

STAFF EVALUATION

Case No.: Use Permit No. 24-0456

Planning Commission Date: December 19, 2024

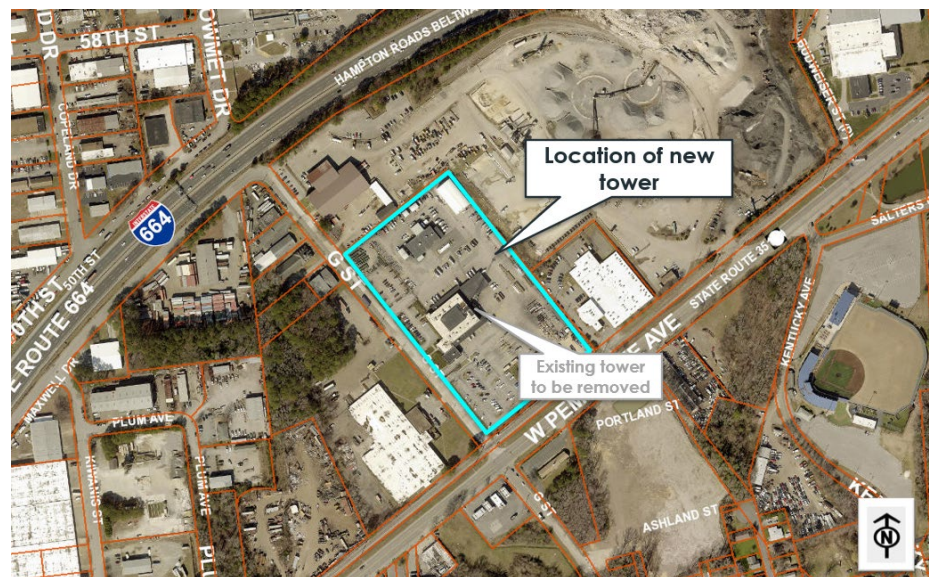
City Council Date: January 8, 2025

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Reviewed By:	Jessica Kraus, Assistant City Attorney	

General Information

*Applicant/
Property Owner* Virginia Electric and Power Company

Site Location 902 G Street [LRSN: 1000699]



Requested Action Use Permit to relocate and operate a communication tower not to exceed a maximum height of one-hundred and eighty (180) feet.

Description of Proposal The applicant is proposing to remove the existing 150-foot high steel lattice-style communications tower, which is currently located next to the east side (rear) of the building; and locate a new 170 foot steel lattice, self-supporting communication tower near the eastern property boundary, adjacent to Branscome Paving Company. The new tower would include the associated new antennas and ground equipment. Use Permit No. 388 was approved in 1977 to permit the existing tower.

Existing Land Use Industrial/Communication Tower

Applicable Regulations

The M-2 District allows for a commercial communication tower, subject to securing an approved Use Permit.

State and federal law limit the factors a locality can consider when evaluating a proposal for a communication tower.

A locality CAN consider the following in their analysis:

- The height, bulk, size, and location of the tower
- The availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.

A locality CANNOT consider the following their analysis:

- Perceived environmental or health impacts of the proposed tower
- Unsupported opinions, conjecture, or speculation
- Preference for one cell-service provider over another
- The basis of need for the project

Surrounding Land Use and Zoning

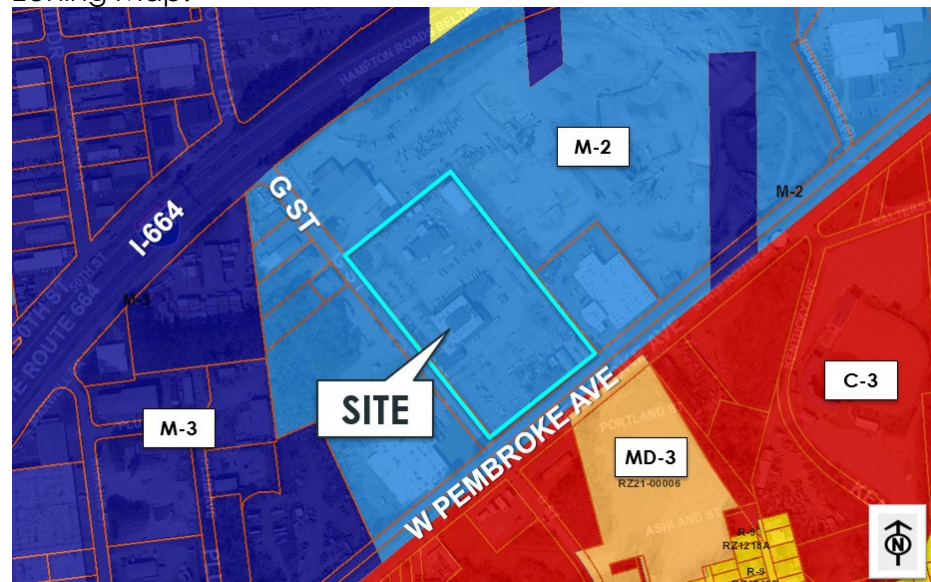
North: Light Manufacturing (M-2) District; industrial

South: General Commercial (C-3) and Multiple Dwelling (MD-3) Districts; general retail; multifamily residential

East: Light Manufacturing (M-2) District; industrial

West: Light Manufacturing (M-2) District; industrial

Zoning Map:

*Public Policy****Hampton Community Plan***

The Hampton Community Plan (2006, as amended) provides goals, objectives, and policies for the future of Hampton, which includes recommendations for appropriate land uses. The future land use map recommends business/industrial for the subject property.



Listed below are policies related to this request:

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

LU-CD Policy 7: Safeguard the integrity of existing residential neighborhoods.

LU-CD Policy 30: Follow a master planning process for districts to identify and address land use and community design issues that are unique to individual districts.

CF Policy 45: Coordinate with service providers and plan for replacement, maintenance, and expansion of local infrastructure.

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.

Most Preferred



Least Preferred

Parking/Traffic

As this is an existing use and operation on the subject site, the tower relocation is not anticipated to have negative impacts on parking and traffic.

Community Meeting To date, the applicant has not scheduled a community meeting.

Analysis

Use Permit Application No. 24-0456 is a request to relocate and operate a communication tower at 902 G Street [LRSN: 1000699]. The property is currently zoned Light Manufacturing (M-2) District which allows for the proposed use, subject to an approved use permit. However, the City's review of the use permit application is limited by state and federal law, and shall not include the following:

- perceived environmental or health impacts of the proposed tower;
- unsupported opinions, conjecture, or speculation;
- preference for one cell-service provider over another; or
- the basis of need for the project.

The Virginia Electric and Power Company proposes to replace the existing self-supporting tower structure with a new and modern self-supporting, lattice style structure. The existing tower, located adjacent to the building on the east side (rear), was permitted by Use Permit No. 388 which was granted in 1977. The new 170-foot tower would be located further away from the building near the eastern property line, adjacent to Branscome Paving Company. In addition to the tower, ground infrastructure, including a cabinet is featured as part of the application. The applicant proposes using the new structure in a similar manner as the current tower, which is to provide communication between facilities and work crews. The privately owned structure will have sufficient capacity to allow Dominion to mount the equipment that is essential to meet their daily operations. Although the tower will be capable of accommodating future providers, colocation of equipment by non-Dominion entities is not a priority nor the essential purpose of the structure at the present time. Should the need arise, the applicant is open to considering future colocations.

The Hampton Community Plan (2006, as amended) recommends business/industrial use for the property. The Community Plan speaks specifically to communications and other technologies. Furthermore, the Community Facilities chapter of the Community Plan encourages coordinating with service providers and plans for replacement, maintenance, and expansion of local infrastructure. Given that there is an existing tower on site with the purpose of supporting the existing Dominion Power operation as well as the surrounding commercial and industrial land uses, the new relocated tower and height appears to be appropriate. It is unlikely that the new tower location would cause appreciable aesthetic impacts to surrounding industrial and commercial area. Additionally, as conditioned, the applicant would install vegetation along the Pembroke Avenue/railroad property boundary to screen the property and lower portion of the new tower. This is an alternative design to meet screening requirements in a way that best suits the site.

The screening conditions is not the only condition proposed, if the use permit is to be granted, staff has identified nine (9) recommended conditions based upon the proposed use's operational and land use characteristics. A few key conditions are highlighted below:

- Limited to the subject property

- Tower Height – although the proposed tower height is 170 feet, there is a 6-foot-tall lightning rod which is included in the overall height of 176 feet, which is consistent in determining the overall height of similar towers. Thus, this condition limits the maximum overall height to 180 feet.
- Site Design
 - Compliance with elevations
 - Compliance with site concept plan
- Public Safety
- Removal of Tower

Staff recommends **APPROVAL** of Rezoning Application No. 24-0456 with nine (9) conditions.