

# STAFF EVALUATION

To: Planning Commission

Prepared By: E. Marotta

728-5238

Reviewed By: C. Butler, AICP

728-5231

Use Permit No: 1028

## General Information

*Applicant*

Ms. Jessica Wright  
Verizon Wireless

*Owner*

Alltel  
Little Rock, AR

*Location*

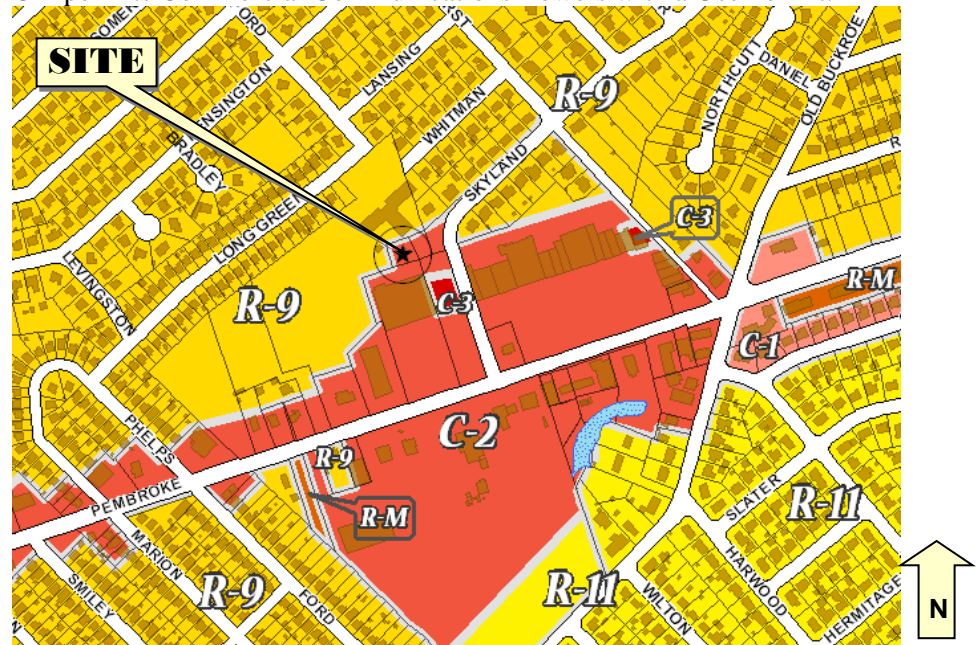
24 Skyland Drive (LRSN 12004092)



*Existing Zoning*

**Limited Commercial District (C-2)**

C-2 permits Commercial Communications Towers with a Use Permit.



*Requested Use* To bring into conformance an existing 122'± monopole tower and its associated compound in order to allow additional carriers to co-locate on the tower.

*Existing Land Use* There is an existing, legal, non-conforming tower and associated compound on the site. The site is fenced and some landscaping/screening is present. A gravel drive accesses the site from Skyland Drive.



View from Skyland Drive just south of East Hampton Baptist Church.

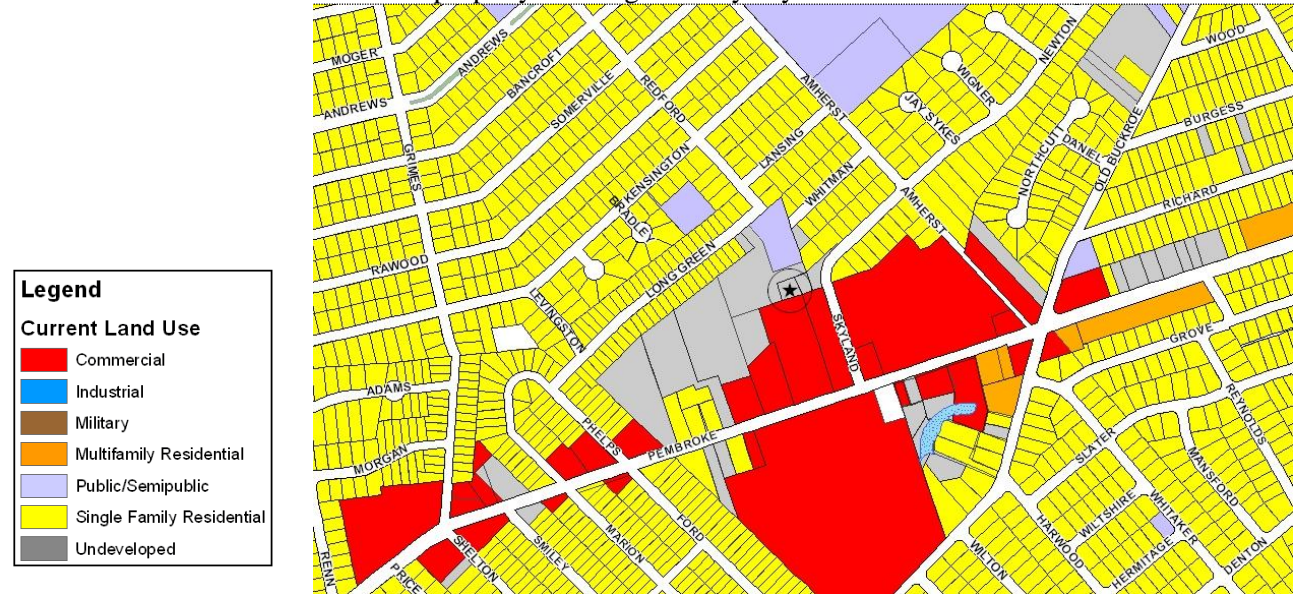
*Surrounding Land Use and Zoning*

**North:** One Family Residence District (R-9): Public/Semipublic (Church) and single-family residential beyond.

**South:** Limited and General Commercial Districts (C-2 and C-3): Buckroe Shopping Center and Pembroke Avenue beyond.

**East:** R-9 and C-2: vacant land, Skyland Drive, and single-family residential beyond.

**West:** One Family Residence District (R-9): undeveloped church-owned property and single-family beyond.





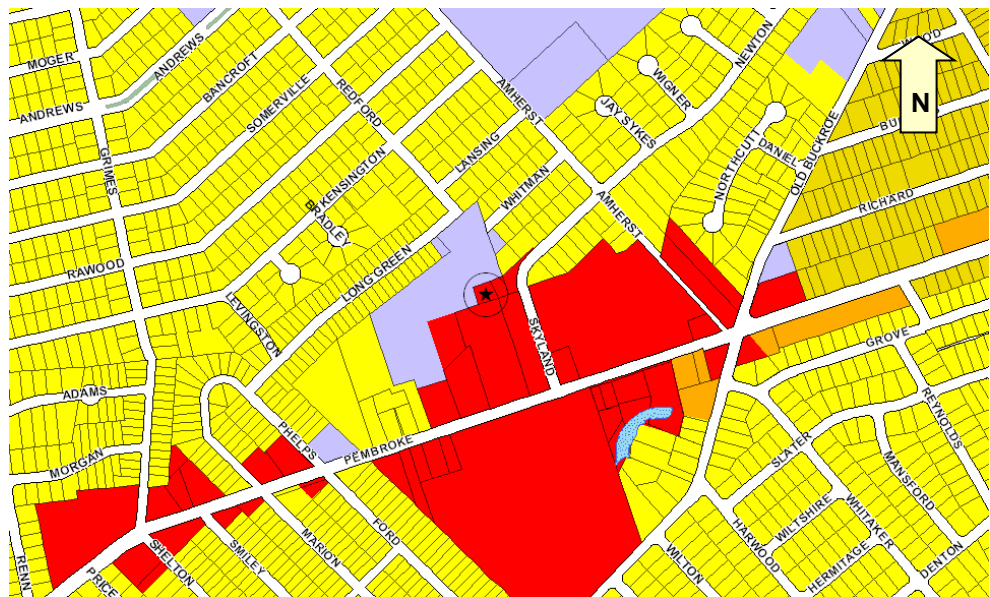
*Public Policy-  
Hampton Community  
Plan (2006 as  
amended)*

Public policy recommendations with regards to commercial communications towers (cell towers) are found in the Hampton Community Plan (2006 as amended). The City also has an adopted Commercial Communications Towers Ordinance (Chapter 20-5.1(4)) which regulates the process for applying for, and approving, a cell tower.

**Hampton Community Plan (2006 as amended)**

The Hampton Community Plan provides a “placement hierarchy” that establishes a list of preferential locations for new towers. The hierarchy describes co-location as the most preferable option, followed by locating on tall structures and buildings. Before staff can recommend approval of an application, we must ensure that other sites that are higher up on the hierarchy have been evaluated and deemed infeasible.

The Hampton Community Plan Land Use Plan for this area is Commercial. This category describes areas determined to be appropriate for neighborhood, community, and regional mercantile uses. The land use recommendation for the property immediately adjacent to this site from the north and west is Public/Semi-public. This category describes areas determined to be appropriate for institutional and public serving uses such as churches, public infrastructure, communications, and utilities.



*Buckroe Master Plan  
(2005, as amended)*

This property is included within the boundaries of the Buckroe Master Plan (2005, as amended). Specifically, it falls within the area identified as the Pembroke Avenue Initiative (pp. 34-35). This initiative calls for the redevelopment of the Buckroe Shopping Center, but does not address this specific property. A service road separates this site from Buckroe Shopping Center, and it was determined during the planning process that this site is not strategic or necessary to the redevelopment of the shopping center.

(Insert graphic)

**Additional Information**

*Traffic*

This is an existing tower, and traffic generated due to the existence and operation of the commercial communications tower is minimal. Usually one trip per month is all that is necessary for diagnostics and maintenance.

<i>Site Development</i>	Access to the site will remain the same: from Skyland Drive via an existing access road. The access road will extend to an expanded 70' X 40' compound that will house the equipment of the existing service provider, as well as future co-locators. The monopole tower will remain 122'± tall. The entire compound will be screened by a combination of new fencing and enhanced landscaping.
<i>Conditions</i>	<ul style="list-style-type: none"> <li>▪ The tower will not exceed 122' in height.</li> <li>▪ The site shall be improved in substantial conformance with the site plan submitted as part of this Use Permit request; however the landscaping plan shall be approved by the Planning Director or his designee, and any expansion of, or improvements to, the compound must either meet the setbacks and standards set forth in the ordinance or appropriate variances must be obtained.</li> </ul>
<i>Community Meeting</i>	The applicant did not hold a community but did notify the surrounding property owners that they were applying to bring the existing tower into conformance.
<i>Non-conformance</i>	The tower is considered a legal, non-conforming use because it was built prior to the adoption of zoning ordinance regulations relative to Cell towers. If approved, the applicant must submit a site plan to make any improvements to the property, and at that time the landscaping and screening will be brought into conformance with the current regulations.

## Analysis

This is an existing 122' monopole tower and compound. In order for additional service providers to locate on the tower, it must be brought into conformance with the Zoning Ordinance by obtaining a Use Permit. If the tower is not brought into conformance and it is destroyed more than 75% by storm or fire, it could not be rebuilt. Also, if it is not brought into conformance, cell phone providers looking to locate in this area could not co-locate on this existing tower; they would be forced to find co-location opportunities elsewhere (possibly outside the search ring), or build a new tower.

The Hampton Community Plan (2006, as amended) recommends co-location as the most preferred option. However, since the existing tower is non-conforming, staff first had to determine if it was in conformance with policy and should be granted a Use Permit. Staff could not endorse a Use Permit that would result in the expansion of a non-conforming use without first establishing that the existing tower itself was in conformance with adopted policy.

To answer the question of whether or not the existing tower was in conformance with policy, Staff consulted the applicable land use policies for this area. The Hampton Community Plan (2006, as amended) recommends Commercial for this site and the area immediately to the south, and it recommends Public/Semi-public for the property immediately to the north and west. Recommendations are not site specific, and because this site is on the line between two land use recommendations, we consider both recommendations. Commercial uses include those mercantile uses that serve the neighborhood, community, and region. The Public/Semi-public land use recommendations includes churches, communications infrastructure, and utilities. Cell towers are considered communications infrastructure and are recommended to be placed in areas designated for Public/semi-public.

The Buckroe Master Plan (2005, as amended) also makes recommendations for this area. It identifies the Buckroe Shopping Center as part of the Pembroke Avenue Initiative, but it does not include this site in the redevelopment plans. Therefore, bringing this tower into legal conforming status would not jeopardize any of the plans or visions adopted for this initiative area.

Staff also evaluated if there were any other sites within the search ring that could potentially be more appropriate for a cell tower than the existing site, but did not find any. There is little undeveloped land in the search ring that is not immediately adjacent to existing homes, and the schools in the area do not have enough available land to accommodate a tower without interfering with activity programming.

Therefore, staff concluded that the location of the existing tower was appropriate based upon existing conditions and adopted land use policy recommendations, as identified in the Hampton Community Plan (2006, as amended) and the Buckroe Master Plan (2005, as amended).

After determining that the existing tower location was appropriate, staff evaluated the request to expand the existing use. The Hampton Community Plan (2006, as amended) states that co-location is the first preferred option. There is another tower in this search ring; it is a guy tower across Pembroke Avenue. However, the applicant has shown that co-location on that existing guy tower across the street is not a viable option because the tower was not built to structurally handle any more antennae.

Therefore, because staff determined that the location of the existing cell tower is in conformance with land use policy recommendations, it is appropriate to recommend approval of a Use Permit that would facilitate co-location as an option for cell phone service providers looking to expand within this search ring.

***Staff recommends approval of Use Permit Application No. 1028, subject to two (2) conditions conditions, as being in conformance with the policy set forth in the Hampton Community Plan (2006, as amended).***