

# STAFF EVALUATION

To: Planning Commission

Prepared By: Charles Stevens

727-6256

Reviewed By: Mike Hayes, AICP

728-5244

Bonnie Brown, Sr. Asst. City Attorney

Case No.: Use Permit No. 17-00005

Date: June 14, 2017

## General Information

Applicant Parallel Infrastructure

Property Owner Greenwood Stores Company, Inc.

Location 1605 Aberdeen Rd [LRSN 3003897]



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

Description of Proposal The applicant is proposing to construct and operate a 152' monopole commercial communications tower at this site for T-Mobile. The purpose of this tower is provide improved voice and data coverage, and to fill an identified coverage gap between two existing towers located at 2101 Executive Drive and 8110 Orcutt Ave. The tower would also have the capacity to accommodate two additional service providers.

Existing Land Use Vacant lot

Zoning The subject site is zoned Limited Commercial (C-2), which permits a commercial communications tower with an approved conditional use permit.

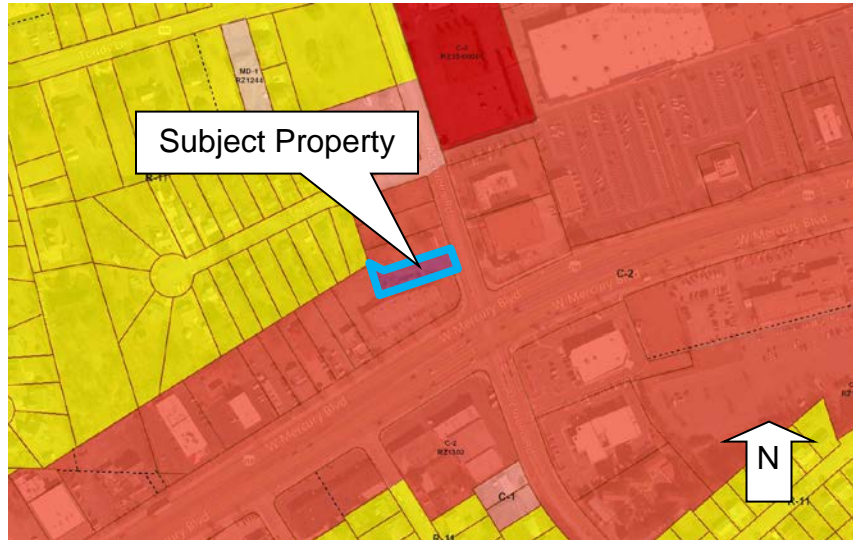
*Surrounding Land Use and Zoning*

**North:** C-2 Limited Commercial- Office Building

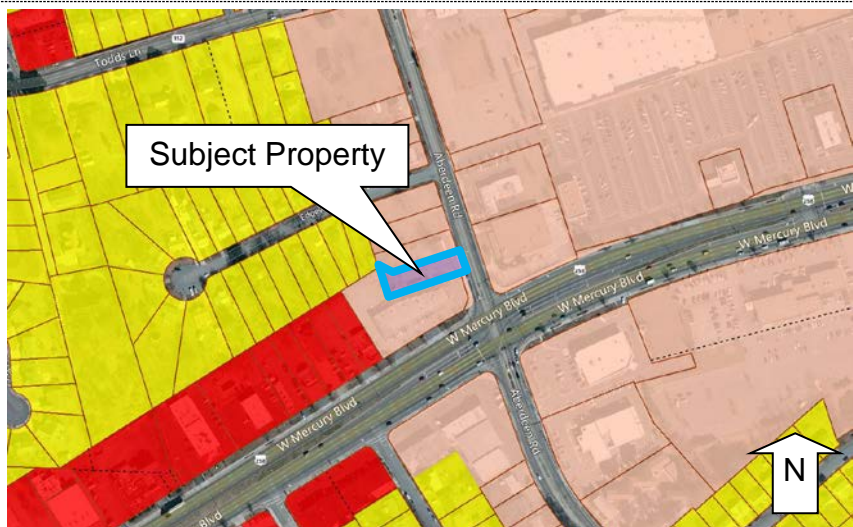
**South:** C-2 Limited Commercial- General Retail Building

**East:** C-2 Limited Commercial- Office Building

**West:** C-2 Limited Commercial & R-11 Single Family Residential- Parking Lot & Single Family Homes



*Public Policy*



The Hampton Community Plan (2006, as amended) recommends mixed use for the subject property and most of the nearby properties, except for some single-family properties to the northwest, which the Community Plan recommends to remain low density residential.

Page CF-23 of the Community Plan contains a “placement hierarchy” to assist staff in evaluating the location of proposed new towers. It is a numbered list of different location types,

ranked from the most preferred (colocation on existing towers) to least (scenic views and waterfront). This tower is proposed in a commercial area, which is ranked as the 5<sup>th</sup> most preferred location type in the hierarchy.

The Hampton Community Plan also includes the following additional policies that are relevant to this proposal:

**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 location of new communication towers in preferred sites through implementation of standards and procedures to be incorporated into the Zoning Ordinance. [p. CF-33]

The property also falls within the area governed by the Coliseum Central Master Plan (2015). However, there are no specific recommendations related to this site.

<i>Zoning History</i>	There are no significant zoning actions related to this property
<i>Applicable Regulations</i>	Section 3-3 (34) of the City of Hampton’s Zoning Ordinance contains multiple requirements that a use permit application must comply with in order to be considered for approval. Staff has determined that this application complies with all standards listed in this section.
<i>Traffic/Parking</i>	There are no foreseen negative impacts to traffic.
<i>Community Meeting</i>	A community meeting was held on May 4 <sup>th</sup> . Two members of the public attended, and were opposed to the proposal.  Staff also received a letter from the Coliseum Central Business Improvement District, which stated that the organization was opposed to the proposed tower.

**Analysis**

The Use Permit Application No. 17-0005 is a request by Parallel Infrastructure to permit the construction and operation of a commercial communications tower at 1605 Aberdeen Rd, which is on the west side of Aberdeen Rd [LRSN: 3003897]. The subject property contains .32± acres. The applicant is proposing to build a 150’ galvanized monopole tower, with space for three (3) users. The purpose of this tower is to fill an identified gap in data and voice coverage in the T-Mobile cellular communication network (see enclosed propagation maps).

The property is currently zoned: C-2 limited commercial, which allows for a commercial communications tower with a use permit. This property falls outside the Coliseum Central Overlay District.

The Hampton Community Plan (2006, as amended) recommends mixed use land use for this site and most of the surrounding properties, with the exception of several single family properties to the northwest,

which the Community Plan recommends keeping low density residential. 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 in preferred sites through implementation of standards and procedures incorporated into the Zoning Ordinance. Section 3-3 (34) of the Zoning Ordinance contains multiple requirements that a use permit application must comply with in order to be considered for approval; this includes minimum lot size and setback requirements for the property, regulations that must be complied with, documents that must be included in a complete application, and criteria that must be considered when choosing a site for a new tower.

Additionally, page CF-23 of 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-locations on existing towers, tall buildings, and approved school properties; the least preferred sites include residential areas, parks, and scenic views. This tower is proposed in a commercial area, which places it in the 5<sup>th</sup> most preferred location type in the hierarchy. The following list explains why ranks 1-4 were considered but ultimately determined to be unfeasible:

1. **Co-location On Existing Towers:** The applicant submitted a map (Exhibit B) showing the location of all existing towers within a 2 mile ring of the project site. The closest existing tower is .74 miles away, too far to meet the applicant's coverage objective.
2. **Tall Buildings and Structures:** This area of Hampton is relatively low density, and contains mostly single family homes and one or two story commercial structures. This building typology contrasts with the building mounted communication tower at 2101 Executive Dr, which is mounted on an eight (8) story office tower.
3. **Large Industrial Sites and Parks:** There are no large industrial sites or parks near the project site that could meet the applicant's coverage objective.
4. **Approved School Properties:** The properties on Hampton's pre-approved school site list that are closest to the subject property are Albert Forrest Elementary (1406 Todds Ln), Jefferson Davis Middle School (1435 Todds Ln), and Aberdeen Elementary School (1424 Aberdeen Rd). All of these school sites are too far from the coverage gap identified by the applicant, which is focused around the intersection of Aberdeen Rd and W Mercury Blvd. Therefore, they cannot be used to meet the applicant's coverage objective.

Upon receiving the application for this communication tower, staff examined the proposal against the Zoning and Use Permit requirements. The property at 1605 Aberdeen Rd meets the minimum site size requirement in the Zoning Ordinance; the requirement is 2,000 sq ft, and the property is 14, 050 sq ft. Additionally, review by both Planning and Zoning staff confirmed that the proposed location of the tower complied with all setback requirements listed in Section 3-3 (34) of the Zoning Ordinance.

It is also required that applicants submit the following with their Use Permit Application:

- 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).
- A statement from a registered engineer that the NIER (nonionizing electromagnetic radiation) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.
- Intermodulation testing demonstrating that the proposed antenna operation is designed in a manner to eliminate interference with public safety communications with one (1) mile of the tower site.

These documents were properly submitted with the application, and were forwarded to the appropriate staff in the City of Hampton's Information Technology Department for review. They did not have any significant comments on the application, and gave it their approval.

Finally, applicants are required to submit evidence that there is a lack of available space on existing towers, or other sites that would be higher on the "placement hierarchy" detailed in the community plan. The applicant for this Use Permit submitted two documents in support of this requirement: propagation maps, showing the existing cellular network around the project site, and clearly displaying the gap a in coverage that the proposed tower is intended to fill (See attached Exhibit A); a map showing all existing communication towers within 2 miles of the project site, which shows that there are no existing facilities near the aforementioned coverage gap that could meet the applicant's coverage objective (See attached Exhibit B); a map displaying other sites around the intersection of Aberdeen Rd and W Mercury Blvd that were considered by the applicant but were ultimately rejected due to lack of property availability, inability for the property to comply with zoning regulations, and other factors. Finally, the area around the subject site, is fairly low density, and does not contain tall structures or buildings that could accommodate a more preferential building mounted cellular facility.

Staff has identified several conditions based on the location and characteristics of the proposed use. The height of the tower will be limited to 152', and will be of a galvanized steel monopole construction; it will have space to accommodate three (3) providers. The tower and associated ground level equipment will be required to be fenced by an eight foot (8') high chain link fence; it will be screened with landscaping, which is subject to the requirements of the City of Hampton Landscaping Ordinance. The tower will also be subject to City of Hampton building permitting requirements, compliance with all applicable state and federal regulations, and other standard conditions typically attached to a use permit for a communications tower.

The proposed use permit is consistent with the City's goals and policies, as outlined in the Hampton Community Plan (2006, as amended) and other policy documents.

***Based on the analysis of this proposal, staff recommends approval of Use Permit Application No. 17-00005 with 11 conditions.***



Exhibit A

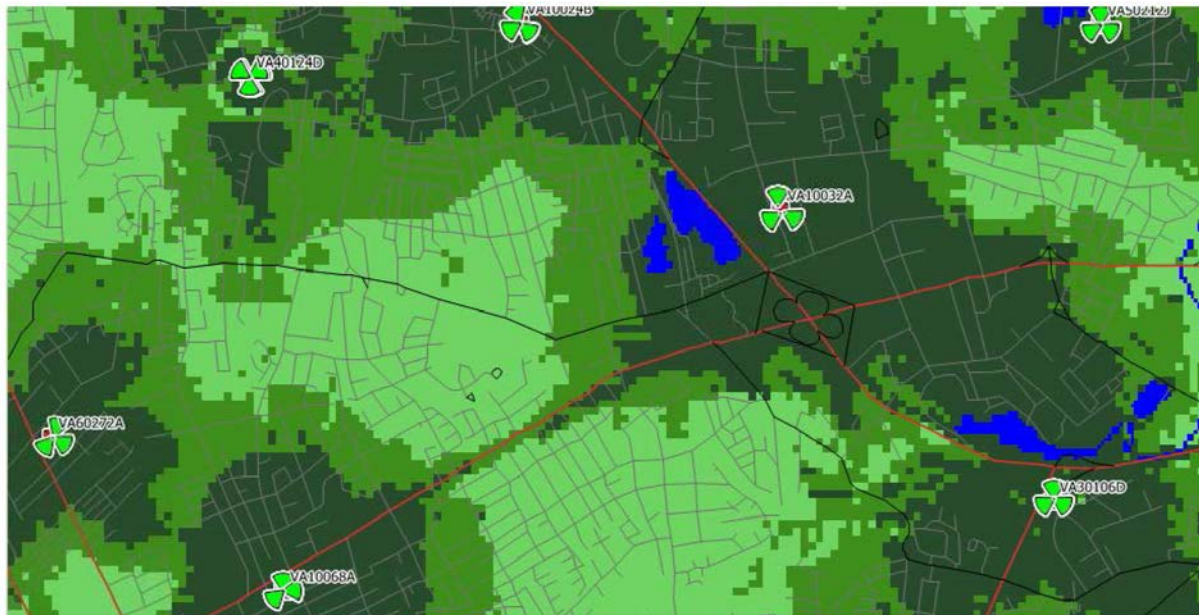




Exhibit B

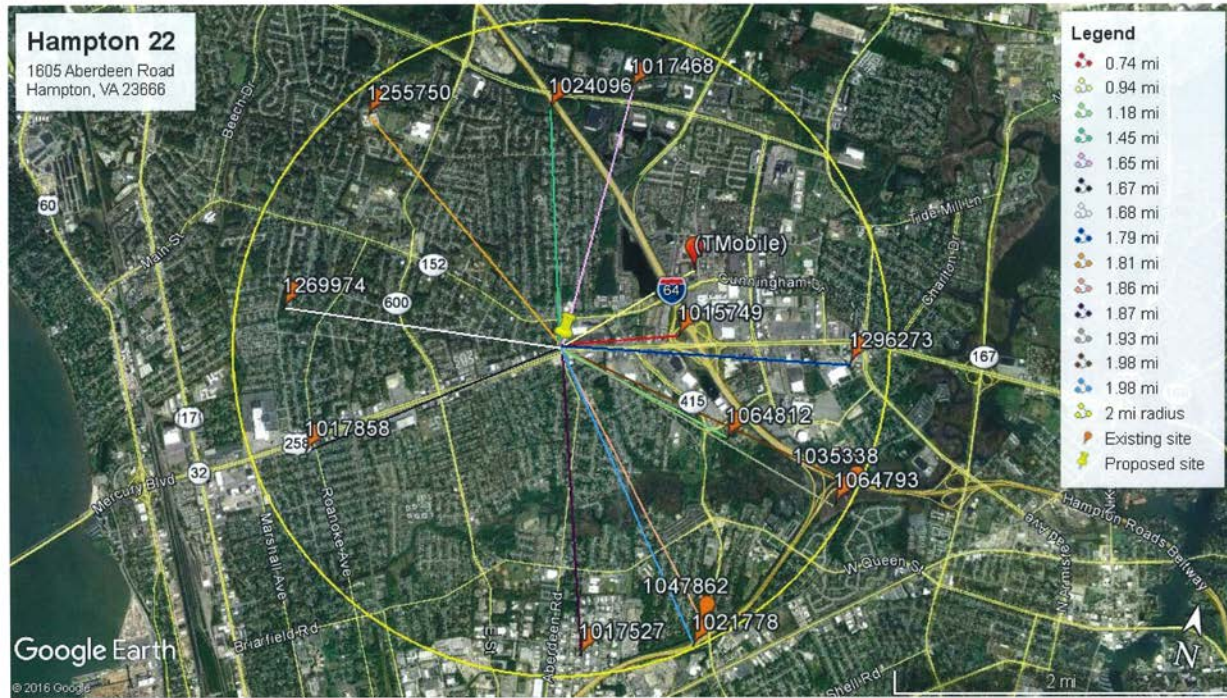


Exhibit C



**Use Permit No. 17-00005**

Parallel Infrastructure  
7411 Fullerton St, Suite 110  
Jacksonville, FL, 32256

**Conditions****1) Issuance of Permit**

The Use Permit applies only to 1605 Aberdeen Rd [LRSN 3003897], 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 a total of 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-Todd's Lane; Proposed 150' Monopole in a New Fenced Compound" prepared by BC Architects and Engineers and date March 30, 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]

**4) Tower Height**

The tower height shall be no more than 152'.

**5) Tower Elevation**

The tower shall be of a galvanized steel monopole design in substantial conformance with the conceptual site plan packet sheet entitled "Tower Elevation" prepared by BC Architects and Engineers and dated March 30, 2017. [Exhibit B]

**6) Fencing/Tower Compound**

A fence of no more than eight (8) feet in height shall be installed and maintained completely surrounding the tower and equipment compound. The compound shall be 40' by 70', in substantial conformance with the conceptual site plan packet sheet entitled "Site Plan" prepared by BC Architects and Engineers and dated March 30, 2017. [Exhibit A]

**7) Landscaping**

The site shall be developed and maintained in substantial conformance with the plan entitled "Landscaping Plan" dated March 30, 2017 prepared by BC Architects and 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 C] 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 City of Hampton Landscape Guidelines.

**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:

- (1) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of the approval by City Council
- (2) 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

**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.

EXHIBIT A

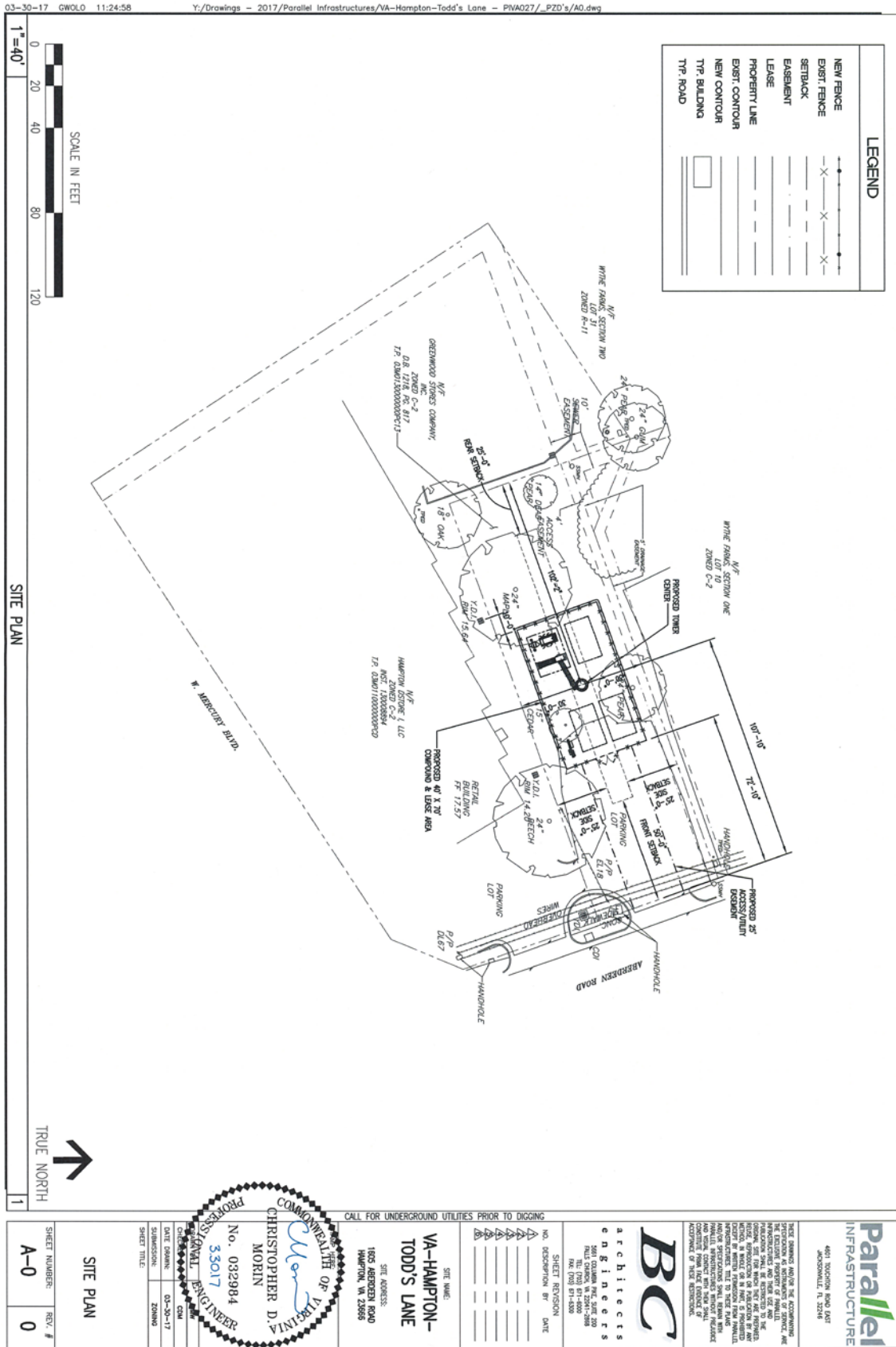


EXHIBIT B

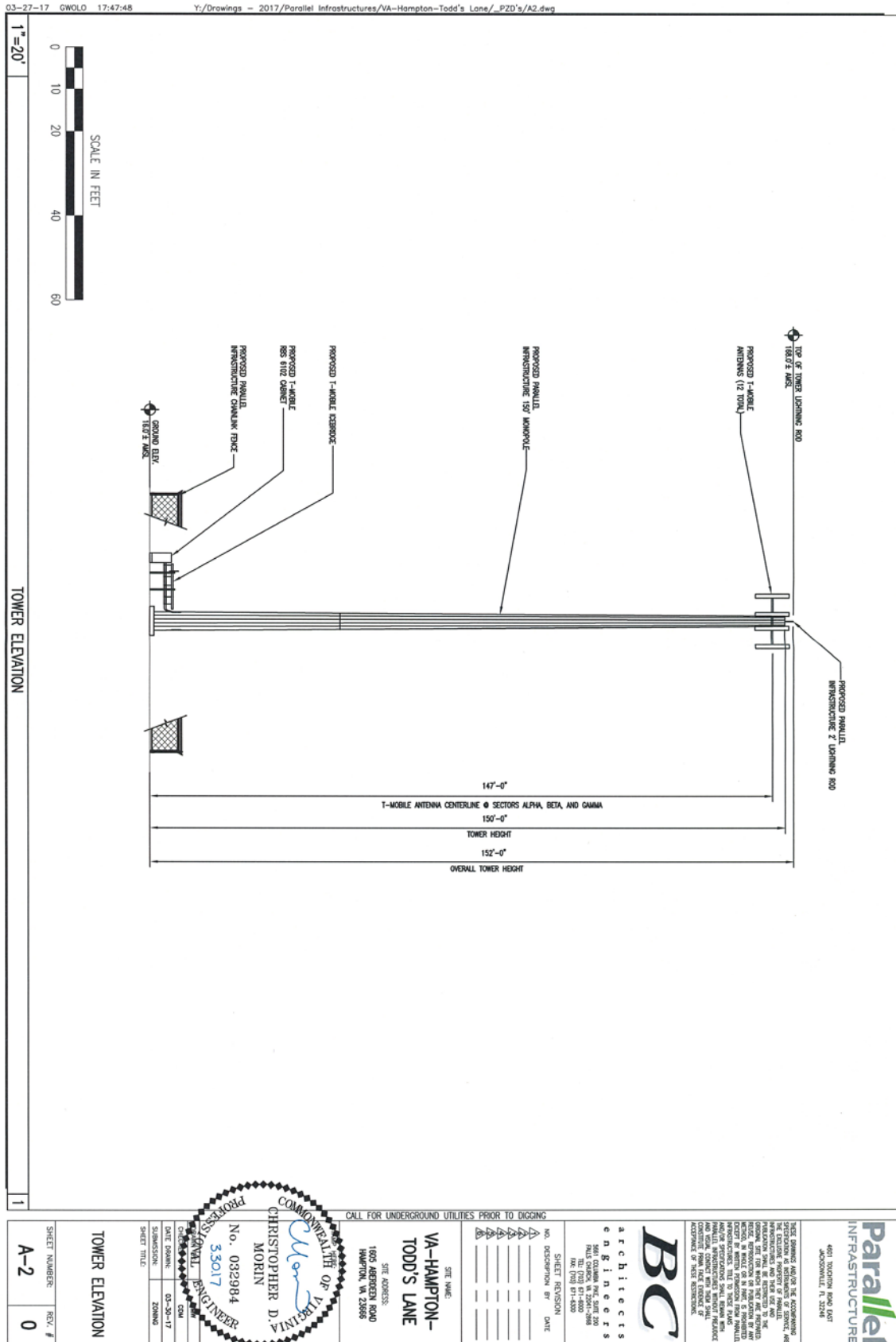




EXHIBIT C

