

Mount Jackson
Planning Commission Meeting

December 5, 2022

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Regular Meeting

Chairman Larry Ambrose called the meeting to order at 7:00 PM in the council chambers at 5901 Main Street. Roll call was taken with Commissioners Anita Miller, Evelyn Burner, and Jim Hines in attendance.

Mayor Donnie Pifer called the Council meeting to order at 7:01 PM with Councilmembers Roger Rudy, Judy Fultz, Evelyn Burner, and Bonnie Good in attendance. Councilmembers Rod Shepherd and Whitney Miller were absent.

Also present Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; Keith Cowart, Police Chief; and Barbara Riggelman, Town Clerk.

Visitors were Jonathan Yates, Esq. and Kristen Stelzer with Hellman & Yates, PA of Charleston, SC; Marc A Marzullo with Entrex; Mohammed Alsamna with T-Mobile; Cena Hubbell, Executive Director of Shen Paco; Bader Al-Omar; Dmitriz Zyamshin; Oleg Stepanov; Danna Bynaker; and Todd Holtzman.

Joint Public Hearing

1. SU-22-02: South End Convenience Special Use Permit

Mr. Moore reported that the PowerPoint presentation, which he had prepared, would not be available due to technical difficulties. He read from the prepared report of the request of Bader Al-Omar, on behalf of B&B Capital Group, for a special use permit to operate a convenience store and provide retail fuel service at 6041 South Main Street, zoned Highway Business (B-2). The property is identified as Tax Map Parcel (091-A2-A-011). The property fronts Main Street with two entrances. Parcels to the north, west, and south consist of nonconforming single-family uses and a commercial use. The use across the road and to the east is an existing industrial development. All adjoining parcels are within the Limited Industrial (I-1) District with the subject parcel located within the 100-Year Floodplain. Under §15.2-2223 of the Virginia State Code, the local governing body shall guide its physical development and redevelopment through the Comprehensive Plan. The Town's Comprehensive Plan Future Land Use, adopted in October 2017, identifies only the subject parcel as Highway Business (B-2) District due to a rezoning in 2012; and the remaining adjoining parcels as appropriate for industrial land use with nonconforming single-family uses and one nonconforming business use. Mr. Moore reported that there was a restaurant in this structure years ago and the property owner has indicated that he would like to have an operator for that restaurant; the restaurant does not need a special use permit as it is part of the permitted uses. Mr. Moore reported that the subject parcel is in the floodplain, however only a portion of the property is in the floodplain; it does not affect the structure itself and barely encroaches into the actual structure of the gas canopy and fuel pumps. As the Floodplain Administrator, Mr. Moore has determined that there is no cause to go through the floodplain determination.

The property consists of a pre-existing commercial structure, fuel pumps, and canopy, with an existing nonconforming structure at the rear. Previous uses included a convenience store and restaurant. The existing property has been the subject of a previous rezoning from I-1 to B-2, and several SUP approvals, which are void. Mr. Moore reported that the prior special use permit that was issued for the convenience store and the sale of fuel, because there was no use of the property for more than 24 months, has been voided. The applicant has provided a sketch plat for general identification purposes, however as a nonconforming site, there are several lacking improvements which may be provided through an approved

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SUP and are cited in the motion section. Of primary concern are off-street parking, buffering and screening, and traffic issues from the mobile home park. A recent entrance improvement approved by VDOT has been completed from Main Street into the property.

Mr. Moore reported that Staff believes that the SUP request with appropriate conditions appears to represent good planning practices due to the reuse of an existing structure and the proposed site improvements, which are to limit impacts of the commercial activities within the existing residential community. Special Use Permits may be issued for any of the uses for which a special use permit is required by the provisions of this chapter, provided that the Council, upon a recommendation by the Planning Commission, shall find that the use will not: 1 – adversely affect the health, safety, or welfare of persons residing or working in the neighborhood; 2 – be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood; 3 – conflict with the policies and principles of the Town’s adopted Comprehensive Plan; and 4 – negatively affect public services, including streets and other traffic ways; utilities, police, and fire protection are or reasonably will be available to support the proposed use.

Mr. Moore stated that a favorable motion could read to move that the Planning Commission forward Special Use Permit SU-22-02 to Town Council, recommending approval for a convenience store and retail fuel services because the proposal, as submitted with recommended conditions, is consistent with the Comprehensive Plan and will not adversely affect the health, safety, or welfare conditions of persons residing or working in the neighborhood, nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to the following recommended conditions: 1 – outdoor retail uses such as ice or vending machines, fuel or propane exchange tanks, etc. shall be limited to the rear wall of the building, not to extend more than 5’ from the building and screened with a minimum 6’ high fence; 2 – no traffic shall circulate between the store and the rear accessory structure; 3 – traffic calming devices such as speed bumps or barricades to prohibit through traffic shall be placed from the south end of the building toward the left property line to assist in redirecting mobile home traffic, to slow traffic through an area with no access easement and to protect customers traversing the site; and 4 – corridor district guidelines such as building color, signage, landscaping, etc. are to blend with the character of the corridor entrance into the Mount Jackson Historic District, to take into account consideration of the residential neighborhood, and such proposal to be reviewed by staff for appropriateness with a submitted sign application. A motion to table could read to move that the Planning Commission table SU-22-02 to allow adequate time for the applicant to address comments and concerns that the Commission has identified. An unfavorable motion could read to move that the Planning Commission forward SU-22-02 to the Town Council recommending disapproval because the proposed uses would adversely affect the health, safety, or welfare of persons residing or working in the neighborhood and/or be detrimental to public welfare or injurious to property or improvements in the neighborhood, and/or not in harmony with the Comprehensive Plan.

Danna Bynaker asked if the conditions referred to are meant to block traffic from Smoot Trailer Park Road. Mr. Moore responded that it is up to the property owner to determine how he is going to provide traffic calming devices, such as rumble strips or speed bumps. There is no deeded access easement between Rt. 11/Main Street and the trailer park, which is shown on his actual deed. Ms. Bynaker stated that the access is named Smoot Trailer Park Road because that was what it was named when Peggy & John Smoot owned it; she herself has owned it for over 20 years, has been using it for over 20 years, and according to Virginia

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laws, that gives her a legal right-of-way to continue using it and it cannot be blocked, whether it is on someone's deed or not. Mr. Moore responded that in Virginia, there is no adverse possession when it comes to a piece of land that may or may not have an improved surface. The issue of the street sign is that it is not a VDOT sign, has never been approved, and is not a Town sign and has never been approved. Mr. Moore restated that the property owner can determine how he wants to either provide them or not; the point here is to protect the safety and welfare of future customers. Mr. Moore reported that there was a high rate of speed from vehicles entering/exiting the mobile home park, so a rumble strip or speed bump is recommended in site plans to slow this traffic. Ms. Bynaker stated that traffic has passed through this area for a long time and there hasn't been a problem; she stated concerns with the term "barricade." She stated that the mobile home park is listed as a 911 address and both police, fire, and even the Town when reading water meters, come through that access road, so it has been designated that this whole time. Mr. Moore stated that the survey shows the property lines; Mr. Bader's deed clearly shows on his site plan that the property cuts across the rear of the park, so there is no access easement. The actual access easement comes out the side of the mobile home park where there is a 20' wide access easement that cuts across to Center Street, and another road that could go on the south side of the gun store that has a paved access as well. Mr. Moore stated that he was not saying that the property owner could put up a barricade, what he was stating was that they were looking for traffic calming devices, and it is up to the property owner to decide if he wants to install rumble strips, speed bumps, and he could build an accessory structure between that and the gun store if he wants. It's the property owner's right to decide that. Whether or not 911 can give an address, that has nothing to do with the Town's standards and regulations. Mr. Moore stated that Ms. Bynaker's property clearly shows that there is the availability to have an access onto Center Street, which is unimproved right now being grass. Ms. Bynaker stated that just because it is there does not mean she has to use it; there had been a trailer sitting there. Ms. Bynaker stated that according to Charlie Moore when he was town manager, she can't pour concrete for sidewalks due to that creating rain drainage issues, but now she is being asked to install a road there. Mr. Moore stated that on the section of the SUP request that shows floodplains is a drawing of the property with a red line showing the edge of the property that is being spoken about. When site plan improvements are discussed, it is the public's health, safety, and welfare which is considered and this SUP takes that into consideration with customers of the store, residents of the mobile home park, people crossing the street from the factory, and people from the neighborhood. This is why this is a convenience store and that's why it is recommended for approval because it fits in with the Comprehensive Plan where it addresses the need for regional convenience stores without the need for traveling north through town to get to existing stores. Mr. Moore reported safety needs to be considered as there are two entrances to the trailer park, both on the south side and the north side of the gun store. There are two main entrances going into the convenience store, with the south entrance being a much wider entrance, and unfortunately too many vehicles travel through there without consideration for possible pedestrians.

Mr. Hines asked a question about the floodplain and the storage tanks for fuel, is this located further back and not in the floodplain. Mr. Moore responded that the site map shows where the floodplain is just touching the canopy; the overhang isn't being interfered with. As for the underground tanks, that would be more of a DEQ question and as far Mr. Moore knows, he hasn't heard anything about them needing removal. Mr. Hines asked if there were existing tanks. Mr. Moore responded affirmatively, that they are to the north of the structure and showed their location on the site map. Mr. Moore stated that this was a rough sketch of the site plan and if it is approved, there will be a formal site plan for review and approval.

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Ms. Good asked if the DEQ would be working with the property owner with respect to the fuel tanks. Mr. Moore stated that Mr. Bader could answer that question better. Mr. Bader responded that he did not believe so as the property is not really impacted by the floodplain, it is barely touching it and not inside the actual floodplain. Mr. Bader reported that he did ask the DEQ and was told that he was good in this regard. Ms. Good asked how long it has been since the property was used as a gas station. Mr. Moore responded that it has been a little more than two years, somewhere between 24-36 months from his research of documents on the property. Originally it was an I-1; the owner wanted a convenience store, which was not a use at all in the I-1, and unfortunately, the property was rezoned to B-2, which it currently is. After 24 months of not being used, the SUP has become void. Ms. Good stated that those tanks have been there a long time. Chairman Ambrose stated that he believed they were 10-15 years old. Mr. Holtzman stated he was not 100% sure; there is some type of contract for supply but he believes it goes back to the previous owner and he is not sure how long the contract is for. Mr. Ambrose stated that he remembered the old ones being dug up and new ones installed, perhaps as much as 20 years ago, but he doesn't believe it has been that long. Mr. Moore stated that it is not into Staff's purview to look into those. Mr. Rudy asked if there was a plan to access the condition of those tanks, if they are planned to support a gas station. Mr. Moore stated that he believes the distributor may rely on the owner to have that documentation; he is unsure what the State requires but he believes there is a department to regulate these issues.

Ms. Burner asked if there would be a wall between the convenience store and the restaurant section. Mr. Bader answered that yes, there would be a wall.

Mr. Hines inquired into the outside vending machines and what that would entail. Mr. Moore responded that in the zoning standards, it talks about outdoor retail, such as these items, and they are to be in the back of the building. Mr. Hines inquired as to whether the owner has considered this. Mr. Bader responded that he hasn't thought about outside vendors yet, but it could be a possibility. Mr. Moore stated that the condition would be to state that they must be in the rear yard, if they become a possibility. Mr. Hines asked if this could include refilling of propane tanks, based on a previous fire and a concern for safety. Mr. Moore responded that there is no restriction that he could find; he just listed very general examples of ice, soda, etc. There might be a kerosene dispenser. As long as these items aren't on the front porch of the store blocking it. It does need to be handicapped accessible and machines could impeded that.

Mr. Ambrose had a question concerning the driveway, has any type of speed bumps been discussed to go along with the paving being done. Mr. Bader responded that he has discussed a speed bump for traffic issues. Mr. Moore stated that this would be noted on future site plans.

2. SA-22-01: ARCOLA Towers Substantial Accord Determination

Mr. Moore reported that this request is proposed to permit a public utility facility (a 195' wireless communications tower) in a Limited Industrial (I-1) Zoning District. Prior to locating/constructing a public utility facility, whether publicly or privately owned, Virginia Code §15.2-2232 requires an affirmative determination by the Planning Commission that the general or approximate location, character, and extent of such facility is substantially in accord with the Town's adopted Comprehensive Plan. Staff Note: In a companion case, ARCOLA Towers is requesting approval for a special use permit (Case SU-22-03) as required by the Town's Zoning Ordinance to allow construction and operation of a 195' monopole wireless communications tower in an (I-1) Zoning District. ARCOLA Towers proposed to construct a new 195' monopole wireless communications tower for T-Mobile with up to 3 additional wireless co-locators and an

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equipment compound area enclosed by fencing. Following this public hearing, the Planning Commission is requested to consider a motion to take action on the Substantial Accord Determination request (SA-22-01). Should the Planning Commission take action on the request, the Commission's action will be forwarded to Town Council at their December 13, 2022 meeting. State law provides that the Council may accept the Planning Commission's determination, overrule the Commission's determination, or refer the matter back to the Commission for an additional public hearing and consideration.

The subject property is zoned I-1 and is located at the corner of Industrial Park Road and Business Park Lane. The property is a vacant, open field consisting of 3.635 acres and identified as Tax Map Parcel 091-A-051G. The property to the west and behind the subject property is Valley Ice Manufacturing, LLC, located within town limits and also zoned I-1. Properties to the east across Industrial Park Road, north across Business Park Lane, and to the south are vacant and developed properties zoned General Industrial (M-1) within Shenandoah County. Other area properties are zoned industrially and agriculturally and are occupied by industrial uses, farms, and single-family dwellings. There are two major tourist attractions (Shenandoah Caverns and Shenandoah Campground) located further south of the subject property. The future Rail Trail system is west of the subject property

Mr. Moore reiterated Virginia Code §15.2-2232 in regards to the Town's Comprehensive Plan. The Future Land Use Map designates the subject property as being appropriate for industrial land use. Part of an annexed area south of the Town, the Plan states that the Town should aim to continue to promote economic development on large tracts and improve utility and transportation access to eligible sites. While not specifically enumerated in the Comprehensive Plan, the growing importance of wireless technology to communities economically, educationally, and socially has become increasingly evident over the past few years. The Plan recognizes that, while industrial and commercial development in this area can serve the Town by supplying needed jobs and tax revenue, the Town must ensure that development on these parcels is compatible with the character and history of the town, using regulation as necessary to prevent industrial pollution of water, land, air, and to protect local historical and nature resources which are also important to the local tourism industry. The Plan states that "with attractive views and clear skies, Mount Jackson enjoys a beautiful setting in the Shenandoah Valley, surrounded by farmland, and bordered by rivers, streams, and wetlands. The Town's environment is not just for looks though, it plays an important role in the health and wellbeing of its people and can have a role in the Town's economic success." The Comprehensive Plan includes the "Caverns Road Interchange Master Plan" which was developed for areas annexed by the Town, including the subject property. Everything along the railroad was thought to be industrial because we had freight service at the time. That is no longer the case.

In conclusion, Mr. Moore gave a summary of the above report. He reported that there is a list of conditions of approval, found on the back of the SUP.

3. SU-22-03: ARCOLA Towers Special Use Permit

Mr. Moore reported that this special use permit is to permit a public utility facility (a 195' tall wireless communication tower) in an (I-1) Zoning District. ARCOLA Towers proposes to construct a new 195' monopole wireless communication tower for T-Mobile with up to 3 additional wireless co-locators and an equipment compound area enclosed by fencing. Following this public hearing, the Planning Commission is asked to consider a motion to take action on SU-22-03. Should the Commission determine approval of the SUP is appropriate, Staff recommends imposition of the conditions in Attachments A and B. Subject

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property is zoned I-1 and is located at the corner of Industrial Park Road and Business Park Lane. The property is a vacant, open field consisting of 3.635 acres and identified as Tax Map Parcel 091-A-051G. Mr. Moore again read the report on the Town's Comprehensive Plan, Future Land Use Map designation, and the Caverns Road Interchange Master Plan.

Mr. Moore reported that the Zoning Ordinance contains specific use standards intended to minimize the impacts of a communication tower on adjacent properties and the Town. These requirements are in addition to other applicable federal, state, and local regulations and include a list of minimum standards. Modifications to Zoning Ordinance use standards are proposed within this request. A determination will need to be made relative to the merits of any waivers to development standards and what conditions, if any, may be imposed to address these impacts. Mr. Moore then read Section 66-46(e) of the Zoning Ordinance, which lists these standards. The Zoning Ordinance provides guidance in §66-22(d)(3) c(iii) relative to considerations for the issuance of an SUP. The Ordinance provides that an SUP made be issued, provided a finding is made that: The proposal as submitted or modified will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use; the proposal will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood; and the proposed use will not conflict with the policies and principles of the Town's adopted Comprehensive Plan and adequate public services, including streets and other traffic ways; utilities, police, and fire protection, are or reasonably will be available to support the proposed use.

In conclusion, Mr. Moore stated that the proposed tower is in an I-1 Zoning District where towers would be preferable over a more residentially populated or downtown area. However, the Comprehensive Plan does identify the subject property is in close proximity to the Rails to Trails project and scenic road corridors, including Wissler Road (Rt. 720) south of the subject property which serves agricultural, residential, industrial, and tourist traffic. The Plan provides that to preserve the character, quality, and safety of scenic corridors, special attention is merited in terms of limiting site development and improvements that would degrade the historic and scenic quality of the roads. The Plan suggests limiting impacts through height restrictions, designs to blend into the surrounding environment, and buffer and vegetative preservation would help to support these important tourist entrances into the town. The applicant's agent has provided that a 195' tower is necessary at this location to provide the coverage needed, to accommodate 4 carriers on the tower, including T-Mobile, and that no taller structures exist in the area that would meet their service needs. The Zoning Ordinance provides that certification that colocation on existing structures be provided by a licensed or certified engineer. The applicant's agent provided an evaluation of area structures in the application packet in Attachment C.

In consideration of locating new towers in the area, the Zoning Ordinance provides that towers shall be located in an area where they are unobtrusive and do not substantially detract from aesthetics or neighborhood character, due to either location, the nature of surrounding uses, or to lack of visibility caused by natural growth or other factors. The Ordinance includes considerations of tower height and design. Relative to tower height, the Ordinance states that the maximum permitted height of any broadcasting and communications tower shall be made a condition of the special use permit. The Ordinance provides that no facility shall be greater than 199' and reductions in height are contingent upon the adjacent uses and view shed. Consideration may be given to the height of the proposed tower in relation to the nearby trail and scenic roadways and views. Similar considerations may be given to whether accommodation of three additional users or two is appropriate, as well as tower design and site

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buffering. The exception being requested to setbacks would allow the tower to be located at the rear portion of the property, which would still allow the property to be developed for industrial use in the future. The applicant provided an engineer's letter that the tower will be designed in the event of failure to fall within the reduced setbacks. After public input, should the Commission and Council determine it is appropriate to approve this request, such approval should be subject to the conditions in Attachments A and B. Attachment A is a list of 13 proposed conditions; Attachment B is the minimum setbacks.

Ms. Good asked what the actual rear and south setback were supposed to be. Mr. Moore answered that in the Town's Ordinance it states that the setbacks shall be the same as the height of the tower. Ms. Good asked what the purpose would be in having setbacks that large, are there issues with the towers that cause them to be separated from other properties. Mr. Showalter suggested that Mr. Yates answer this question.

Mr. Yates introduced the members present for his group. He answered that the purpose of the setbacks are in the event of a catastrophic situation, you would not want a tower falling on someone's house. Towers do not fall like Christmas trees, they are designed for a fall zone. Mr. Yates then gave a brief history, through major weather events, of what they have learned in tower design.

Ms. Burner asked what radius of service will this tower provide, or how would it improve service. Mr. Alsamna answered that there is a significant gap in service where this tower would be located. A coverage/capacity/performance map showing coverage before and after the tower's installation was shown. Mr. Alsamna gave a list of things they take into consideration when deciding the height needed of a cell tower, such as height of surrounding trees, ground elevation, distance to the next tower, etc. Their objective is to build one tower to fill these gaps rather than multiple towers; this is the reason for the height. The next tower to the north is about 3.5 miles away; to the south, the distance is almost the same distance – 3.2 miles away. The taller height will allow signals to travel further and cover a larger area.

Mr. Hines inquired into this significant gap, are these other two towers approx. 3 miles apart. Mr. Alsamna answered that the gap between the existing two towers is about 7 miles. Mr. Hines inquired as to where the gap is exactly, in relation to the two towers – is it in Mount Jackson or in Shenandoah County. Mr. Alsamna referred back to the provided coverage map; the gap is the area not in dark green and that is the area they are trying to cover. Mr. Alsamna gave the example that he is currently here in the town and he only has 1 bar of service. Ms. Burner commented on her cell service, and often lack thereof, at Rude's Hill. Mr. Hines stated that he was wondering how this tower would improve service to town residents. Mr. Alsamna answered that there is a significant impact to houses and businesses in the area due to this gap; this lack, or gap, in service is their main target right now.

Mr. Ambrose stated that this tower is being proposed at the corner of the lot; will there be more to follow. Mr. Yates stated that the proposal for the corner of the lot is to allow for future industrial development, but just the one tower is planned. There is space on the tower and on the ground for future carriers. Mr. Ambrose inquired that this then is not a T-Mobile tower, other carriers can buy in. Mr. Yates answered that T-Mobile has the immediate need, therefore they are the leading carrier, but the tower is also designed for their competitors. Mr. Showalter stated that one of the proposed conditions is that there are no other towers on the property.

Mr. Yates stated this project had to have a federal review, and there were two very important findings from that. One was that there was no hazard to air navigation so no air navigation lighting would be required on

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the tower. Mr. Yates stated that this also had to be reviewed by the State Historic Preservation Office for the Commonwealth of Virginia, who determined there were no historic properties in the area of potential effect, no adverse effect on historic properties. This also had to be reviewed by 12 Native American organizations. Any Native American organization that either lived in or migrated thru this part of Shenandoah County at any time in their history had to be considered. These were the Bad River Band of Lake Superior Chippewa, the Cherokee Nation, the Chickahominy Tribe, Cultural Heritage Partners, the Delaware Nation, the Eastern Shawnee Tribe of Oklahoma, the Monacan Indian Nation, the Nansmond Indian Tribe, the Pamunkey Indian Tribe, the Prairie Island Indian Community, the Upper Mattaponi Indian Tribe, and the Tuscarora Nation. All of these groups gave their approval. This site meets the federal, state, and tribal criteria. Mr. Yates stated that except for the setbacks, they were able to meet all conditions. Mr. Yates discussed fencing measures and landscaping planned for the grounds. This tower should take 30-45 days to be built. After the tower is built and operational, it will be operated remotely; any potential workers will only be there about once a month, so this will not create any additional traffic in the area. Mr. Yates addressed the certified fall zone, which Virginia Professional Engineer Camille Shabshab has certified the proposed tower will be designed with a 40' fall zone. Mr. Yates described how the tower has been designed to react in a catastrophic situation. On this 195' monopole, at the 155' mark, the top portion of the tower will bend over. The top portion would have to be replaced, but the entire tower would not come down. In these setbacks, only one property could potentially be impacted – Shen Paco.

Ms. Good asked for clarification to her initial question – are there any inherent issues with the tower, from sound, radioactivity, anything that could impact safety. Mr. Yates responded that in terms of public safety, there are no issues whatsoever. Some people have issues with lights on the top of cell towers, but that would not be a factor with this tower.

Cena Hubble, Executive Director of Shen Paco, expressed her support for construction of this tower. She had previously addressed the Board at Shen Paco, which also expressed their support. Ms. Hubble stated that Kristen Stelzer shared site plans with her and after reviewing those, Ms. Hubble wrote a letter of support. Ms. Hubble stated she not only shared her support, but also encouragement for better reception at their facility.

Mrs. Yates stated that there was a question about diminishment of property values. He stated there will absolutely be no diminishment of property values in Industrial Park by providing wireless service.

Mr. Moore reported that he has provided a copy of the application by Hellman & Yates. In this application are layouts of the plan, configurations, and distances from the other existing towers. Camouflaging colors have also been considered, with gray or other neutral colors to assist in minimizing visibility.

Mr. Hines had a question for Mr. Alsamna, who had stated that he had researched this proposed area, and this particular spot showed the major promise. Mr. Hines questioned what made this spot, with lower elevation, be preferable over one with a higher elevation; what makes this spot, with 938' in elevation, which is a low point, better than a higher point, such as a half mile towards the west with 1000'. Mr. Alsamna responded that they want to be in the targeted area, the area with a gap in coverage. Anything outside this area, such as a half mile to the west, would shift coverage from the target area. Mr. Alsamna referenced a tower site at 6831 Orkney Grade Road, which is 5 miles northwest from this site. A tower closer to that would shift service away from the target area and closer to that direction. Mr. Hines inquired if one tower requires the next tower in order to boost the line ahead, or is it a case of tower to tower, with

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each providing service just to that area. Mr. Alsamna responded that there is communication between the towers themselves, so the network actually is communicating with each other. If you're moving through the area, moving from Tower A to Tower B, your information will shift through the network to the next tower where you have a better signal. There may be some overlapping, but it shouldn't be too much overlapping because if the signal is very strong coming from multiple towers, it creates noise and this noise makes data rates go lower, so the goal is to always be in the center of the gap. Mr. Alsamna stated that this is what makes this particular site the perfect location.

Mr. Hines had a question for Mr. Yates. The site that has been chosen is in the Town of Mount Jackson. There is an adjacent site 30' away that is in Shenandoah County. Mr. Hines inquired as to what the differences in ordinances was that made one site more preferable to the other. Mr. Yates responded that this site worked for Mr. Alsamna and Mr. Yates' group studied the ordinances and it worked for them as well. Mr. Hines asked if they looked at the ordinances for Shenandoah County vs. the Town of Mount Jackson. Mr. Yates responded that they usually don't shop ordinances, they go with what T-Mobile needs. Mr. Hines stated that there was only a road between the two areas; he inquired as to whether they looked into this as they are both owned by the same person. Mr. Yates responded that this site worked and they had a willing landlord.

Mr. Yates addressed Mr. Moore's comment on paint colors for the tower. He stated that they have found that going with a galvanized finish, it dulls up quickly; it doesn't reflect and doesn't cause a glare, so they have found the most effective to blend in with a typical skyline is the gray finish. Sometimes trying to paint the towers causes them to stand out more.

Oleg Stepanov stated that his business is beside the subject property. He stated that he was concerned about radiation from the antenna, if this poses a health risk, and diminishing property values. Mr. Yates responded that the FCC sets very strict limits, and this tower would come in way under those limits. He stated that if you put your phone up to your ear, you are receiving 50% of what the FCC sets. Mr. Alsamna stated that this tower would come in at below 1% of what the FCC sets. Mr. Hines questioned the amount of megahertz. Mr. Alsamna referenced the coverage/capacity/performance map; the strongest would be -91 dBm and if converted to watts, it would be .000000000000091 milliwatts. Mr. Hines questioned if he was using the correct phrasing, he thought the correct term was megahertz in broadcasting. Mr. Alsamna responded that megahertz is for frequency, watts is used for power; the term Mr. Hines is looking for is wattage because that is how power is measured. The FCC limits how much power effects your body (exposure guidelines). Mr. Hines inquired whether 5G emits more than 4G. Mr. Alsamna responded that 5G uses a high frequency which has less power – it travels less so it has less power than what is on the performance map. It is the least amount of power. With 5G, when you use a higher frequency, the signal will travel less, which would be why towers are closer together. Because 5G is a higher frequency, it has lower power and it covers smaller areas. Mr. Ambrose asked Mr. Stepanov how close his business is to the proposed tower. Mr. Stepanov responded that his business is a neighbor across the street, directly right across the street. Mr. Alsamna stated that your cell phone device has more power than what you would get from the tower. Mr. Ambrose asked if this could be detrimental to Mr. Stepanov's business in any way, shape, or form. Mr. Hines asked if there were any studies that would show one way or another. Mr. Alsamna responded that it is way below the FCC limit and should not have any impact on Mr. Stepanov.

Mr. Stepanov stated that on real estate websites, if a cell tower is in visual distance, your property value diminishes from 2.65% up to 9.75%. Mr. Yates responded that you can find anything on the internet.

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Landline phones are becoming a thing of the past. There is a real need for wireless coverage. Mr. Yates responded that in this case, he has never seen diminishment anywhere, particularly not in an industrial park.

Chairman Ambrose closed the Joint Public Hearing. Mayor Donnie Pifer called for adjournment of the Town Council; motion was made by Councilmember Good, seconded by Councilmember Fultz.

Agenda Additions/Deletions/Changes: None

Introduction of Guests: None

Hear from Visitors: None

Approval of the Previous Meeting Minutes – Commissioner Burner MOVED, seconded by Commissioner Miller to APPROVE the Minutes of the November 7, 2022 Regular Meeting.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Miller			
Commissioner Burner			
Commissioner Hines			
Commissioner Ambrose			
4 AYES, motion carried			

Old Business: None

New Business:

1. SU-22-02: South End Convenience Special Use Permit - Eligible for Action.

Commissioner Burner MOVED, seconded by Commissioner Miller, that the Planning Commission FORWARD Special Use Permit SU-22-02 to Town Council recommending approval for a convenience store and retail fuel services because the proposal, as submitted with recommended conditions, is consistent with Comprehensive Plan and will not adversely affect the health, safety, or welfare conditions of persons residing or working in the neighborhood, nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to the following recommended conditions: 1 – outdoor retail uses such as ice or vending machines, fuel or propane exchange tanks, etc. shall be limited to the rear wall of the building, not to extend more than 5’ from the building and screened with a minimum 6’ high fence; 2 – no traffic shall circulate between the store and the rear accessory structure; 3 – Traffic calming devices such as speed bumps or barricades to prohibit through traffic shall be placed from the south end of the building toward the left property line to assist in redirecting mobile home traffic, to slow traffic through an area with no access easement and to protect customers traversing the site; and 4 – corridor district guidelines such as building color, signage, landscaping, etc. are to blend with the character of the corridor entrance into the Mount Jackson Historic District, to take into account consideration of the residential neighborhood, and such proposal to be reviewed by staff for appropriateness with a submitted sign application.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Miller			
Commissioner Burner			

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Commissioner Hines
Commissioner Ambrose
4 AYES, motion carried

2. SA-22-01: ARCOLA Towers Substantial Accord Determination - Eligible for Action.

Mr. Hines commented that he has a lot of information to read yet.

Commissioner Burner MOVED, seconded by Commissioner Miller, that the Planning Commission FORWARD Substantial Accord SA-22-01 to Town Council recommending approval in conformity with the Comprehensive Plan.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Miller			
Commissioner Burner			
	Commissioner Hines		
Commissioner Ambrose			

3 AYES, 1 NAY, motion carried

3. SU-22-03: ARCOLA Towers Special Use Permit – Eligible for Action.

Commissioner Miller MOVED, seconded by Commissioner Burner to FORWARD Special Use Permit SU-22-03 to Town Council recommending approval. The approval is subject to the following recommended conditions: 1 – An exception shall be granted to setback requirements in Zoning Ordinance Section 66-46c(4)a as outlined in the Textual Statement in Attachment B; 2 – the tower shall be located as depicted on the conceptual site plan accompanying the application, which the exact location finalized with the site plan will be reviewed and approved by the Town prior to issuance of a zoning permit; 3 – access to the tower shall be provided as generally shown on the conceptual site plan accompanying the application. The final location of the access road shall be approved with the site plan reviewed and approved prior to the issuance of a zoning permit. The applicant shall provide details of a commercial site entrance built in compliance with VDOT standards for commercial entrances and details of the site road construction with a gravel base; 4 – there shall only be one communications tower permitted on the subject property; 5 – the tower shall not exceed a height of 195’ tall with 2’ tall lightning rods permitted; 6 – the tower shall not be lit. The only site lighting permitted shall be for site security. Such security lighting as planned shall be shown on the site plan submitted to the Town for review and approval prior to the issuance of a zoning permit for the tower; 7 – no signage shall be permitted on the tower structure and array or dish antenna. The only signage shall be site signage which shall be limited to no trespassing or safety signs to be positioned on the security fence surrounding the facility; 8 – the site shall be enclosed with an 8’ tall security fence designed to preclude trespassing; 9 – the tower shall be a monopole design and shall be gray or other neutral color to assist in minimizing visibility of the tower as approved by the Town at the time of site plan review; 10 – a buffer yard designed to screen the base of the tower, ground equipment, and fencing shall be provided around the tower compound as approved by the Town at the time of the site plan. The applicant shall submit a landscaping plan to the Town with the site plan prior to the issuance of a zoning permit for the tower; 11 – the telecommunications service shall not interfere with public safety communications. Before the new service is made live, the applicant shall notify the Town at least 10 calendar days prior to such anticipated service introduction date and allow the Town to monitor

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frequencies. It shall be the responsibility of the applicant to correct any interference with public safety communications; 12 – there shall be no outside storage associated with the facility; and 13 – all towers and associated facilities shall be removed with six months of cessation of operations at the site unless a time extension is approved by the Zoning Administrator. Prior to the issuance of a zoning permit for the tower, the applicant shall submit a cessation plan to the Town for review and approval. Such plan shall include a bond or letter or credit for the removal. The following minimum setbacks shall be met for the tower. An engineer’s certificate shall be provided at the time of the site plan (prior to the issuance of a zoning permit) that the tower will be designed to fall within the reduced setback areas. Front setback – 210’, rear setback – 45’, north side – 345’, and south side – 50’.

VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Commissioner Miller			
Commissioner Burner			
	Commissioner Hines		
Commissioner Ambrose			

3 AYES, 1 NAY, motion carried

Board of Zoning Appeals Report: None

Town Council Items – Ms. Burner: None

Zoning Administrator Report – Mr. Showalter stated that this report was included with the information given to the Commission. He stated that he had nothing more to add.

Board Members’ Items: None

Mr. Moore stated that both Mr. Hines and Ms. Burner completed their Planning Commissioner’s Certification Program. There will be another class available in the spring of 2023; more information to follow next month.

Mr. Moore stated that the January 9, 2023 meeting will be the organizational meeting, where the chairman and vice-chairman will be elected.

Commissioner Miller made a motion, seconded by Commissioner Burner, to adjourn the meeting at 8:40 PM.

Submitted by: Barbara Riggleman, Town Clerk