

**Thompson's Station Board of Zoning Appeals  
Staff Report - Item 1 (BZA 2020-001)  
November 4, 2020**

**Administrative Review of conflicting requirements as to the permitted use location for Wireless Communications Facilities within the Land Development Ordinance.**

**REQUEST**

The applicant, Vogue Towers Partners VII, LLC requests the Board of Zoning Appeals (BZA) review conflicting standards in the Land Development Ordinance (LDO) as to the permitted use location for Wireless Communications Facilities.

The applicant seeks to locate a Wireless Communications Facility on property at 4561 Columbia Pike, which is zoned Community Commercial (CC) and asks the BZA to provide an administrative review of the following conflicting standards:

Conflicting Standards within the LDO:

Table 4.4 Permitted Use Table, allows Wireless Communications Facilities in the Community Commercial (CC), Light Industrial (IL), and Medium Industrial (IM) zoning districts.

<b>Table 4.4 O2, G1, G2 USE ZONES LAND USE</b>								
USE	D1	D2	D3	NC	CC	IL	IM	
INSTITUTIONAL								
Wireless communications facility					P	P	P	

KEY: "P" = Permitted by Right; "S" = Special Exception (BZA Approval required); " " = Prohibited

Section 4.11.6 Wireless Communications Facilities contains the Use Conditions for this all wireless communications facilities within the Town and lists only Medium Industrial (IM) as the permitted zoning district.

**4.11.6 Wireless Communications Facilities**

These standards govern the development of wireless communications facilities.

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- b. Permitted Locations. WCTs are permitted within the IM zoning district subject to these standards; however, the placement of such towers in areas and specific locations to minimize the visual impact of WCTs is strongly encouraged.**

The Board of Zoning Appeals has jurisdiction over this request per section 5.5.4 (c)(i) which gives administrative review authority to the BZA "to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Town Planner or other administrative official in the carrying out of enforcement of any provision of this ordinance."

### STAFF ANALYSIS

In the review by Staff, the Use Condition in Section 4.11.6 is both more specific and detailed in narrowing the permitted location for Wireless Communications Facilities to the Medium Industrial (IM) zone. Therefore, this standard seems to be the overriding and more correct expression of the intent of the BOMA in the permitted locations for Wireless Communications Facilities. Staff recommends that the BZA find that Section 4.11.6, which permits Wireless Communications Facilities only within the Medium Industrial (IM) zone, is the appropriate standard for the permitted location of Wireless Communications Facilities within the Town. Along with this determination, Staff requests direction to draft an amendment to the LDO to revise the Table 4.4 Permitted Uses to limit Wireless Communications Facilities to the Medium Industrial (IM) zone.

### PLANNING COMMISSION ADVISORY OPINION

At the October 27, 2020, Planning Commission Meeting, the Planning Commissioners determined to offer the following advisory opinion to the BZA on this case:

By a unanimous vote, the Planning Commission advised that the BZA should defer action on this request and instead allow the BOMA, as the Town's legislative body, to remedy this conflict through an LDO text amendment and the regular legislative process.

### RECOMMENDATION

Staff recommends that:

1. The Board of Zoning Appeals review the LDO conflicting standards and render a determination for that the Medium Industrial (IM) zone is the appropriate location for a Wireless Communications Facilities within the Town.
2. Direct Staff to formulate an amendment to the LDO that remedies this conflict reflecting the BZA's determination.