

# STAFF EVALUATION

**To:** City Council

**Prepared By:** Garek Hall Hannigan 727-6057  
**Reviewed By:** Mike Hayes, AICP 728-5244  
Bonnie Brown, Deputy City Attorney

**Case No.:** Use Permit Application No. 21-00011

**Date:** November 10, 2021

## General Information

*Applicant* Cellco Partnership (d/b/a Verizon Wireless)

*Applicant Agent* Network Building + Consulting, LLC

*Property Owner* Phoebus Recreation Association Inc.

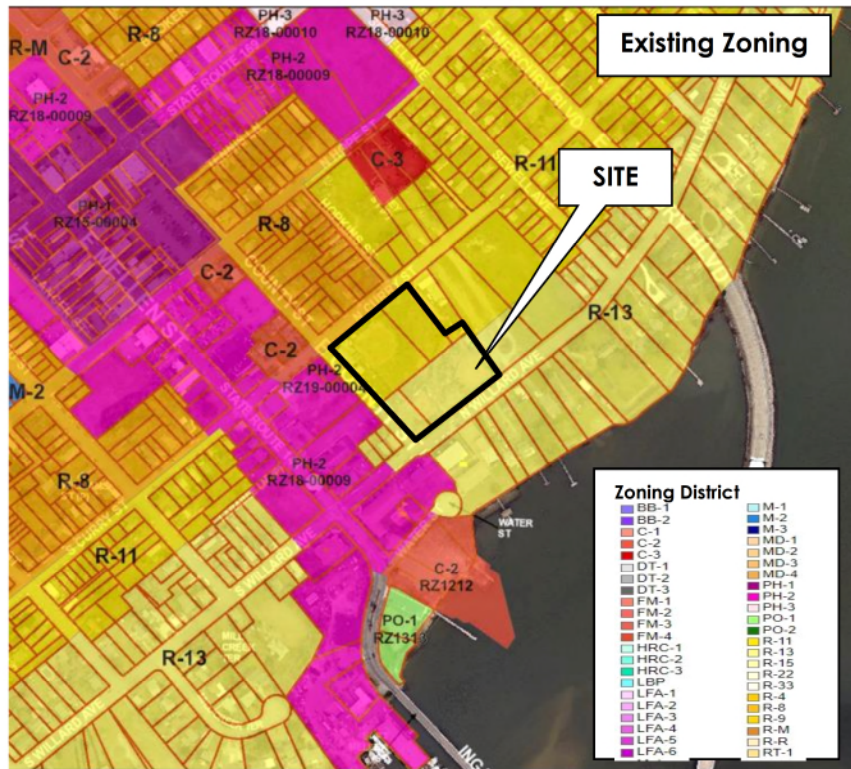
*Location* 4 N. Curry Street [LRSN 12001849]  
16 N. Curry Street [LRSN 12001893]  
20 N. Curry Street [LRSN 12001892]  
11 N. Willard Avenue [LRSN 12001885]  
19 N. Willard Avenue [LRSN 12001886]



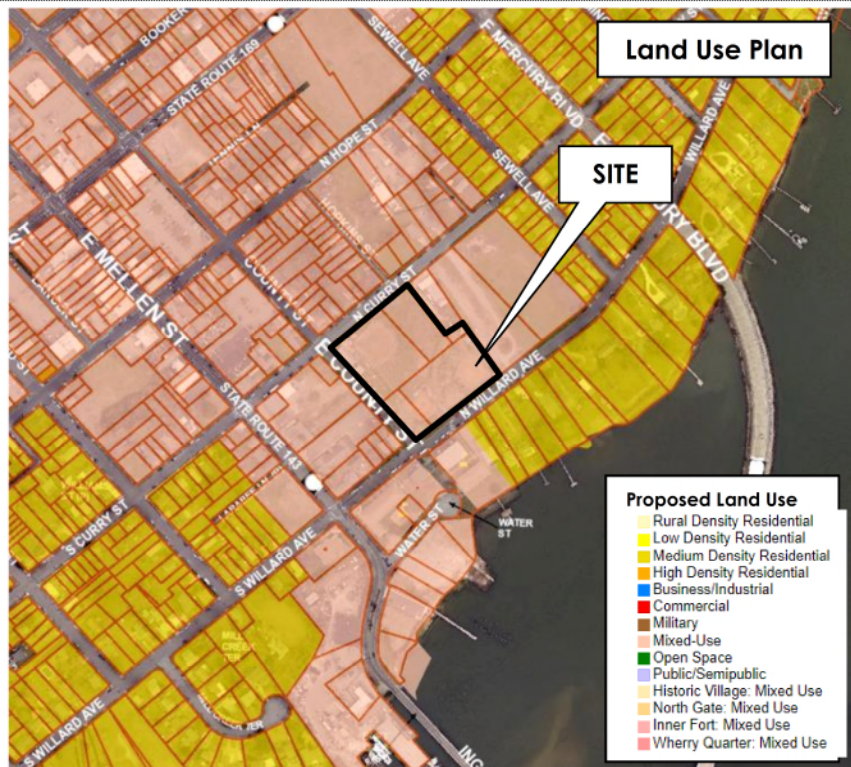
*Requested Action* Use Permit to allow for the construction and operation of a commercial communications tower.

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| <i>Description of Proposal</i>         | <p>The applicant is proposing to construct and operate a commercial communication tower that can accommodate two (2) users. The proposed tower would be a monopole constructed of galvanized steel. The tower has a proposed overall height of 134', which includes the 4' lightning rod. The tower would replace an existing ballfield light pole and provide lighting for two (2) ballfields.</p> <p>The ground mounted equipment for the commercial communication tower is proposed to be approximately 70' from the base of the tower and enclosed within a ±1,500 square foot fenced compound. The compound's chain-link fence is proposed to be six feet tall, treated in black vinyl, and draped with a netting to prevent anything from landing within the compound.</p> |
| <i>Existing Land Use</i>               | Phoebus Recreation Association - Recreation Facility/ Baseball Field   |
| <i>Zoning</i>                          | The property is currently zoned One Family Residential District (R-11) and One Family Residential District (R-13), which allows for the construction and operation of a commercial communications tower with an approved Use Permit.   |
| <i>Surrounding Land Use and Zoning</i> | <p><b>North:</b> Two Family Residential District (R-8); Dwellings.</p> <p><b>South:</b> One Family Residential District (R-13); Religious facility, private school, St. Mary Star of the Sea</p> <p><b>East:</b> One Family Residential District (R-11) and One Family Residential District (R-13); Vacant, dwellings.</p> <p><b>West:</b> Phoebus Town District (PH-2) and One Family Residential District (R-13); Retail sales, microbrewery, private club, dwellings.</p>   |





Public Policy



The Hampton Community Plan (2006, as amended) provides goals, objectives, and policies for the future of Hampton, which includes recommendations for appropriate land uses.

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The recommended land use for the subject property is Mixed-Use

Policies related to this request are listed below:

**LU-CD Policy 4:** Evaluate land use proposals from a regional, city-wide 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 46:** 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.



This property is also within the Phoebus Master Plan (2007, as amended) Initiative Area 4: Railroad Right-of-Way. This initiative area recommends maintaining and potentially expanding the recreational fields.



Aerial view of collaborative plan



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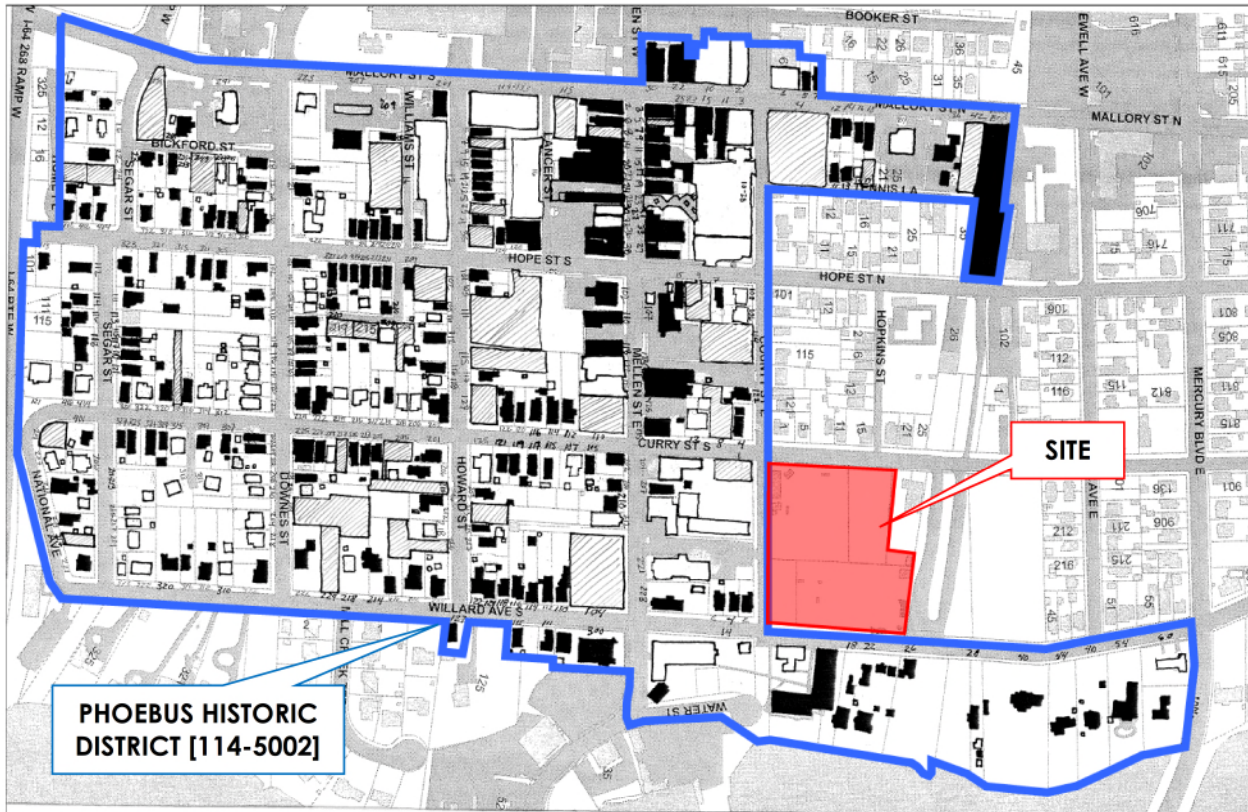
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|-------------------------------|--|
| <i>Applicable Regulations</i> | The R-11 District and R-13 District allow for commercial communication towers, subject to approval of a Use Permit; furthermore, the <u>Hampton Zoning Ordinance</u> , Section 3-3 (34) includes standards related to commercial communication towers. The Zoning Ordinance also references Section 3-11(a) of the <u>City of Hampton Landscape Guidelines</u> for landscaping and screening requirements. |
| <i>Traffic</i>                | The proposed tower does not include any offices and is unmanned. There are no foreseen negative impacts to traffic.  |

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## Analysis

Use Permit Application No. 21-00011 is a request to permit the operation of a commercial communication tower at 4 N. Curry Street [LRSN 12001849], which is located across from the St. Mary Star of the Sea School. The property is currently the site of the Phoebus Recreation Association baseball fields and is zoned One Family Residential District (R-11, R-13), which allows for a commercial communications tower with a use permit. The applicant, representing Verizon Wireless, is proposing to construct and operate a monopole commercial communication tower that can accommodate two (2) users. The proposed tower has an overall height of 134' (130' tower and 4' lightning rod). The applicant proposes to replace an existing ballfield light pole with this tower, and will relocate the existing lights on the proposed communication tower. The associated ground equipment will be located within a  $\pm 1,500$  square foot fenced compound which is located approximately 70' from the tower. A 5' landscaped buffer will be planted outside the fenced area along the north, south, and west elevation of the compound. The east elevation of the compound backs up to an existing ballfield. Both the proposed tower and associated equipment compound will not have an adverse impact on the current operation of this site as a recreational ballfield facility: The commercial communication tower will be accessory to the primary use of this site.

The applicant has stated that a communication tower at this location is needed to meet the capacity needs due to the dense population of the area, as well as the high traffic counts along Interstate 64. The applicant has elected not to provide the proprietary propagation maps for the project. Under House Bill 1258, which was approved April 18, 2018, localities can no longer require that applicants provide proprietary, confidential, or other business information to justify the need for the project, such as propagation maps. However, the applicant has provided a map of existing and proposed communication towers around the subject site. This map indicates that the nearest Verizon tower is approximately .5 miles north of the subject site at 532 E. Mercury Boulevard [LRSN 12001708]. This map also indicates that the water tower at 100 Emancipation Drive [LRSN 13003532] is a future proposed co-location site for Verizon, which the applicant states will work in tandem with this proposed site in order to alleviate the capacity needs.



Phoebus Historic District [114-5002] Nomination Boundary Map.

Due to the proximity of the subject site to the Phoebus Historic District, which is recognized on both the National Register of Historic Places and the Virginia Landmarks Register, staff consulted with the Virginia Department of Historic Resources (DHR) in order to ensure that the proposed communication tower would not detract from the integrity of the historic district. The response from DHR regarding this project was equivocal: DHR opined that the project, as presented, will blend in with the existing context of the baseball fields, but DHR also believed that siting the tower further from the boundaries of the historic district would be more preferable in regards to the Phoebus Historic District.

The Hampton Community Plan (2006, as amended) recommends mixed-use for the subject site and many of the adjacent properties. The Community Plan speaks specifically to changing communications and other technologies, and defines a "placement hierarchy" to assist in the evaluation of proposed new communication tower placement. 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;
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 medium density residential and Park 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 Verizon to reach their coverage objectives.
2. **Tall Buildings and Structures:** The nearest tall structure is the water tower at 100 Emancipation Drive which Verizon intends on utilizing in the near future to reach their coverage objectives in tandem with this proposed site.
3. **Large Industrial Sites and Parks:** There are no industrial sites nor industrial parks in close proximity to the Phoebus neighborhood and the subject site that would allow Verizon to reach their coverage objectives.
4. **Approved School Properties:** There are no approved school properties in close proximity to the Phoebus neighborhood that would allow Verizon to reach their coverage objectives.
5. **Commercial Areas:** The Phoebus neighborhood does not feature a large, open commercial area akin to the Coliseum Central district – Phoebus is made up of a historic downtown commercial core surrounded by low to medium density residential neighborhoods. Additionally, the commercial core of Phoebus significantly contributes to the Phoebus Historic District, and siting the proposed tower may have a greater impact on the historic district as a whole.
6. **High Density Residential Areas:** There are no high density residential areas in close proximity to the Phoebus neighborhood and the subject site that would allow Verizon to reach their coverage objectives.

Given the coverage objectives which Verizon is seeking to fulfill with this proposed communication tower, and utilizing the placement hierarchy, this is a suitable location for a communication tower within the Phoebus neighborhood, per the hierarchy found within the Hampton Community Plan (2006, as amended). Furthermore, the proposed communication tower would not be inconsistent with the recommendations of the Phoebus Master Plan (2007, as amended), which calls for the maintenance and possible expansion of the recreation facility. If approved, staff recommends ten (10) conditions to this application in order to mitigate any potential impacts from the use. These conditions include limiting the height of the tower to 134' feet (including all projections), the antenna mount design, and a conceptual site plan, maintaining the primary use of the site as a recreational facility, and conditions for tower removal and maintaining no interference with the City's public safety radio system.

***Planning Commission recommends approval of this application with ten (10) conditions, as amended.***