical errors. Mr. Skelley suggested the Commissioners identify the information to be corrected and forward the information to Mr. Zody. He suggested holding off the adoption of the minutes until the next meeting. Mr. Woodford made a motion to move the approval of the 09-17-19 Planning Commission minutes until the next meeting on November 19, 2019. Mr. Dawson seconded the motion. The motion carried with a vote of 7-0.

Mr. Mays moved to Item 3 Citizen Comment Period and asked if there were any citizens to speak regarding items not on the agenda. There being none Mr. Mays closed the Citizen Comment Period.

Mr. Mays moved to Item 4a under Public Hearings and asked for the staff presentation for Special Use Permit SU200002 for a Wireless Communication Facility (Class 2). Mrs. Fowler stated Verizon Wireless is requesting a special use permit to construct a 80-foot tall monopole tower with the purpose to expand and enhance Verizon cellular coverage and services in the area. The proposed tower will be located on Tax Map #232A2-6-125 and is zoned R-2 (Medium-Density Residential district). Tax Map #232A2-6-125 is located on High Point Road (private road) with direct access from this road, west of the intersection with Hickory Hill Drive (private road) in Election District 2. The property is approximately 0.74 acres in size according to the application. The applicant is Celco Partnership, c/o Linda French, 1813 Rady Court, Richmond, Virginia 23222. The property owner is the Bedford Regional Water Authority, c/o Brian Key, Representative, 1723 Falling Creek Road, Bedford, Virginia 24523. The authorized agent for the

applicant is Larry Bickings, Sites Unlimited, agent for Verizon, 2004 Snead Avenue, Colonial Heights, Virginia 23834. The engineer for the applicant is NB+C Engineering. c/o John Daughtery, 4435 Waterfront Drive, Glen Allen, Virginia, 23060.

The request is for approval of a special use permit to allow for the construction of a 80-foot above ground level (“AGL”) monopole (galvanized steel) tower (“Wireless Communications Facility, Class 2” use) with a 4-foot lighting rod. The proposed tower will be located within a 40’ x 40’ lease area on Tax Map #232A2-6-125 and have twelve (12) panel antennas and associated components mounted on three sectors (stand-off antenna mount). Verizon has identified the tower site as “part of a larger project that is geared toward expanding Verizon’s network of services into areas of Bedford County that currently have low to marginal levels of wireless coverage, while also providing additional wireless network capacity by offloading the strains on existing sites that are currently overstressed with data traffic”. The tower compound area (30’ x 30’) will be surrounded by a minimum of seven (7) foot tall fence with privacy slats and barbed wire at its top to prevent unauthorized entry into the compound area. Verizon will place all ground equipment utilized for the co-location in the compound area with space available for equipment and shelters for future co-locations, as there is capacity for one additional wireless provider to co-locate on the tower. The proposed facility is located within a wooded area that will be maintained to the south of the compound. Verizon is proposing to install an additional row of evergreen trees added to the northern, eastern and western sides of the compound for the purpose of screening the ground equipment and lower portions of the tower from off-site views. Verizon will be using a new 20-foot wide access and utility easement from High Point Road to enter the site.

Questions/comments from the Planning Commission to Mrs. Fowler covered the following: (a) why only 80’ high and (b) have we had other towers in an R-2 zoning district. Mrs. Fowler addressed the questions/comments from the Planning Commission as they were raised.

Mr. Mays asked for the presentation by the applicant. Lori Schweller, Attorney with Williams Mullin represented Verizon Wireless. Also present was Larry Bickings, Zoning Manager and site acquisition specialist for this site with Sites Unlimited. Mrs. Schweller stated the need for the tower is to increase capacity in the Smith Mountain Lake area. Three quarters of 911 calls are by wireless devices not only on the road but also in their homes. Mrs. Schweller provided a slide presentation depicting the location of the tower site, compound area and the surrounding woods. The project meets all setback and fall zone requirements. The site will not require lighting since it is only 80’ high and not near an airport. The site will be visible from High Point Road. The site is not visible from the other surrounding areas. Mrs. Schweller offered to address questions from the Planning Commission.

Questions/comments from the Planning Commission to Mrs. Schweller covered the following: (a) why is it called the anchor site and (b) can you push the tower back further into the woods. Mrs. Schweller addressed the questions/comments from the Planning Commission as they were raised.

Mr. Mays asked if there were any citizens to speak. The following citizens spoke: Paula Wilder 302 Lakewood Dr, VA, John Meise, Sr. 705 High Point Rd, Michael Meise 105 Catlett Ct, all of

Moneta, Va. Their concerns covered the following: (a) health risks, (b) area not developed for multi uses, (c) just went thru a 2 year construction project during the waterline project, (d) why place a tower in a residential area, (e) why on this particular site instead of BRWA site, (f) not appropriate for this industrialized project, (g) cell towers are not safe, (h) site will be an eyesore, (i) our residential area is becoming an industrial site, (j) everyone will see this tower in High Point subdivision, (k) condition the request to have the tower moved back further into the wood line and (l) roads in High Point are private road – now Verizon will be using the road during construction that High Point residents have to maintain. There being no additional speakers Mr. Mays closed the public hearing and asked if the applicant would like to offer any rebuttal.

Mrs. Schweller addressed the concerns raised by the citizens. Being the monopole is only 80' it would be below the tree line if moved further back into the woods. In addition to the Leland Cyprus trees she stated they are proposing a slated fence around the ground equipment. The fencing would shield the ground equipment as the trees will take a couple of years to grow. Verizon needs to be in residential areas to the serve the residents in the area. Construction would be about 6 weeks and would follow with a technician visit about once a month or every two months. Wireless communication has become a necessary utility. The Federal Communication Commission (FCC) regulates radio frequency emissions. All wireless providers are required to comply with the FCC regulations.

Questions from the Planning Commissioners to Mrs. Schweller covered the following: (a) how strong is the signal in that neighborhood now, (b) do you know how many bars you can get on a phone in that neighborhood), (c) is there any chance of 5g going out there, (d) what are the RFI numbers on 5g, (e) we need to look out for the citizens of Bedford County and (f) proposed landscaping should help with the visibility of the site. Mrs. Schweller addressed the questions as they were raised by the Planning Commissioners.

Mr. Mays asked for discussion among the Commissioners. Mr. Burdett noted if the monopole was pushed back further into the woods it would be deficient. After construction there would only be one or two visits a month to the site by a technician. A Special Use is a use allowed by right in a given area but could be conditioned to mitigate concerns if feasible and rationale.

Mr. Burdett made a motion to recommend to the Board of Supervisors approval of Special Use Permit SU020002 with the staff conditions as presented. Mr. Dawson seconded the motion. A roll call was taken. The motion carried with a vote of 7-0.

Mr. Mays moved to Item 5a under Old Business regarding an update by the Zoning Administrator on the proposed text amendment for an "Airport District" Mr. Dawson stated he would be recusing himself due to a conflict of interest. Mr. Zody read into the record his Memorandum dated October 3, 2019 which contained 9 recommendations following additional research post Planning Commission (PC) and Board of Zoning Appeals (BZA) hearings. Additionally he read into the record his Memorandum dated October 14, 2019 which contained additional recommendations and considerations. He noted when the membership heard public comment at the September 17, 2019 meeting one of the most compelling takeaways for him was the fact that the Comprehensive Plan future land designation (Agricultural) does not address the presence nor future expansion of the airport. He cannot emphasize enough that this is a

challenge for the County, as an applicant, moving forward. His recommendation is that we discuss a Comprehensive Plan Amendment to ensure a legally-sound zoning ordinance/map amendment. Mr. Zody provided to the Planning Commissioners and the audience a memorandum dated October 14, 2019 of additional recommendations and considerations for the proposed text amendment for an "Airport District". Mr. Zody noted the County is the applicant for the proposed text amendment. Having said that, he noted the County does not have a plan for an aviation facility; nor has staff received a plan, draft document, or other vesting document from any property owner. Aside from the Airport Overlay District (Sec. 30-75) the County does not have regulations addressing development standards, use and design, etc. for an aviation facility. The County has two General Aviation facilities at Smith Mountain Lake and New London, both of which are surrounded by low density development (residential and agricultural uses). This regulatory deficiency underscores the necessity of requiring certain development, use and design standards to ensure that natural and man-made existing conditions will be protected from minimal disruption or impacts from incompatible uses. His search focused on creating an airport district that contains the fundamental elements an airport should have with consideration of existing uses and conditions. That is the reason he chose the FAA's "Land Use Compatibility and Airports" study with siting an airport; which addresses noise level, number of operations, and compatibility with existing land uses and environmental conditions. The document operates under the assumption that a locality is in the process of planning and coordinating a new aviation use with a potential owner/operator, whether that ownership is public or private. Given the scarcity of ordinances and studies addressing existing rural airports, this document serves as an excellent resource for unbiased guidance in developing a zoning district. With well-grounded and reasonable regulations, he feels that we, as public servants, can fulfill our duty to the citizens and taxpayers of Bedford County to ensure that the zoning district we create for any existing or future airport meets certain standards to ensure compatibility with existing and adjacent land uses with careful consideration of the natural environment. Mr. Zody continued reading the 11 general recommendations contained in his Memorandum of October 14, 2019. Mr. Zody suggested incorporating the information in October 14, 2019 Memorandum into the proposed text amendment and present a draft ordinance to the Planning Commission at the November 19, 2019 meeting.

Comments/questions from the Planning Commission to Mr. Zody covered the following: (a) good job on the information gathered and (b) we don't currently have an Airport District; therefore it is prudent to establish one for the future applicable county wide not just the New London area.

Mr. Burdett made a motion directing staff to prepare a revised draft text amendment for an "Airport District" to include the recommendations presented tonight for consideration by the Planning Commission at their September 17, 2019 meeting. Mr. Woodford seconded the motion. A roll call was taken. The motion carried with a vote of 5-1. Mr. Huff cast the dissenting vote.

Mr. Mays welcomed the new members of the Planning Commission. Mr. John Moisa will represent Election District 3 and Mr. Nick Kessler will represent Election District 4. The new Commissioners were appointed by the Board of Supervisors on October 8, 2019. Mr. Zody

requested a brief recess to allow citizens to exit the boardroom before moving to the next item on the agenda.

Following the recess Mr. Mays move to Item 6a under New Business and asked for the staff presentation. Mr. Zody noted staff has been in discussion with a developer who expressed interest in developing a parcel on the east side of Route 122 at Hales Ford Bridge. The issue at hand is the developer cannot meet the setbacks if he were to rezone to Multifamily (R4). Mr. Zody noted he has prepared a rough draft language for a text amendment to Sec 30-82-11 Multifamily dwelling. Mr. Zody reviewed the draft language with the Commission and offered to address any questions from the Commissioners.

Mr. Burdett noted this is in his district. Mr. Burdett noted the proposed wording is his. Mr. Zody fine tuned the information I provided. Mr. Burdett noted the proposed text amendment is removing the minimum rear yard setback in the general standards for multifamily dwellings. It would apply to all multifamily dwellings. We need to add it to the specific districts where multifamily dwellings are allowed. In the R-4 district modifications are necessary for Smith Mountain Lake where the rear yard is the lake. Mr. Burdett suggested minor changes to the information presented by Mr. Zody. Mr. Burdett suggests Sec. 30-82-11(e)(5) read: "Minimum rear yard setback: Twenty five (25) feet for the principal structure(s) with the exception for properties bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level 795' contour. Additionally, the principal structure shall be located a minimum of ten (10) feet from the rear property line and located above the 800' contour. Walkways and steps are exempt from rear yard requirements". This is how Franklin County treats their multifamily dwellings around the lake.

A brief discussion followed regarding whether the modifications should only apply to Smith Mountain Lake. Mr. Burdett noted if this developer chose to proceed an amendment to the Comprehensive Plan would be necessary to allow for mixed uses. Most of these development areas are set up as Commercial (PCD) and do not allow multifamily.

Mr. Burdett made a motion to have staff move forward to public hearing the text amendment for Multifamily dwelling with the requested changes to Sec. 30-82-11(5)(e). Mr. Woodford seconded the motion. A roll call was taken. The motion carried with a vote of 7-0.

Mr. Mays moved to Item 6b under New Business and asked for the staff presentation. Mr. Mitchell noted for the consideration of the Planning Commission, B & A Investors has submitted a request to waive the Subdivision Ordinance requirement of Section 31-290 "Access to adjoining property." This section of the Subdivision Ordinance requires streets to be "dedicated, but not required to be improved, at strategic locations to provide for future access to adjoining parcels which may be subdivided in the future."

This waiver request has been submitted pursuant to Article 8 of the Subdivision Ordinance. The Planning Commission's authority to grant waivers is contingent "upon assurance of the subdivider that each of the following conditions has been met:"

1. There exists an unusual situation or where strict adherence to the subdivision regulations would result in substantial injustice or hardship.
2. The minimum requirement, if applied to the proposed subdivision, would impose an unreasonable burden upon the subdivider.
3. The granting of such waiver will have no substantially adverse effect on the future residents of the proposed subdivision, nor upon any property adjoining such proposed subdivision.


Staff concurs with the application's request, given the 18% grade to make a connection to the residual tract (Tax Map Number 63-A-24).

Mr. Doyle Allen of Hurt & Proffitt spoke on behalf of the applicant. He referred to the concept plan and the justification for their waiver request. The connection required off the new road drops off drastically and would be cost prohibitive to move the amount of dirt to meet the requirement of the ordinance. The applicant owns the adjoining property. The topography of the land is the major problem in complying with the requirement of the Subdivision Ordinance. There were no questions from the Planning Commission to Mr. Allen.

Mr. Dawson made a motion to approve the waiver to Sec. 31-290 of the Bedford County Subdivision Ordinance. Mr. Woodford seconded the motion. A roll call was taken. The motion carried with a vote of 7-0.

There being no other business Mr. Burdett made a motion to adjourn. Mr. Dawson seconded the motion. The meeting was adjourned at 8:37 pm.

Respectfully submitted,

  
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Gregg Zody, Secretary

Approved by:

  
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David Mays, Chairman