STAFF EVALUATION

To: Planning Commission	• •	Tolu Ibikunle, AICP Mike Hayes, AICP Bonnie Brown Sr. Asst. C	728-5237 728-5244 ity Attorney
		Bonnie Brown, Sr. Asst. City Attorney	

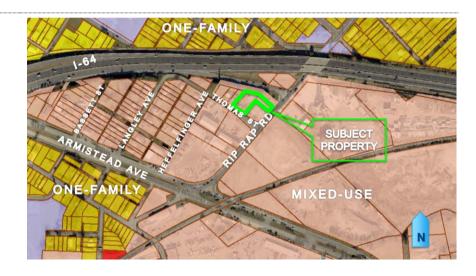
Case No.: Use Permit Application No. 17-00014

Date: December 21, 2017

General Information		
Applicant	Sectorsite LLC	
Property Owner	Sally Groome Powell, Trustee of the Sally Groome Powell Revocable Trust	
Location	332 Rip Rap Road [LRSN 13004594]	
Requested Use	Use Permit to allow for a commercial communications tower.	
Description of Proposal	Sectorsite LLC representing T-Mobile is proposing to construct and operate a commercial communication tower (monopole) that can accommodate at least three (3) users or cell phone carriers. The proposed tower has an overall height of 125' (120' structure plus a 5' lighting rod), along with the associated ground equipment for utilities. The tower will be located within a \pm 1,849 SF compound and made out of galvanized steel. The communications tower compound will be unmanned, with quarterly site visits completed by technicians for maintenance purposes. The communications tower will not emit any odors or produce a glare from lighting.	
Existing Land Use	There are businesses such as a landscaping company, and a ship repair shop that fronts Rip Rap Rd. There is also a furniture making	

	and art store that shares the same address as the proposed communication tower; however, the section of the property where the proposed tower would be located is in the rear of the site where there are no buildings.
Zoning	The property is currently zoned Heavy Manufacturing (M-3) and Flood Zone Overlay (O-FZ) (X, X500).
Surrounding Land Use and Zoning	 North: Interstate 64 exit ramp, Heavy Manufacturing District (M-3); residences located on the other side of Interstate 64, One-Family Residence District(R-9). South: Thomas St, Rip Rap Rd; retail and manufacturing businesses such as a landscaping company and a ship repair shop, Heavy Manufacturing District (M-3) East: Rip Rap Rd, a furniture making and art store, a concrete mixing business that has ceased operation but the facility still exists, Bright's Creek, vacant land, Heavy Manufacturing District (M-3) West: Residences, Heffelfinger Ave, Heavy Manufacturing District (M-3)







The <u>Hampton Community Plan</u> (2006, as amended) recommends mixed use development for the subject parcel and most of the properties that are bounded by Interstate-64, Rip Rap Road, and Armistead Ave, and the Bright's Creek area.

Policies related to this request are listed below:

LU-CD Policy 11: Promote high quality site design and site planning that is compatible with surrounding development. [p. LU-17]

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. [p. CF-33]

The <u>Hampton Community Plan</u> details criteria when siting communication towers through the use of a Placement Hierarchy. The Placement Hierarchy included in the Plan identifies a list of preferred areas that will have minimal impact on the community for guidance in evaluating proposals for communication towers. There are nine (9) levels ranging from most preferred to the least preferred areas.

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	 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 <u>Hampton Zoning</u> <u>Ordinance</u> , Section 3-3 (34) includes standards related to commercial communication towers. The Zoning Ordinance also references Section 3-11(a) of the <u>City of Hampton Landscape</u> <u>Guidelines</u> for landscaping and screening requirements.
Traffic	There are no foreseen negative impacts to traffic.
Community Meeting	A community meeting was held on Tuesday December 7, 2017.

Analysis

Use Permit Application No. 17-00014 is a request to permit the operation of a commercial communications tower at 332 Rip Rap Road [LRSN: 13004594], which is on the west side of Rip Rap Road, near the Interstate 64 Rip Rap Road exit ramp. The subject property contains approximately 0.49<u>+</u> acres.

Sectorsite LLC representing T-Mobile is proposing to construct and operate a commercial communication tower (monopole) that can accommodate approximately three (3) users or cell phone carriers. The proposed tower has an overall height of 125' (120' structure plus a 5' lighting rod), along with the associated ground equipment for utilities. The tower will be located within a 1,849<u>+</u> SF compound and made out of galvanized steel. The communication tower compound will be gated with a fence no more than eight (8) feet tall and landscaped with a combination of evergreen trees and shrubs for proper screening. The communications tower will not emit any odors or produce a glare from lighting.

As part of this use permit application, the applicant submitted propagation maps, which are maps that illustrate the location of existing communication towers with mobile telecommunications and data coverage availability to illustrate the existing gaps in coverage. The applicant is proposing this communication tower because of data coverage gaps that exist in the vicinity of the subject parcel.

The property is currently zoned Heavy Manufacturing (M-3) and is covered by the Flood Zone Overlay (O-FZ) (X, X500). Per the <u>Hampton Zoning Ordinance</u>, both zoning districts allow for a commercial communications tower with a use permit.

The Zoning Ordinance also references Section 3-11(a) of the <u>City of Hampton Landscape Guidelines</u> for landscaping and screening requirements. The landscape guidelines require at least one row of evergreen trees and shrubs.

"For towers 200 feet or less in height, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided with individual plantings spaced not more than five (5) feet apart and at least one (1) row of evergreen trees with a minimum caliper of one and three fourths (1³/₄) inches *(industry standard for an evergreen tree is 8')* at the time of planting and spaced not more than 25 feet apart shall be provided within 15 feet of the perimeter of the setback area."

The <u>Hampton Community Plan</u> (2006, as amended) recommends mixed use land use for this site and most of the surrounding properties. The Community Plan recommends promoting high quality site design and site planning that is compatible with surrounding development and encouraging the location of new communication towers at preferred sites described on a "placement hierarchy". The Community Plan contains a "placement hierarchy" that prioritizes different types of sites for new communication facilities by preference. The most preferred sites are co-location on existing towers, tall buildings, and approved school properties; the least preferred sites include residential areas, parks, and scenic views. Third on the "placement hierarchy" list is industrial areas - the communication tower is proposed in an industrially zoned area; however, the surrounding land uses include a combination of existing residential, commercial, and industrial uses.

As part of the Community Plan and Zoning requirements, the applicant submitted documentation that demonstrated the need for a new communication tower based on the "placement hierarchy", meaning no site higher on the hierarchy met the needs to fill the coverage gap. A detailed description is provided below:

- 1. **Co-location on Existing Towers:** The applicant submitted a propagation or coverage map showing the location of all existing towers within a 1 mile radius of the subject property. The following sites were considered:
 - a. Eaton Street Tower: there is an existing Verizon tower 0.87 miles away on Eaton Street in Downtown Hampton. This tower is outside of the desired coverage area.
 - b. Ruppert Sargent Building: this building is located 0.34 miles outside the coverage area.
 - c. Thomas Street (near the Super 8 Motel): T-Mobile has existing antennas on this tower.
- 2. **Tall Buildings and Structures:** there is an existing 60' billboard located 0.04 miles from the proposed structure; however, it is too low and cannot meet the applicant's coverage objectives.
- 3. **Industrial areas**: the communication tower is proposed in an industrially zoned area which is third on the Placement Hierarchy; however, the surrounding land uses include a combination of existing residential, commercial, and industrial uses.
- 4. Approved School Properties: A mile and a half away, Tyler Elementary School is the school on the pre-approved school site list that is closest to the subject property; however, it is too far away from the coverage gap area and will not meet the applicant's goal.

In addition to adhering to the <u>Zoning Ordinance</u>, <u>Landscape Guidelines</u>, and the <u>Hampton Community</u> <u>Plan</u> (2006, as amended), staff is recommending eleven (11) conditions to mitigate any adverse impacts to adjacent properties and to ensure compliance with applicable codes and ordinances. Those conditions include the following:

- The tower must be constructed in substantial conformance with the concept plan;
- the height of the tower will be limited to 120', and will be of a galvanized steel monopole construction;
- the tower and associated ground level equipment will be required to be fenced by an eight (8) foot high chain link fence;
- it will be screened with landscaping in accordance with the <u>City of Hampton Landscape</u> <u>Guidelines;</u>
- compliance with all applicable state and federal regulations, and other standard conditions typically attached to a use permit for a communications tower; and
- the tower will have space to accommodate at least three (3) cell phone carriers.

After an analysis of this Use Permit application, staff is recommending approval with eleven (11) conditions for the following reasons:

1. The proposal meets the requirements for siting a communication tower in the Zoning Ordinance. The location of the proposed tower is zoned M-3, which is the appropriate zoning classification for a commercial communications tower and ranks in the top four on the "placement hierarchy" for preferred sites. Staff recognizes that if the communication tower is approved it will be constructed adjacent to an existing single family property; as a result, the applicant will be required to adhere to the screening requirements stipulated in the City of Hampton Landscape Guidelines by providing landscaping along all sides of the compound. Additionally, the landscaping will be provided along the property line adjacent to the single family home to ensure proper screening; as well as, the property line abutting the Interstate-64 exit ramp. 2. The proposal is consistent with the <u>Hampton Community Plan</u>, (2006 as amended). In accordance with the "placement hierarchy" in the Community Plan, the applicant has demonstrated that the existing communication towers, buildings, or other high structures within the coverage area cannot accommodate their objectives for improving the coverage gap.

Based on the analysis of this proposal, staff recommends approval of Use Permit Application No. 17-00014 with eleven (11) conditions.

Use Permit Application No. 17-00014 Sectorsite LLC 53 S. Jefferson Rd., Suite M Whippany, NJ 07981

Conditions

1) Issuance of Permit

The Use Permit applies only to 332 Rip Rap Road [LRSN 13004594], 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 at least three (3) carriers.

3) Location of Tower/Site Plan

The site shall be constructed in substantial conformance with the conceptual site plan packet entitled "Sectorsite Communications Site Development; Sectorsite Site Number: VA-112" prepared by Advantage Engineers and date November 17, 2017. 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 [Exhibit A-Exhibit E].

4) Tower Height

The tower height shall be no more than 120'.

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 Advantage Engineers and dated November 17, 2017. [Exhibit B]

6) Fencing

A fence of no more than eight (8) feet in height shall be installed and maintained completely surrounding the tower and equipment compound. [Exhibit C, Exhibit D]

7) Landscaping

The site shall be developed and maintained in substantial conformance with the plan entitled "Landscape Plan, Details, & Notes" dated November 17, 2017 prepared by Advantage Engineers. 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 E]. Any landscaping removed due to the expansion of the ground lease area shall be replaced around the future fenced lease area in accordance with the <u>City of Hampton Landscape Guidelines</u>.

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) 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 #10 below, and the tower shall be considered abandoned and must be removed.

10) 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;

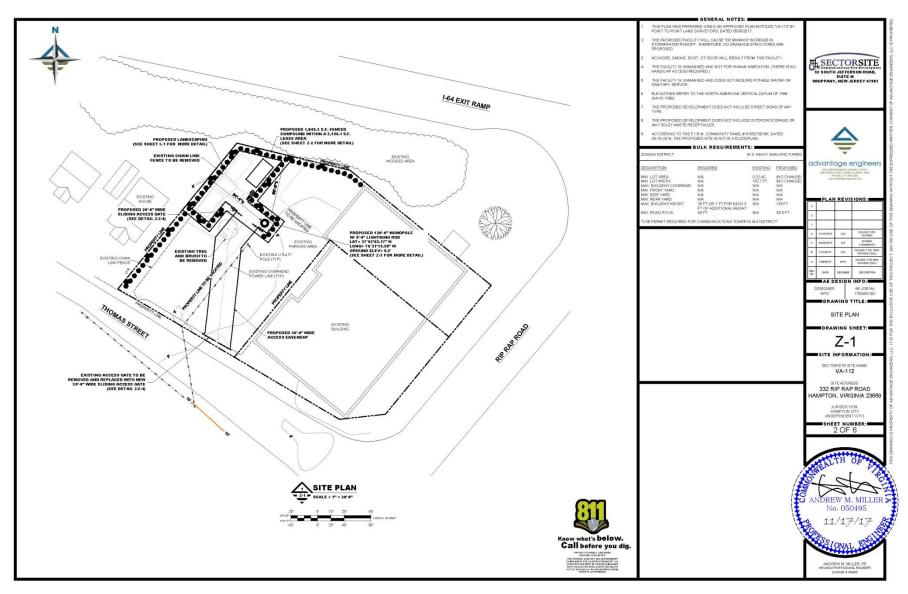
(b) The Use Permit shall become null and void if the facility is not used for the permitted use for a period of twenty-four (24) consecutive months;

(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.

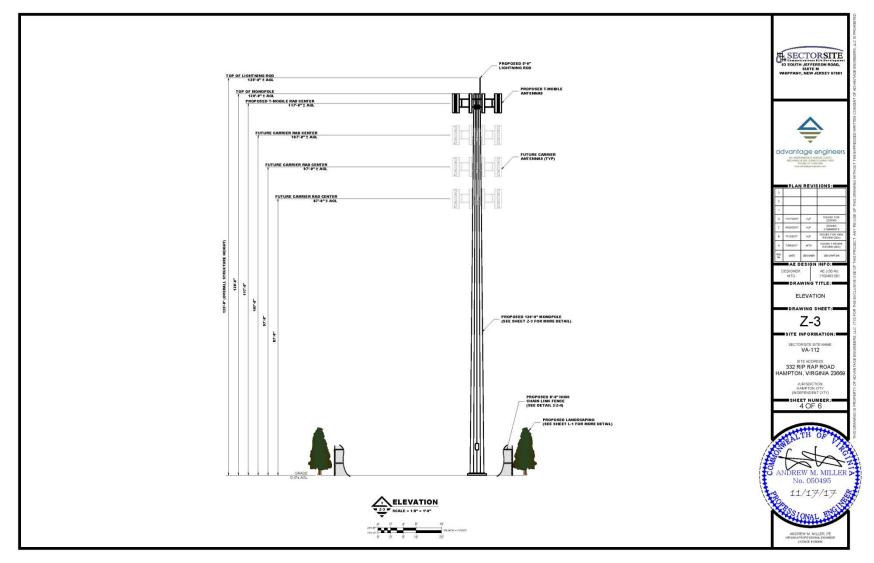
11) Revocation

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.

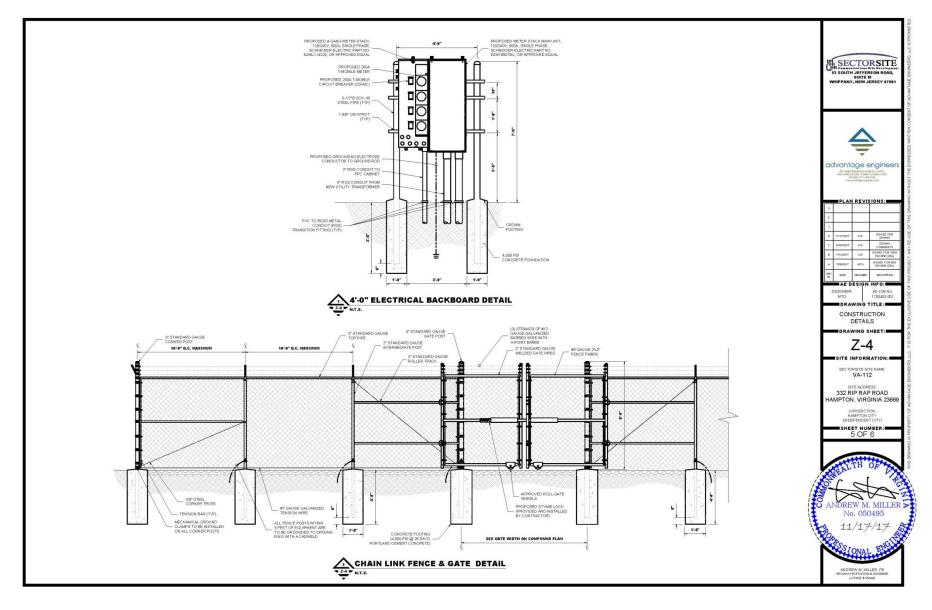












Use Permit Application No. 17-00014



