

STAFF EVALUATION

To: City Council

Prepared By: Lucy Stoll 727-6301
Reviewed By: Mike Hayes, AICP 728-5244
Bonnie Brown, Deputy City Attorney

Case No.: Use Permit Application No. 18-00006

Date: December 12, 2018

General Information

Applicant H&S Development Group

Property Owner Joed Bruce

Location 700 Greenlawn Avenue [LRSN 1007652]



Requested Use Use Permit to allow for a commercial communications tower.

Description of Proposal The applicant is proposing to construct a commercial communication tower that can accommodate four (4) users. The proposed tower would be a semi-flush monopole constructed of galvanized steel. The tower has an overall height of 163' (originally proposed at 165'), which includes the lightning rod. The tower is proposed to be fenced in, with the fenced area providing space for future ground lease equipment. While the applicant has provided a landscaping plan to ensure consistent screening year-round, the applicant is also choosing to protect existing vegetation that will provide additional screening.

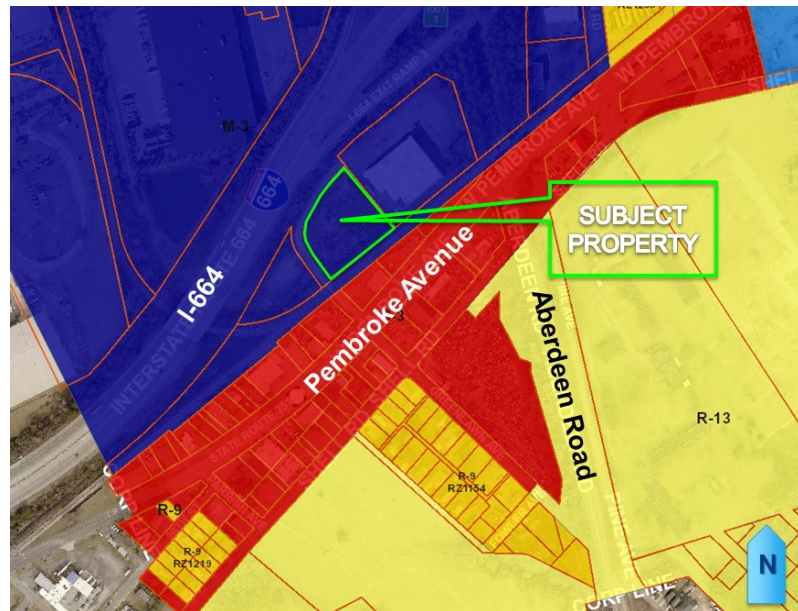
Existing Land Use Vacant

Zoning

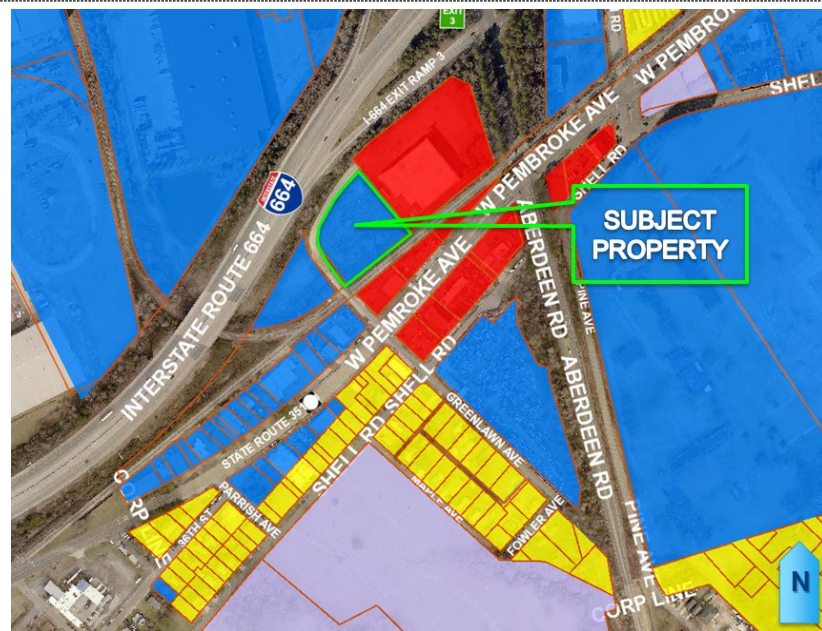
The property is currently zoned Heavy Manufacturing (M-3) District, which allows for a commercial communications tower with an approved use permit.

Surrounding Land Use and Zoning

North: Heavy Manufacturing District (M-3); Interstate, industrial.
South: General Commercial District (C-3) and One-Family Residential District (R-9); Industrial, vehicle-related commercial
East: Heavy Manufacturing District (M-3) and General Commercial District (C-3); warehouse, vehicle-related commercial, former Virginia School for the Deaf and Blind.
West: Heavy Manufacturing District (M-3); Interstate, vacant land, industrial.



Public Policy



The Hampton Community Plan (2006, as amended) recommends

business/industrial uses for the subject parcel and most of the surrounding properties. There is some commercial called for along Pembroke Avenue.

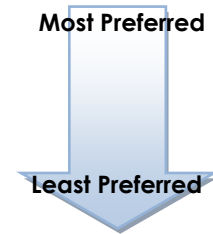
Policies related to this request are listed below:

LU-CD Policy 4: Evaluate land use proposals from a regional, city-wide and neighborhood perspective.

CF Policy 45: Encourage the location of new communications towers in preferred sites through implementation of standards and procedures to be incorporated into the Zoning Ordinance.

The Hampton Community Plan details a hierarchy of preferred sites for evaluating proposals for new tower construction. The "placement hierarchy" included in the Plan identifies the areas that will have minimal impact on the community. There are nine levels ranging from most preferred to the least preferred areas.

1. Co-location on existing towers;
2. Tall buildings and structures;
3. Large industrial sites and parks;
4. Approved School Properties;
5. Commercial Areas;
6. High Density Residential Areas;
7. Low/Medium Density Residential;
8. Parks; and
9. Scenic Views; Waterfront.



Applicable Regulations

M-3 allows for commercial communication towers, subject to approval of a use permit; furthermore, the Hampton Zoning Ordinance, Section 3-3 (34) includes standards related to commercial communication towers. The Zoning Ordinance also references Section 3-11(a) of the City of Hampton Landscape Guidelines for landscaping and screening requirements.

Traffic

The proposed tower does not include any offices and is unmanned. There are no foreseen negative impacts to traffic.

Analysis

Use Permit Application No. 18-00006 is a request to permit the operation of a commercial communication tower at 700 Greenlawn Avenue [LRSN: 1007652], which is located between I-664 and West Pembroke Avenue. The property is currently vacant and zoned Heavy Manufacturing (M-3), which allows for a commercial communications tower with a use permit.

H&S Development Group, representing T-Mobile, is proposing to construct and operate a monopole commercial communication tower that can accommodate at four (4) users. The proposed tower has an overall height of 163' (159' tower and 4' lightning rod). The tower and associated ground equipment will be located within a ±1,600 square foot fenced compound. Landscaping will be planted outside the fenced area, but still within the applicant's leased area.

As part of this use permit application, the applicant submitted propagation maps which indicate the current gap in coverage for two different frequency bands (L2100 and L700) and subsequent improvement in coverage with the construction of a new tower. Both bands support the same services, but carry different loads and penetrate buildings to different degrees. The applicant is proposing this communication tower because of data coverage gaps that exist in the vicinity of the subject parcel. Given this tower's proximity to the recently approved tower at 1821 Cemetery Lane, the applicant also provided a propagation map with that future tower (it has not yet been constructed) to confirm that these towers will not provide duplicative coverage.

The Hampton Community Plan (2006, as amended) recommends business/industrial for this site and many of the surrounding properties, along with some surrounding commercial around Pembroke Avenue. The Community Plan speaks specifically to changing communications and other technologies, and defines a "placement hierarchy" to assist in the evaluation of proposed new tower construction. The placement hierarchy prioritizes different types of sites for new communication facilities by most preferred to least preferred as follows:

1. Co-location on existing towers;
2. Tall buildings and structures;
3. Large industrial sites and parks;
4. Approved School Properties;
5. Commercial Areas; 01/26/2018
6. High Density Residential Areas;
7. Low/Medium Density Residential;
8. Parks; and
9. Scenic Views; Waterfront.

This application is for a tower in a large industrial area. As part of the application process, the applicant submitted documentation, which is included in the Planning Commission and City Council package, that demonstrates the need for a new communication tower and that no site higher on the hierarchy meets the needs to fill the coverage gap.

1. **Co-location on Existing Towers:** There are no towers within the applicant's search ring that would allow T-Mobile to reach their coverage objectives.
2. **Tall Buildings and Structures:** the area surrounding the proposed tower is industrial or vehicle-related commercial (used vehicle sales, tire sales, body shop, etc.), and the area within the search ring and even outside of it is almost exclusively one- or two-story buildings. The applicant considered at least one freestanding sign, but it lacked the structural integrity to support the antennas. The applicant similarly considered a church steeple, but the church was uninterested in leasing to T-Mobile.

Given the manufacturing zoning, business/industrial land use, and industrial surroundings of the property, this is a good location for a communication tower. It is unlikely that this tower will cause aesthetic impacts to surrounding businesses or the blocks of residential properties near the cemetery. If approved, staff recommends attaching twelve (12) conditions to this application to mitigate any potential impacts from the use. These include constructing the tower to be able to support four carriers, limiting the height of the tower to 159' feet (plus lightning rod), the installation of fencing around the compound, a conceptual site plan, required landscaping, and requirements for tower removal and maintaining no interference with the City's public safety radio system.

Staff and Planning Commission recommend approval of Use Permit Application No. 18-00006 with twelve (12) conditions.

Use Permit Application No. 18-00006

Communication Tower

H&S Development Group
700 Greenlawn Avenue
Hampton, VA 23661

1. Issuance of Permit

The Use Permit applies only to 700 Greenlawn Avenue [LRSN 1007652], and is not transferable to another location.

2. Building Permit

Prior to the issuance of a building permit for the tower, the applicant shall provide a structural analysis report to the City's Building Official that demonstrates the tower can structurally support a total of four (4) carriers.

3. Location of Tower/Site Plan

The site shall be constructed in substantial conformance with the conceptual site plan packet entitled "VA70330D H&S DEVELOPMENT GROUP" prepared by Allpro Consulting Group, Inc. and dated September 28, 2018. Changes to the site plan may be made to accommodate environmental, engineering, architectural, topographic, or other development conditions, or site plan approval requirements, as required by law and subject to the approval of the Director of the Department of Community Development. A copy of the final approved site plan shall be placed in the file with the Planning and Zoning Division of the Department of Community Development and shall supersede all previously filed site plans.

4. Tower Height

The tower height shall be no more than 159'.

5. Tower Elevation

The tower shall be of a galvanized steel monopole design in substantial conformance with the conceptual site plan packet sheet entitled "Elevation" prepared by Allpro Consulting Group, Inc. and dated September 28, 2018.
[Exhibit A]

6. Fencing

A fence shall be installed and maintained completely surrounding the tower and equipment compound.

7. Landscaping

The site shall be developed and maintained in substantial conformance with the conceptual site plan packet sheet entitled "Landscape Plan" prepared by Allpro Consulting Group, Inc. and dated September 28, 2018. Changes to the landscape plan may be made to accommodate environmental, engineering, architectural,

topographic, or other development conditions, or site plan approval requirements, as required by law and subject to the approval of the Director of the Department of Community Development. A copy of the final approved landscape plan shall be placed in the file with the Planning and Zoning Division of the Department of Community Development and shall supersede all previously filed landscape plans [Exhibit B].

8. Compliance with Applicable Laws

Prior to issuance of building permit and construction of tower, the tower site and tower must comply with all applicable local, state, and federal regulations as it related to compliance with the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC). Evidence of such compliance shall be submitted to the Director of the Department of Community Development or his designee prior to issuance of a building permit. Furthermore, this Use Permit may be terminated for violation of any applicable federal, state, or local law.

9. Public Safety

At no time may any equipment associated with the communication tower produce interference with the City of Hampton Public Safety Radio System. Any interference will be rectified by the tenant or carrier within 30 days of written notice by the City of Hampton.

10. Tower Removal

Should the tower cease to operate for a period of twenty-four (24) consecutive months, the Use Permit shall be considered nullified as set forth in condition #11 below, and the tower shall be considered abandoned and must be removed.

11. Nullification

The use permit shall automatically expire and become null and void under any of the following conditions:

- a. No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of the approval by City Council
- b. The Use Permit shall become null and void if the facility is not used for the permitted use for a period of twenty-four (24) consecutive months
- c. Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

12. Revocation

Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in Chapter 20 of the Zoning Ordinance.

GENERAL NOTES

1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES ORDINANCES, LAWS, AND REGULATIONS OF ALL MUNICIPALITIES, UTILITIES COMPANY OR OTHER PUBLIC AUTHORITIES.
2. THE GENERAL CONTRACTOR AND SUBCONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
3. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID DOCUMENTS SHALL NOT RELIEVE THE CONTRACTOR FROM RESPONSIBILITY FOR THE OVERALL INTENT OF THESE DRAWINGS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
5. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER RECOMMENDATIONS.
6. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
7. CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTH WITH RF ENGINEERING PRIOR TO INSTALLATION.
8. TRANSMITTER EQUIPMENT AND ANTENNAS ARE DESIGNED TO MEET ANSI/EIA/TIA 222-G REQUIREMENTS.
9. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
10. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
11. IF ANY UNDERGROUND UTILITIES OR STRUCTURES EXIST BENEATH THE PROJECT AREA, CONTRACTOR MUST LOCATE IT AND CONTACT THE APPLICANT & THE OWNERS REPRESENTATIVE.
12. OCCUPANCY IS LIMITED TO PERIODIC MAINTENANCE AND INSPECTION BY TECHNICIANS APPROXIMATELY 2 TIMES PER MONTH.
13. PRIOR TO THE INSTALLATION OF THE PROPOSED EQUIPMENT OR MODIFICATION OF THE EXISTING STRUCTURE, A STRUCTURAL ANALYSIS SHALL BE PERFORMED BY THE OWNER'S AGENT TO CERTIFY THAT THE EXISTING / PROPOSED COMMUNICATION STRUCTURE AND COMPONENTS ARE STRUCTURALLY ADEQUATE TO SUPPORT ALL EXISTING AND PROPOSED ANTENNAS, COAXIAL CABLES AND OTHER APPURTENANCES.
14. PROPERTY LINE INFORMATION WAS PREPARED USING DEEDS, TAX MAPS, AND PLANS OF RECORD AND SHOULD NOT BE CONSTRUED AS AN ACCURATE BOUNDARY SURVEY.
15. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
16. THE PROPOSED FACILITY WILL CAUSE ONLY A "DE MINIMIS" INCREASE IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
17. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
18. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION (NO HANDICAP ACCESS REQUIRED.)
19. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
20. POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.

NOTE:
PRIOR TO ATTACHING ANTENNAS AND MOUNTING SECTIONS, TOWER AND TOWER FOUNDATION MUST BE ANALYZED BY A LICENSED STRUCTURAL ENGINEER TO VERIFY TOWER IS CAPABLE OF SUPPORTING THE PROPOSED LOADS. REFER TO STRUCTURAL ANALYSIS BY OTHERS.

NOTE:
MOUNT COMPLIANCE IS BY OTHERS. NO NEW ANTENNA OR EQUIPMENT SHALL BE INSTALLED ON MOUNTS WITHOUT THE APPROVAL OF STRUCTURAL ENGINEER.

NOTE:
PROPOSED ANTENNA PLACEMENT LOCATION TO BE FIELD VERIFIED BY GENERAL CONTRACTOR PRIOR TO CONSTRUCTION TO AVOID ANY INTERFERENCE OR SHADOWING OF EXISTING ANTENNAS. IF INTERFERENCE OR SHADOWING OF EXISTING ANTENNAS IS DISCOVERED DURING FIELD VERIFICATION, PLEASE CONTACT ALLPRO CONSULTING GROUP INC. FOR DESIGN REVISION PRIOR TO ANY NEW ANTENNA INSTALLATION.

NOTE:
ALL INSTALLATIONS SHOULD BE IN COMPLIANCE WITH ANSI/ASSE A10.48 AND ANY OTHER SAFETY STANDARDS.

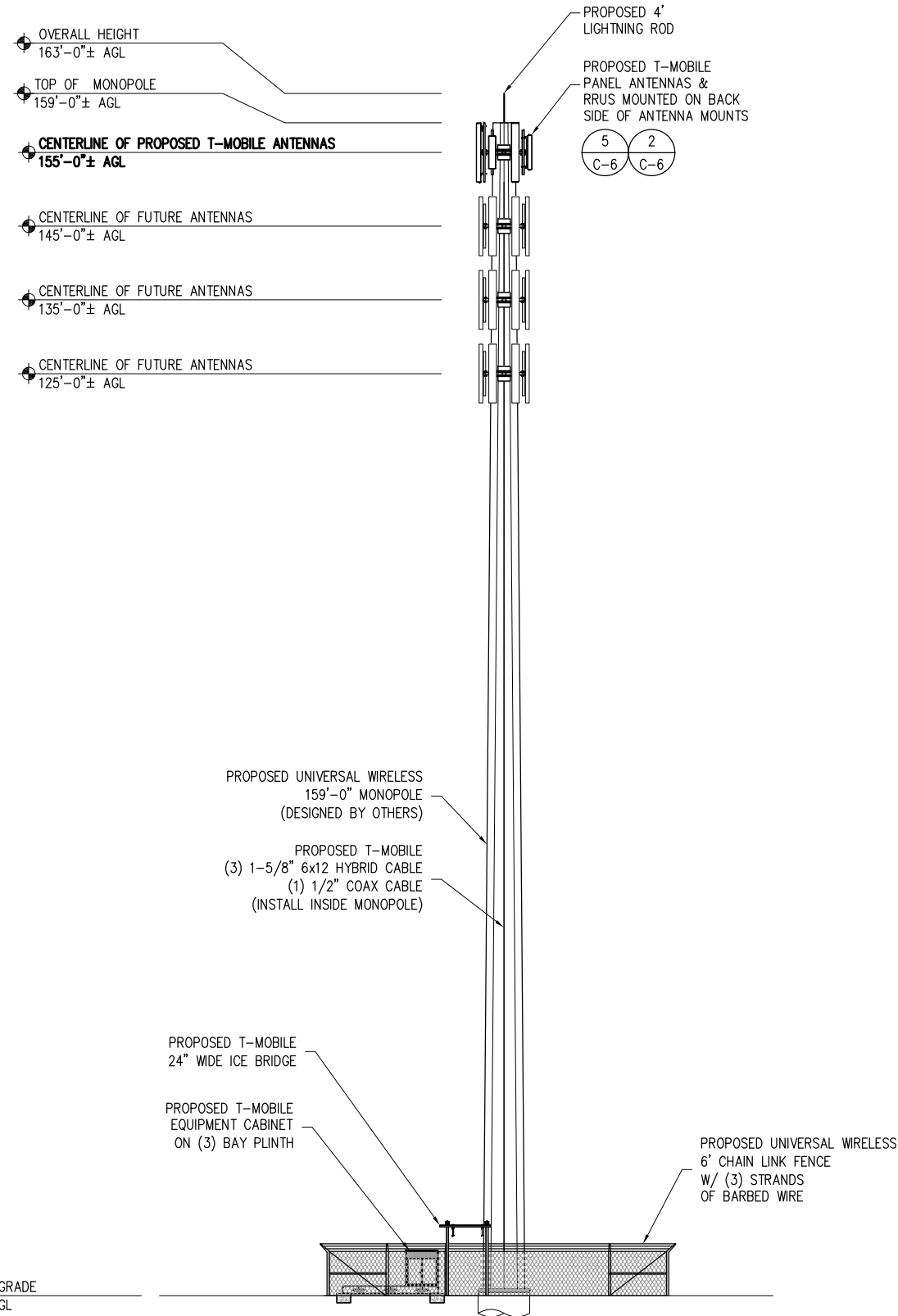


Exhibit A

APPLICANT
T-Mobile
NORTHEAST LLC
 324 MADISON MEWS
 NORFOLK, VA 23510

PROJECT MANAGEMENT FIRM

F.C.I.
 Towers
 Leaders in Communication Development and Construction Services

ENGINEER

ALLPRO
 CONSULTING GROUP, INC.
 9221 LYNDON B JOHNSON FREEWAY
 SUITE 204, DALLAS, TX 75243
 PHONE: 972-231-8893
 FAX: 866-364-6375
 WWW.ALLPROCG.COM

DRAWN BY: R. MADLOCK
 CHECKED BY: J. GEORGE
 ACGI JOB #: 18-4735, 18-1827, & 18-3917

REVISIONS			
NO	DATE	DESCRIPTION	BY
4	08/10/18	SITE RELOCATED	RM
3	07/09/18	BP COMMENTS	RM
2	07/02/18	TOWER HEIGHT	RM
1	06/28/18	BP COMMENTS	RM
0	05/22/18	FINAL CD	RM
C	05/08/18	REVISED PER REDLINES	RM
B	04/06/18	REVISED PER REDLINES	RM
A	03/28/18	ISSUED FOR REVIEW	RM

PROFESSIONAL STAMP
 COMMONWEALTH OF VIRGINIA
 JOJI M. GEORGE
 Lic. No. 039380
 NOT VALID WITHOUT
 P.E. STAMP & SIGNATURE

SHEET INFORMATION
VA70330D
H&S DEVELOPMENT GROUP
 700 GREENLAWN AVE
 HAMPTON, VA 23661
 CITY OF HAMPTON

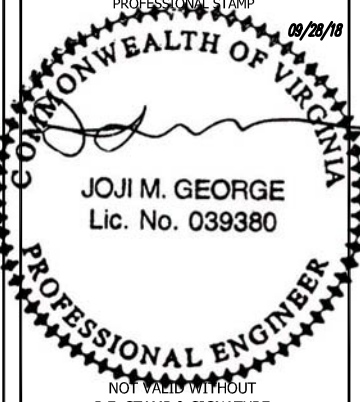
SHEET TITLE
ELEVATION

SHEET NUMBER
C-3

TOWER ELEVATION

FOR 24" X 36" PLOT - 3/32" = 1' 0 4' 8' 16'
 FOR 11" X 17" PLOT - 3/64" = 1' 1

REVISIONS			
NO	DATE	DESCRIPTION	BY
4	08/10/18	SITE RELOCATED	RM
3	07/09/18	BP COMMENTS	RM
2	07/02/18	TOWER HEIGHT	RM
1	06/28/18	BP COMMENTS	RM
0	05/22/18	FINAL CD	RM
C	05/08/18	REVISED PER REDLINES	RM
B	04/06/18	REVISED PER REDLINES	RM
A	03/28/18	ISSUED FOR REVIEW	RM

PROFESSIONAL STAMP
 09/28/18

JOJI M. GEORGE
 Lic. No. 039380
 NOT VALID WITHOUT P.E. STAMP & SIGNATURE

SHEET INFORMATION
VA70330D
H&S DEVELOPMENT GROUP
 700 GREENLAWN AVE
 HAMPTON, VA 23661
 CITY OF HAMPTON

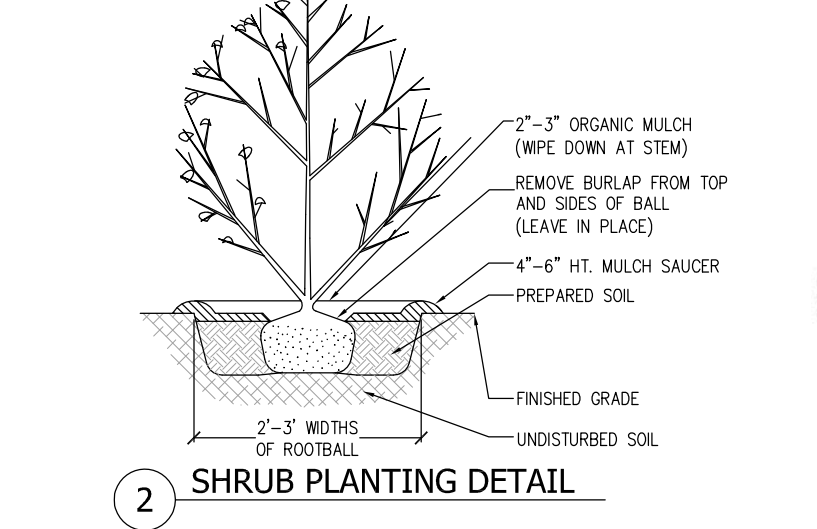
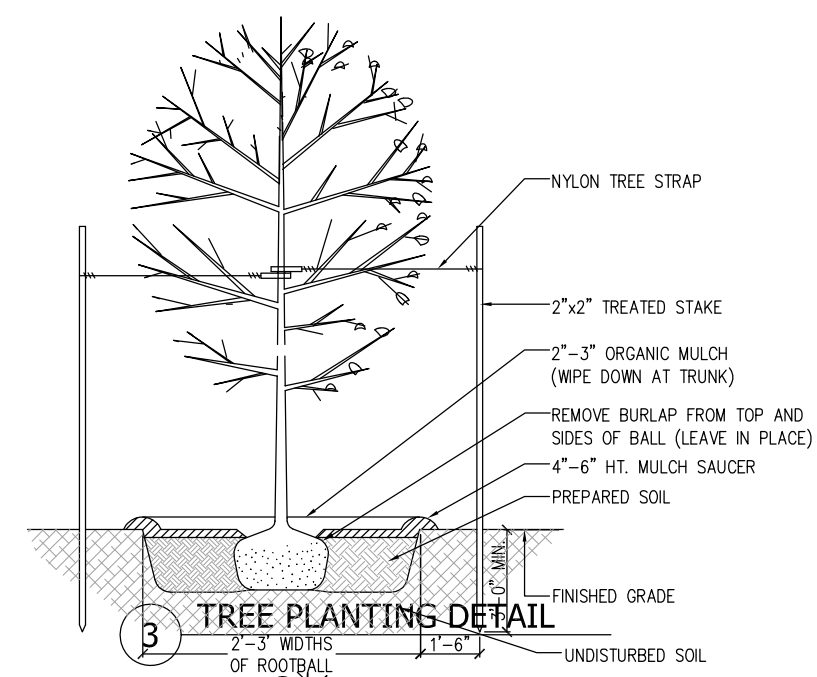
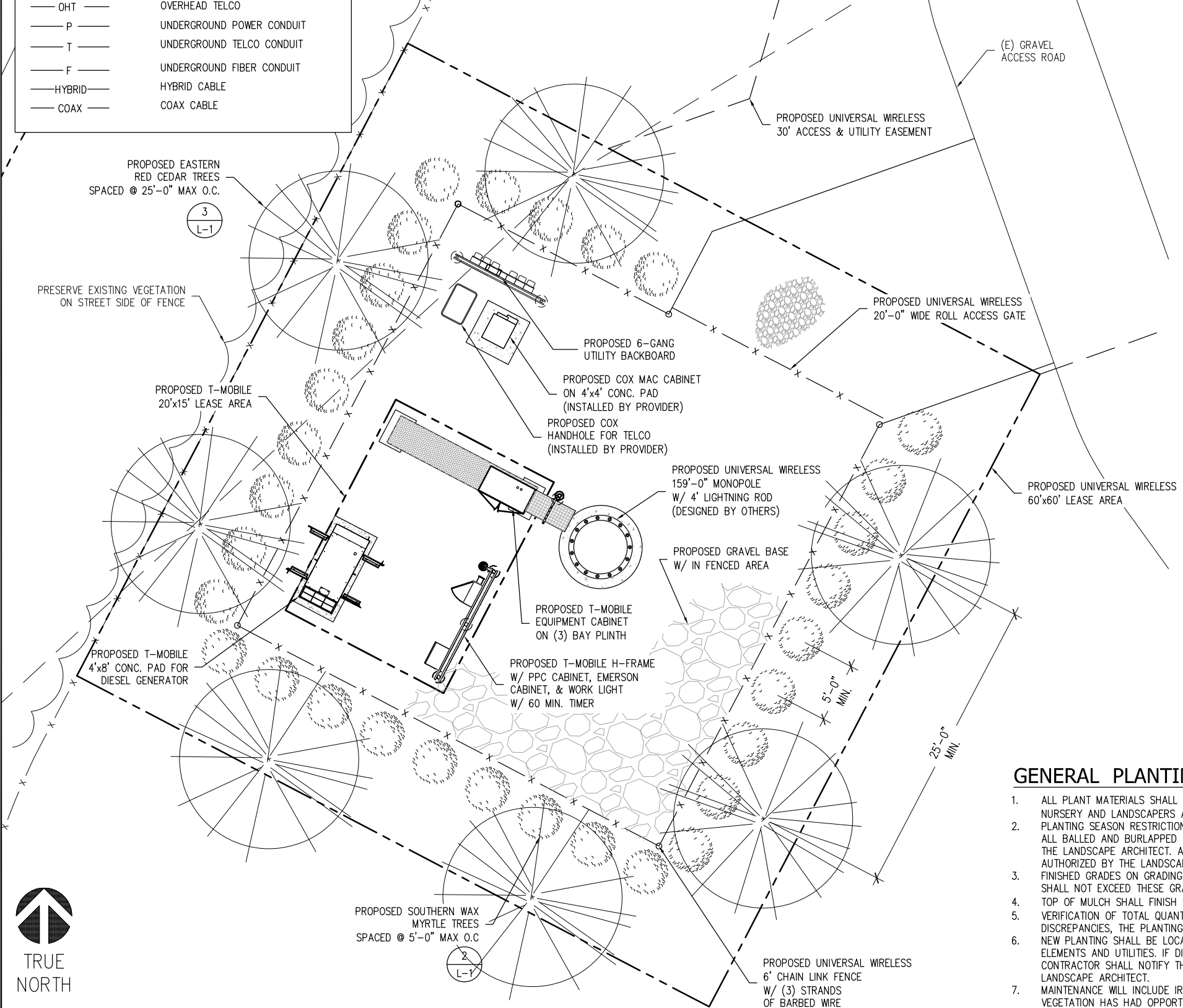
SHEET TITLE
LANDSCAPE PLAN

SHEET NUMBER
L-1

PLANTING SCHEDULE							
TYPE	BOTANICAL NAME	COMMON NAME	CALIPER	HEIGHT	SPREAD	QUANTITY	REMARKS
CD	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	1 3/4" MIN.	4'-6'	25' O.C.	7	FULL, DENSE. PLANT AS SHOWN

*TREE CONTAINER TO BE MIN. 25 GAL OR EQUIVALENT BALL AND BURLAP.

LEGEND	
PROPOSED (E)	NEW
---	EXISTING
---	CENTER LINE
---	PROPERTY LINE
-X-	FENCE LINE
---	EASEMENT LINE
—OHP—	OVERHEAD POWER
—OHT—	OVERHEAD TELCO
—P—	UNDERGROUND POWER CONDUIT
—T—	UNDERGROUND TELCO CONDUIT
—F—	UNDERGROUND FIBER CONDUIT
—HYBRID—	HYBRID CABLE
—COAX—	COAX CABLE



GENERAL PLANTING NOTES:

- ALL PLANT MATERIALS SHALL BE SPECIFIED TO BE EQUAL TO OR BETTER THAN THE STANDARDS FOR NURSERY STOCK, BY THE AMERICAN NURSERY AND LANDSCAPERS ASSOCIATION (ANLA).
- PLANTING SEASON RESTRICTIONS:
 ALL BALLED AND BURLAPPED PLANTS SHALL BE INSTALLED BETWEEN OCTOBER 1 AND NOVEMBER 15 UNLESS OTHERWISE AUTHORIZED BY THE LANDSCAPE ARCHITECT. ALL CONTAINER GROWN PLANTS SHALL BE INSTALLED BETWEEN SEPTEMBER 15 AND MAY 15 UNLESS OTHERWISE AUTHORIZED BY THE LANDSCAPE ARCHITECT.
- FINISHED GRADES ON GRADING PLANS THAT OCCUR IN SHRUB BEDS SPECIFY TOP OF FINISHED MULCH GRADES. LANDSCAPE CONTRACTOR SHALL NOT EXCEED THESE GRADES WHEN BEDS ARE COMPLETE.
- TOP OF MULCH SHALL FINISH 1" BELOW ADJACENT PAVEMENT.
- VERIFICATION OF TOTAL QUANTITIES AS SHOWN IN THE "PLANT SCHEDULE" SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. UPON DISCREPANCIES, THE PLANTING PLAN SYMBOLS SHALL GOVERN.
- NEW PLANTING SHALL BE LOCATED AS SHOWN ON PLANS. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL SITE ELEMENTS AND UTILITIES. IF DISCREPANCIES OCCUR, OR IF OBSTRUCTIONS BELOW GROUND OR OVERHEAD ARE ENCOUNTERED, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT. NECESSARY ADJUSTMENTS SHALL BE MADE ONLY UPON APPROVAL OF THE LANDSCAPE ARCHITECT.
- MAINTENANCE WILL INCLUDE IRRIGATION AND THE REMOVAL OF INVASIVE CLIMBERS FROM PROPOSED VEGETATION UNTIL THE PROPOSED VEGETATION HAS HAD OPPORTUNITY TO BECOME ESTABLISHED.

