

# STAFF EVALUATION

To: City Council

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

Case No.: Use Permit Application No. 17-00013

Date: March 28, 2018

## General Information

Applicant PI Tower Development, LLC

Property Owner Jewish Cemetery of the Virginia Peninsula, Inc.

Location 1821 Cemetery Lane [LRSN 1003669]



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

Description of Proposal The applicant is proposing to construct and operate a commercial communication tower that can accommodate at least three (3) users. The proposed tower would be a semi-flush monopole constructed of galvanized steel. The tower has an overall height of 155' (including lightning rod), which the applicant updated as part of their additional materials (the previous proposed height was 158.5' including lightning rod). The tower and associated ground equipment will be located within a  $\pm 2,500$  square foot compound. The communications tower compound will be unmanned, with approximately monthly site visits completed by technicians for maintenance purposes. The communications tower will not be lit or emit any odors, fumes, or glares.

Existing Land Use Vacant

---

Zoning

The property is currently zoned One-Family Residential (R-11).

---

Surrounding Land Use and Zoning

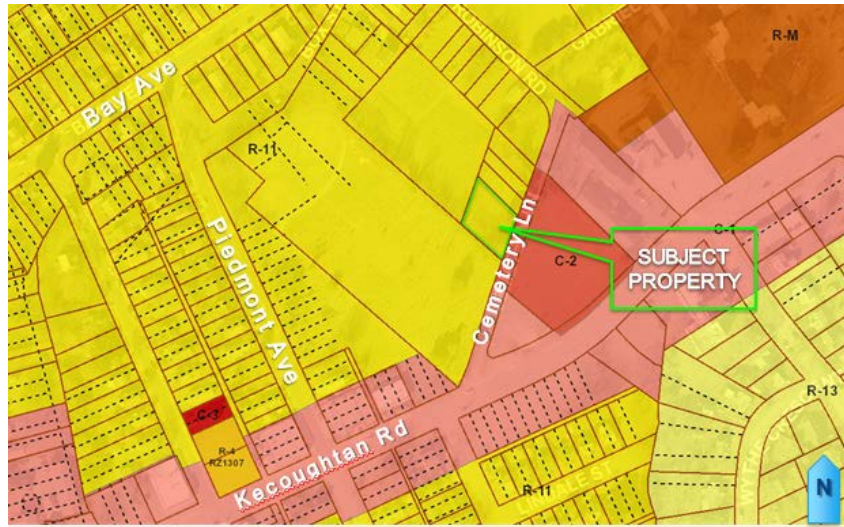
**North:** One-Family Residential District (R-11); Vacant land (some owned by the cemetery), and a single family home.

**South:** Neighborhood Commercial District (C-1) and Limited Commercial District (C-2); Vacant land (owned by the cemetery), and Kecoughtan Road.

**East:** Neighborhood Commercial District (C-1) and Limited Commercial District (C-2); Vacant land (owned by the cemetery) and a multi-family residence.

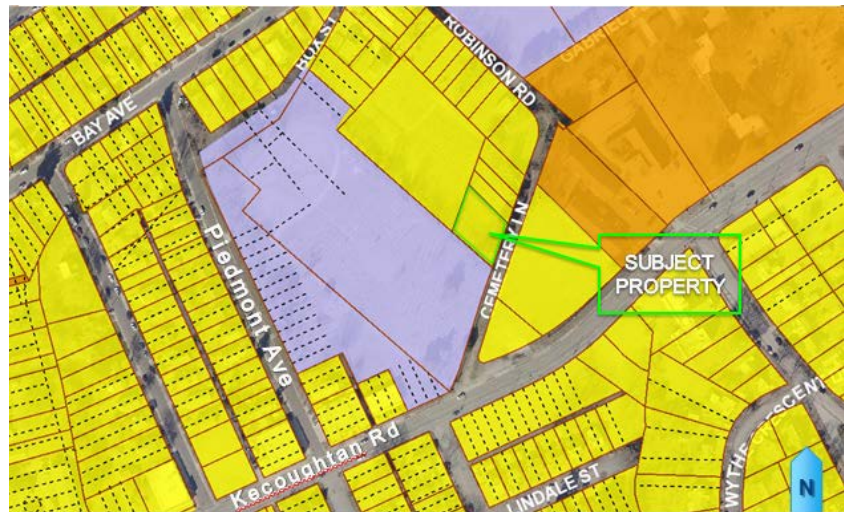
**West:** One-Family Residential District (R-11); Cemetery

---



---

Public Policy



The Hampton Community Plan (2006, as amended) recommends low-density residential development for the subject parcel and most of the surrounding properties. The main exception is the land owned by the cemetery that operates the cemetery use, which the land use plan shows as public/semi-public.

Policies related to this request are listed below:

---

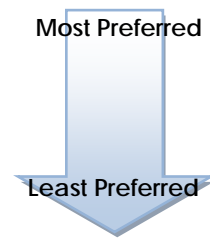
---

**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*

R-11 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.

---

*Community Meeting*

A community meeting was held on Monday, November 20<sup>th</sup>, 2017.

---

## Analysis

Use Permit Application No. 17-00014 is a request to permit the operation of a commercial communications tower at 1821 Cemetery Lane [LRSN 1003669], which is north of Kecoughtan Road and adjacent to the cemetery. The property is currently zoned One-Family Residential District (R-11) which allows for a commercial communications tower with a use permit.

PI Tower Development, LLC, representing T-Mobile, is proposing to construct and operate a semi-flush monopole commercial communication tower that can accommodate at least three (3) users. The proposed tower has an overall height of 155' (including lightning rod), which the applicant updated as part of their additional materials (the previous proposed height was 158.5' including lightning rod). The applicant has indicated this height is necessary in order to allow for co-location opportunities on the tower and have each subsequent carrier be able to clear surrounding mature trees. The tower and associated ground equipment will be located within a

±2,500 square foot compound. The communications tower compound will be unmanned, with approximately monthly site visits completed by technicians for maintenance purposes. The communications tower will not be lit or emit any odors, fumes, or glares.

As part of this use permit application, the applicant submitted propagation maps which indicate the current gap in voice and data coverage and subsequent improvement in coverage with the construction of a new tower. The applicant is proposing this communication tower because of data coverage gaps that exist in the vicinity of the subject parcel.

The Hampton Community Plan (2006, as amended) recommends low-density residential for this site and most of the surrounding properties, with the exception of the cemetery. 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 low/medium density residential 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:** The applicant submitted a co-location map which indicates only one existing tower within the 1-mile necessary search range. This tower is .99 miles away from the proposed location, and is too close to another T-Mobile site outside of the search ring.
2. **Tall Buildings and Structures:** the area surrounding the proposed tower is residential, with low-density commercial uses interspersed along Kecoughtan Road. There are no buildings or towers within the search ring that are tall enough to meet the coverage objectives.
3. **Industrial areas:** the surrounding area is primarily residential, with a small amount of industrial space at the northern edge of the search ring. As with the existing tower T-Mobile cannot co-locate on, this area is too close to another T-Mobile site, and would not meet the coverage objective of closing the gap between the three sites T-Mobile is located on.
4. **Approved School Properties:** There are no pre-approved school site locations in the identified search ring.

5. **Commercial Areas:** As previously mentioned, commercial uses in this area are low-density, low-intensity, and highly dispersed. There is no concentrated commercial area this tower could locate on.
  
6. **High Density Residential Areas:** This area is primarily made up of single-family homes, with only minor multi-family residences scattered throughout. There is no extensive high density residential area this tower could locate on.

In addition to submitting the lack of availability of preferred types of sites in the search ring necessary to close the coverage gap, the applicant has made an effort to keep the tower off of Kecoughtan Road and out of truly residential areas by placing it on land next to a cemetery. Additionally, the applicant chose a location that has existing vegetated screening, and per the conceptual plan, will maintain as much of that screening as possible while also installing the standard required landscaping for screening purposes. This is directly in keeping with the Community Plan which recognizes that communication tower needs may exist where there is not a preferred site, and states *"in areas where there are a limited number of preferred sites to locate new towers, the aesthetic impact of new towers is often mitigated by providing camouflaged towers/antennae or landscaping."* This is also supported by the applicant's selection of a monopole.

Additionally, out of concern for the historic neighborhood on the other side of Kecoughtan, the applicant reached out to the Virginia Department of Historic Resources (DHR) to confirm the construction of a new tower would create no adverse impacts on the historic properties. The DHR agreed the proposed tower would not adversely affect historic properties either on or eligible for the National Register of Historic Places (this letter is included as part of the application).

If approved, staff is recommending twelve (12) conditions be attached to the use permit to mitigate potential adverse impacts to surrounding properties and ensure compliance with applicable codes and ordinances. These include constructing the tower to be able to support at least three carriers, limiting the height of the tower to 150' feet plus the foundation and 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.

Although the type of property is low on the placement hierarchy, the applicant has demonstrated a need for a tower in the proposed area and provided evidence that there are no available opportunities for co-location or construction on more preferred site types in the search area. In keeping with the Community Plan, the applicant has proposed a less intrusive tower type with appropriate landscaping to screen the compound from the road.

This application was deferred from the February 15<sup>th</sup> meeting so the applicant could provide additional materials, including consideration for a taller tower. In responding to the requests, the applicant ultimately learned that the Virginia Department of Historic Resources (VADHR), which is responsible for reviewing applications that must comply with federal regulations for compliance with the National Historic Preservation Act, has determined a tower with a height greater than 150 foot tower with a 5 foot lightning rod, (totaling 155 feet) would have an adverse effect on the surrounding historic properties. As such, staff continues to recommend approval for the 150 foot tower.

However, the applicant still provided a propagation map for a tower height of both 170 feet and 199 feet to illustrate for the Commission changes that may occur to coverage as tower height increases. In addition, the applicant provided information regarding T-Mobile's long-range goals, as well as what T-Mobile looks for when analyzing a new site. While "in-building commercial" (dark green on the propagation maps) is the best coverage, for a new site, T-Mobile is willing to accept "in-building residential" (the second darkest green on the propagation maps).

As part of requested materials, the applicant provided five considered sites within the approximate coverage objective area. These properties met the identified coverage objective based on location, and also had sufficient land to meet the City's zoning requirements. Three of these sites were ruled out because the property owners were not interested in leasing space to the applicant. Another property was ruled out because it was more visible (less natural vegetation, and closer to Kecoughtan Road) and another applicant had previously proposed a tower on that site and ultimately withdrew the application. The last site is the one that is the subject of this application. Staff agrees the applicant has provided sufficient evidence of need for a tower and a lack of available alternatives for constructing the tower on a site higher on the preferred hierarchy.

***Staff and Planning Commission recommend approval of Use Permit Application No. 17-00013 with twelve (12) conditions.***



## **Use Permit Application No. 17-00013**

### **Communication Tower**

PI Tower Development

1821 Cemetery Lane

Hampton, VA 23661

#### **1. Issuance of Permit**

The Use Permit applies only to 1821 Cemetery Lane [LRSN 1003669], and is not transferable to another location.

#### **2. Building Permit**

- a) Prior to approval of a building permit, a report from a registered structural or civil engineer indicating tower height and design, structure, installation and total anticipated capacity of the structure (including number and types of antennas which could be accommodated) shall be submitted for review. This data shall demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirements of EIA-222 E "Structural Standards for Steel Antenna Structures" published by the Electronic Industries Association, effective June 1, 1987 or current update.
- b) The report referenced in 2(a) will demonstrate 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 "VA-HAMPTON-WYTHE" prepared by BC Architect Engineers, PLC and dated January 30, 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 150.5'.

#### **5. Tower Elevation**

The tower shall be of a galvanized steel semi-flush mount monopole design in substantial conformance with the conceptual site plan packet sheet entitled "Tower Elevation" prepared by BC Architect Engineers, PLC and dated January 30, 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 "Landscaping Plan" prepared by BC Architect Engineers, PLC and dated January 30, 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

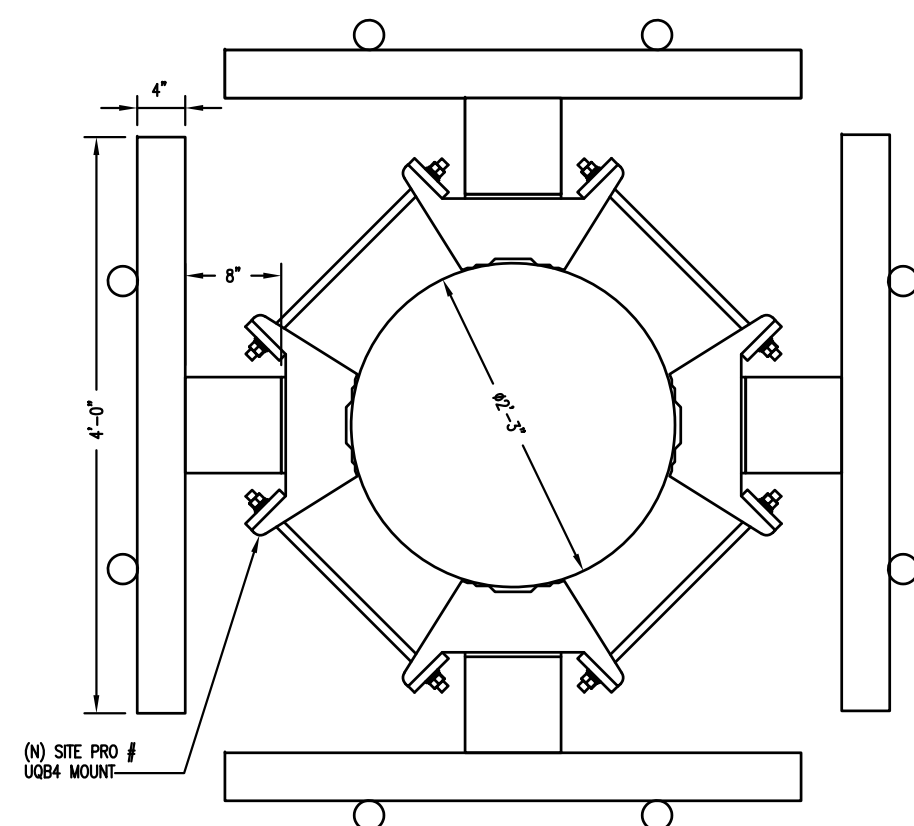
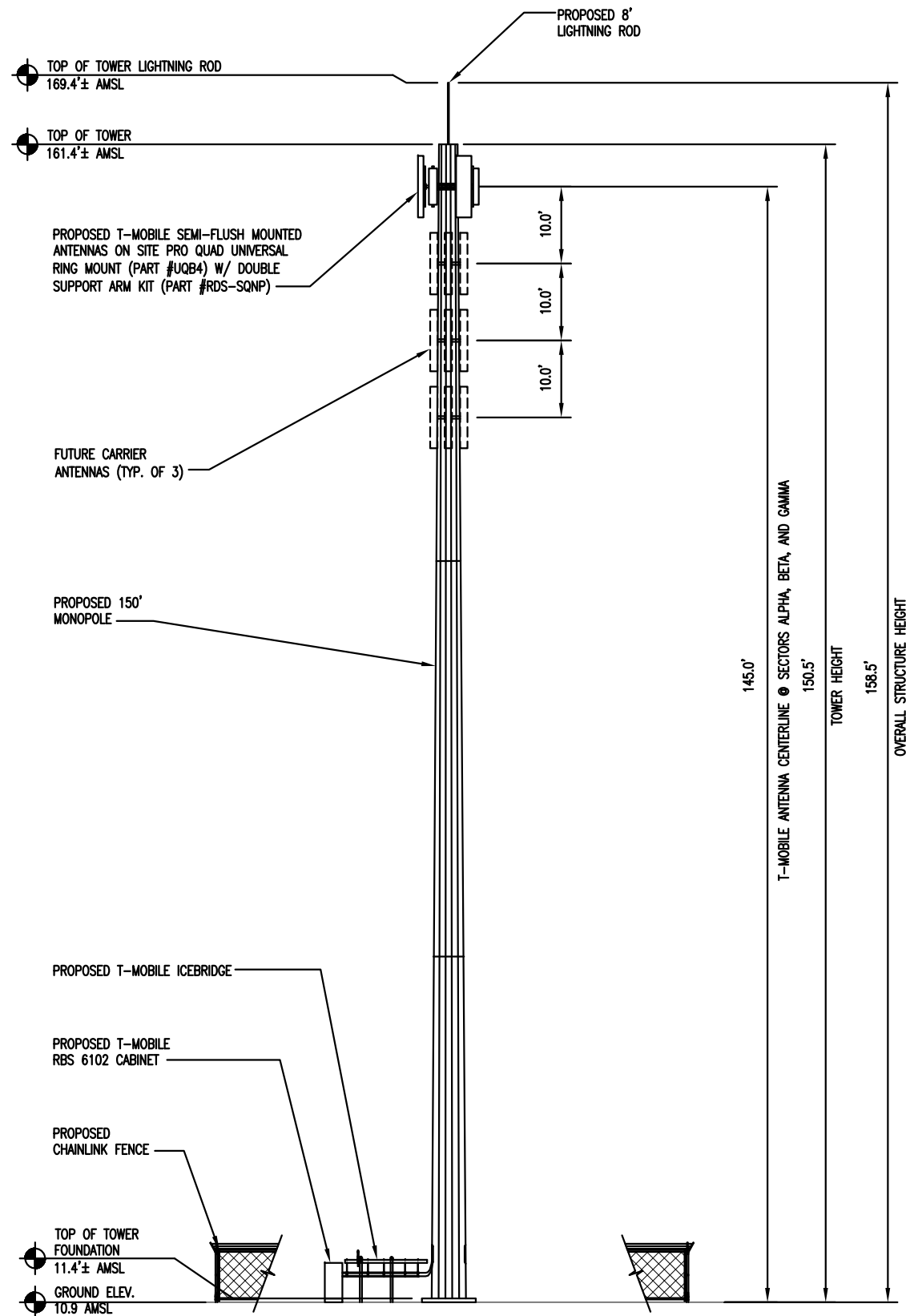


specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

## **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.


Exhibit A



1"=20' TOWER ELEVATION


1 N.T.S

SITE PRO QUAD UNIVERSAL RING MOUNT (PART #UQB4)



PI TOWER DEVELOPMENT LLC  
C/O LENDLEASE AMERICAS INC.  
909 LAKE CAROLYN PARKWAY, SUITE 260  
IRVING, TX 75039

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF PI TOWER DEVELOPMENT LLC AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM PI TOWER DEVELOPMENT LLC. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH PI TOWER DEVELOPMENT LLC WITHOUT PREJUDICE. AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.



**BC**  
architects  
engineers

5661 COLUMBIA PIKE, SUITE 200  
FALLS CHURCH, VA 22041-2868  
TEL: (703) 671-6000  
FAX: (703) 671-6300

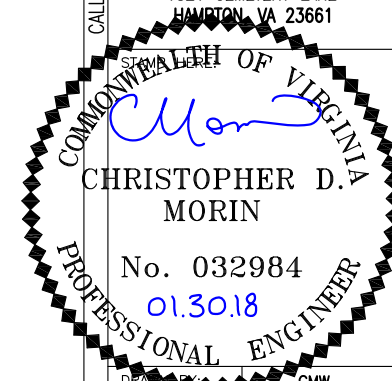
SHEET REVISION			
NO.	DESCRIPTION	BY	DATE
1	COMMENTS	GMW	12/20/17
2	COMMENTS	JG	12/29/17
3	COMMENTS	JG	01/09/18
4	COMMENTS	JG	01/10/18
5	COMMENTS	GMW	01/16/18
6	COMMENTS	JG	01/25/18
7	COMMENTS	JG	01/30/18

CALL FOR UNDERGROUND UTILITIES PRIOR TO DIGGING

SITE NAME:  
**VA-HAMPTON-WYTHE**

SITE ID:  
**PVA033**

SITE ADDRESS:  
1821 CEMETERY LANE  
HAMPTON, VA 23661



STATE OF VIRGINIA  
CHRISTOPHER D. MORIN  
No. 032984  
01.30.18  
PROFESSIONAL ENGINEER

DRAWN BY:	GMW
CHECKED BY:	NB
DATE DRAWN:	11-1-17
SUBMISSION:	ZONING

SHEET TITLE:  
**TOWER ELEVATION**

SHEET NUMBER:	REV. #
<b>A-2</b>	<b>7</b>

10.27.189.8/BC\_Files/Drawings - 2017/Parallel Infrastructures/VA-Hampton-Wythe - PVA033/\_FZD's - Rev 6 - 2018-01-25/A2.dwg JGARC 13:09:09 01-25-18

Y:/Drawings - 2017/Parallel Infrastructures/VA-Hampton-Wythe - PIVA033/\_FZD's - Rev 5 - 2018-01-16/L1.dwg

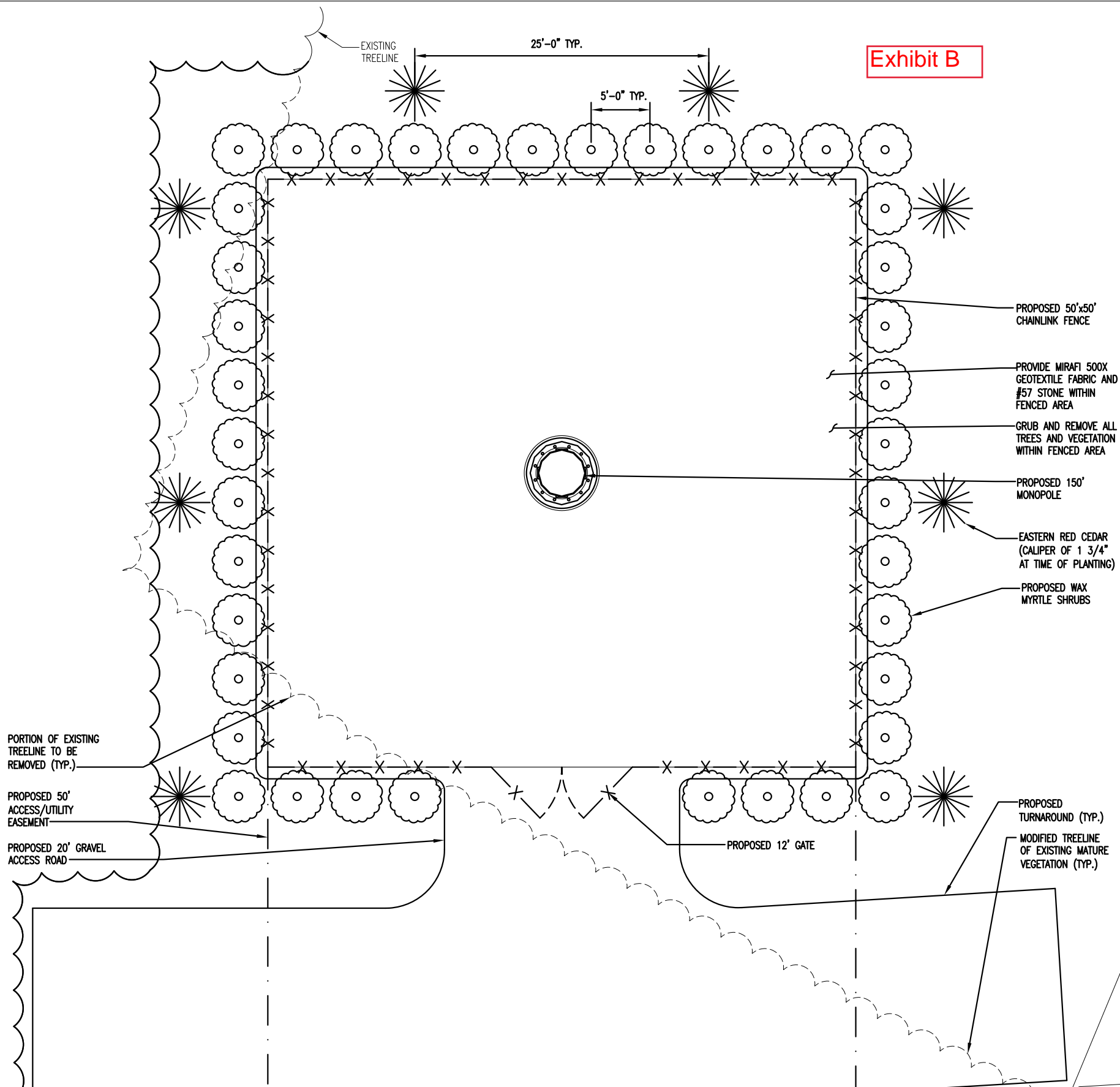


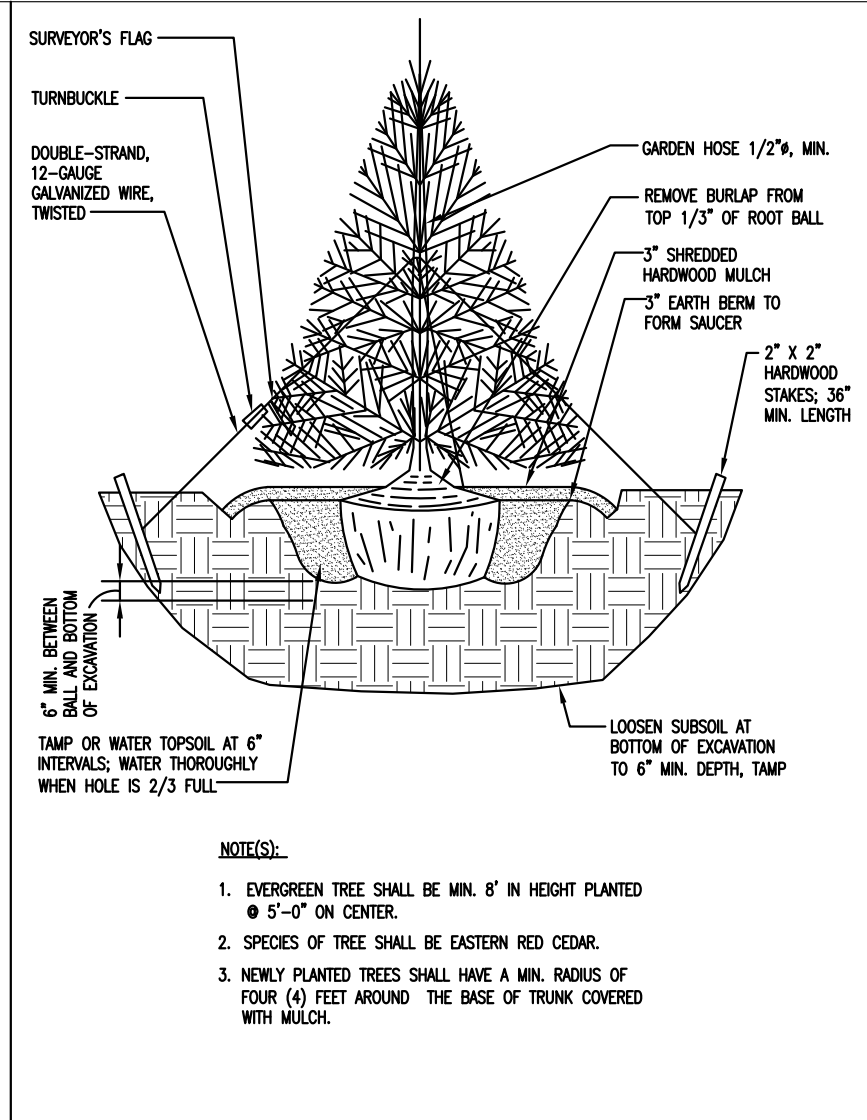
Exhibit B

SYMBOL	QTY.	SCIENTIFIC NAME	HEIGHT @ PLANTING	SPACING	HEIGHT AT MATURITY	COMMON NAME
	8	JUNIPERUS VIRGINIANA	8'-0" to 10'-0"	25'-0" O.C.	16'-66'	EASTERN RED CEDAR
	40	MORELLA CERIFERA	5'-0"	5'-0" O.C.	12'-36'	WAX MYRTLE



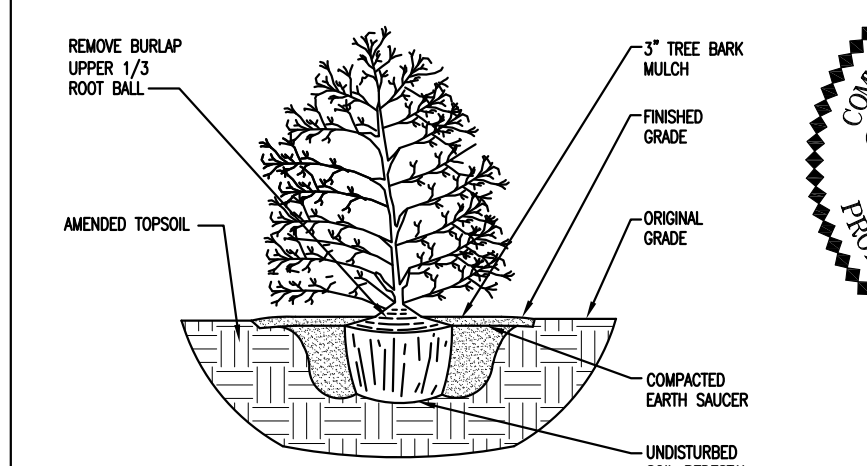
1"=10'

LANDSCAPING PLAN



- NOTE(S):**
- EVERGREEN TREE SHALL BE MIN. 8' IN HEIGHT PLANTED @ 5'-0" ON CENTER.
  - SPECIES OF TREE SHALL BE EASTERN RED CEDAR.
  - NEWLY PLANTED TREES SHALL HAVE A MIN. RADIUS OF FOUR (4) FEET AROUND THE BASE OF TRUNK COVERED WITH MULCH.

N.T.S. PLANT INSTALLATION DETAIL 2



- NOTE:**
- SHRUB PLANTINGS SHALL HAVE A MINIMUM HEIGHT OF FIVE (5) FEET AT INSTALLATION AND HAVE NO UNOBSTRUCTED OPENINGS WIDER THAN FOUR (4) FEET.
  - SHRUBS SHALL BE WAX MYRTLE.

N.T.S. SHRUB INSTALLATION DETAIL 3

PI TOWER DEVELOPMENT LLC  
C/O LENDLEASE AMERICAS INC.  
909 LAKE CAROLYN PARKWAY, SUITE 260  
IRVING, TX 75039

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF PI TOWER DEVELOPMENT LLC AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM PI TOWER DEVELOPMENT LLC. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH PI TOWER DEVELOPMENT LLC WITHOUT PREJUDICE. AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

5661 COLUMBIA PIKE, SUITE 200  
FALLS CHURCH, VA 22041-2868  
TEL: (703) 671-6000  
FAX: (703) 671-6300

SHEET REVISION

NO.	DESCRIPTION	BY	DATE
1	COMMENTS	GMW	12/20/17
2	COMMENTS	JG	12/29/17
3	COMMENTS	JG	01/09/18
4	COMMENTS	JG	01/10/18
5	COMMENTS	GMW	01/16/18
6	COMMENTS	JG	01/25/18
7	COMMENTS	JG	01/30/18

SITE NAME:  
**VA-HAMPTON-WYTHE**

SITE ID:  
**PIVA033**

SITE ADDRESS:  
1821 CEMETERY LANE  
HAMPTON, VA 23661

CHECKED BY:	NB
DATE DRAWN:	11-1-17
SUBMISSION:	ZONING

SHEET TITLE:  
**LANDSCAPING PLAN**

SHEET NUMBER:	REV. #
<b>L-1</b>	<b>7</b>