

**SPECIAL USE PERMIT-18-01. Waltrip Communications Tower
Staff Report for June 11, 2002, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

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| | Building C Board Room; County Government Complex |
| Planning Commission: | November 5, 2001, 7:00 p.m. December 3, 2001, 7:00 p.m. January 14, 2002, 7:00 p.m. February 4, 2002, 7:00 p.m. (Denied) May 6, 2002, 7:00 p.m. (Denied) |
| Board of Supervisors: | March 12, 2002, 7:00 p.m. April 9, 2002, 7:00 p.m. (Remanded back to the Planning Commission) June 11, 2002 |

SUMMARY FACTS

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| Applicant: | Ms. Mary Waltrip |
| Proposed Use: | Construct a 133-foot tall communications tower |
| Location: | Adjacent to the Williamsburg-Jamestown Airport |
| Tax Map and Parcel No.: | (48-2)(1-12) |
| Primary Service Area: | Inside |
| Existing Zoning: | R-8, Rural Residential |
| Comprehensive Plan: | Airport |
| Surrounding Zoning: | North: The Williamsburg Landing retirement community - zoned R-5 South: The Airport and other Waltrip businesses - zoned R-8 West: Single-family detached homes on R-2 zoned property East: College Creek, with the Kingspoint subdivision located across the creek on property zoned R-1 |
| Staff Contact: | Paul D. Holt, III - Phone 253-6685 |

STAFF RECOMMENDATION:

On April 9, 2002, the Board remanded this case back to the Planning Commission for further consideration due to changes in the application. At its May 6, 2002, meeting, the Planning Commission reconsidered this case and recommended denial of the revised proposal by a vote of 6-0. The Planning Commission had also recommended denial of the original proposal on February 4, 2002.

Staff finds that some of the concerns noted in previous staff reports regarding consistency with the Comprehensive Plan, including potential impacts on the Route 199 Community Character Corridor, and compatibility with surrounding structures and zoning, have been reduced by the revisions in the proposal.

While staff has previously requested the applicant consider using a camouflaged structure, at the current request of 133 feet staff finds that a mono-pine would appear out of scale with nearby trees and the treeline when viewed from the westbound lane of Route 199. Staff also finds the structure would appear substantially out of scale with nearby trees and the treeline when viewed from certain locations within the Kingspoint subdivision and from certain locations within Williamsburg Landing.

In these locations, with respect to the Zoning Ordinance criteria noted in this report, staff finds the mono-pine would be “noticeably dissimilar to nearby vegetation in terms of height.” Also, while an existing mature tree buffer would remain around the base of the tower, staff finds the mono-pine would not meet Zoning Ordinance criteria because it would “appear out of scale with existing natural vegetation to an off-site viewer.” Staff also does not find the tower meets the Zoning Ordinance criteria that it be “unnoticeable to the casual observer.” Finally, with respect to the adopted Performance Standards for Wireless Communication Facilities, staff finds the mono-pine does not meet the criteria that recommends the tower be “compatible in scale with surrounding natural trees.” Staff believes that the degree of inconsistency of this particular proposal with Zoning Ordinance criteria and adopted Performance Standards sets a broad precedent unlike any previously approved wireless communications facility in the County. All other installations, whether administratively or legislatively approved since the adoption of the revised Ordinance in 1997, have met the criteria and standards noted through lower heights, camouflaging, reserving substantial land area for buffering, siting the facility away from public vistas, and/or other techniques.

While a taller facility constructed at the airport would help to cover a larger service area, there are still service area limitations, as noted below. For the reasons just listed, and using the enclosed aerial photographs for reference, staff finds that a 133-foot tall mono-pine structure does not substantially meet the Zoning Ordinance requirements and adopted Performance Standards.

For the reasons cited, staff does not recommend approval of the application. While it may minimize options for co-location, staff finds adequate coverage can be provided with a structure more in scale with existing natural vegetation and in greater compliance with Zoning Ordinance criteria and the adopted Performance Standards.

Current Status of the Project

This case was first acted on by the Commission on February 4, 2002. At that meeting, the Commission recommended denial of the application by a vote of 6-1. At the March 12, 2002, Board of Supervisors meeting, the applicant requested deferral until the April 9 Board meeting. However, following the March 12 Board meeting, the applicant revised the application. A communications tower 165 feet tall was originally proposed. The current proposal is for a communications facility that is 133 feet in height. The height of the tower has been lowered by 32 feet.

The applicant has stated that at 133 feet, the Federal Aviation Administration (FAA) will not require structure marking or lighting. This information has been confirmed by the FAA.

Given the lower height, the applicant conducted another balloon test on Thursday, March 28, 2002. Staff publicly advertised the balloon test, as was done previously. In attendance were several members of the Board, Planning Commission and residents of Kingspoint.

Photographs taken at the balloon simulation are attached. The Board will note two objects, a balloon and a crane mast. The balloon was raised by the applicant's consultant. The crane contained an antenna and was raised in the air by a service provider to model the service coverage that could be obtained by a site that is 133 feet tall.

Given the amended application and the new information, at its April 1, 2002, meeting, the Planning Commission voted to request that the Board remand this case back to the Commission. The Board voted to remand this case back to the Commission for further consideration at its April 9, 2002, meeting.

On April 22, 2002, in a letter sent to staff, the applicant stated his willingness to agree to a condition of approval that would require the use of a camouflaged-design tower designed to look like a pine tree. Staff has therefore reviewed this application as if a 133-foot mono-pine structure was proposed.

Such camouflaged-design towers and lower structures are typically used when standard, taller steel towers are deemed incompatible with surrounding residential uses. For instance, the City of Newport News has successfully implemented the use of a 135-foot tall "mono-pine" at the City Farm, off Menchville Road. In the off-site views of the Newport News mono-pine, it appears in-scale with surrounding trees and of a similar species despite the fact it is actually much taller than the surrounding trees. In this instance, the off-site viewing angles and distances along with the pine tree design effectively camouflage the tower. Attached are photos of that structure. If approved, the proposed structure at the Airport would be similar in design to that in the photo. Albemarle County also represents another successful example of the use of camouflaging through the common practice of restricting tower heights to 5-10 feet above the surrounding trees. According to the Albemarle County Planning Department, the following companies have successfully installed antenna and have implemented their coverage networks with facilities at, or just above, the tree line: CFW, Triton, Ntelos, Devon, and Alltel.

Relationship to the County's Performance Standards for Wireless Communications Facilities

The Performance Standards in this Board of Supervisors adopted County policy are aimed at eliminating the visibility of towers in certain areas of the County, including the area surrounding the proposed tower. Policy criteria offer two options to achieve this - careful site selection and design and/or camouflaging. However, the goal of both techniques is to generally keep the tower at or below the established tree line or otherwise blend them in with the treeline or surrounding structures so they are not noticeable. Other applications have consistently met these County objectives through the first option by using a site and a tower height that conceals the tower behind the tree line for off-site viewers. This technique has required towers as low as 115 feet in some cases, but allowed others to be as tall as 250 feet. The technique of camouflaging provides service providers an additional option, especially where the top of a standard tower cannot be adequately concealed by other techniques. For example, when viewed off-site, the tree line may have gaps created by trees of varying heights. Such is the case with the proposed Waltrip site. A mono-pine design would allow the tower to be taller than a standard monopole design while still meeting County objectives. For this specific application, staff has already informed the applicant that staff would readily support the construction of a stealth tower in the 115-foot tall range, or the construction of a standard monopole in the 90-foot tall range.

The Performance Standards state that "camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia." Under this standard and the Zoning Ordinance definition for "camouflaged structure," the camouflaged tower may be placed so that it fills in one of the gaps in the tree line, but it should still be "unnoticeable to the casual observer." Staff finds the proposed tower does not meet these standards.

The site does contain many species of pine trees. Therefore, the proposed design is compatible in species with surrounding natural trees. Staff's findings regarding the proposed structure's compatibility with scale can be found below.

Relationship to the Zoning Ordinance

Section 24-122(d)(2) of the Zoning Ordinance states that where a camouflaged structure is intended to have the appearance of vegetation native to eastern Virginia (e.g., pine trees), the following requirements shall be met:

- a. "The structure shall be located and designed so as to appear to be a naturally occurring tree which is not noticeably dissimilar to nearby vegetation in terms of height, scale, texture, or color; and
- b. Should the structure be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation to an off-site viewer."

Staff's findings regarding the consistency of the proposal with the Zoning Ordinance criteria can be found below.

Service Coverage

At 133 feet, up to three carriers would be possible on the structure – the primary carrier at 133 feet and potential co-locates at 122 feet and 111 feet. At the May 6, 2002, Planning Commission meeting, the applicant's consultant stated that the two carriers interested in occupying this tower are VoiceStream and Ntelos. Furthermore, it was stated during the public hearing that the only carrier that dropped the site due to the shortening of the tower was Sprint.

The Board should note that the service coverage area, defined by antenna height, is not a linear relationship. From information presented to staff, a tower that is 165 foot tall provides approximately a 1.5 mile radius coverage, and a 133-foot tower provides approximately a one mile radius coverage. Also, there is no appreciable degradation of coverage between an antenna located at 133 feet and one that is located at 117 feet.

At the original application request of 165 feet, some carriers were not able to completely fill the coverage gap that exists along Route 199. This continues to be the case at the reduced height of 133 feet. With the information presented to staff by the applicant's consultant, staff finds that the existing service gap may be too large to be filled by just one facility that meets Zoning Ordinance requirements and that significantly meets the County's Performance Standards and Comprehensive Plan. Therefore, even if a facility were to be approved and built at the Airport site, staff believes additional infill antenna may still be needed by the carriers in the future, if 100 percent coverage is desired.

One carrier has overcome the reduction in tower height and has demonstrated that the Route 199 corridor can be served in its entirety by using the Waltrip site at a lower height (lower than 133 feet) in connection with using the Government Center stealth tower (which is 120 feet tall). Other carriers have used the existing 185-foot tall Colonial Williamsburg tower on Fifth Avenue (off Route 60) to fill the gap.

While a taller facility may minimize options for co-location, staff finds adequate coverage can be provided with a structure more in scale with existing natural vegetation.

Staff Recommendation

On April 9, 2002, the Board remanded this case back to the Planning Commission for further consideration due to changes in the application. At its May 6, 2002, meeting, the Planning Commission reconsidered this case and recommended denial of the revised proposal by a vote of 6-0. The Planning Commission had also recommended denial of the original proposal on February 4, 2002.

Staff finds that some of the concerns noted in previous staff reports regarding consistency with the Comprehensive Plan, including potential impacts on the Route 199 Community Character Corridor, and compatibility with surrounding structures and zoning, have been reduced by the revisions in the proposal.

While staff has previously requested the applicant consider using a camouflaged structure, at the current request of 133 feet staff finds that a mono-pine would appear out of scale with nearby trees and the treeline when viewed from the westbound lane of Route 199. Staff also finds the structure would appear substantially out of scale with nearby trees and the treeline when viewed from certain locations within the Kingspoint subdivision and from certain locations within Williamsburg Landing.

In these locations, with respect to the Zoning Ordinance criteria noted in this report, staff finds the mono-pine would be “noticeably dissimilar to nearby vegetation in terms of height.” Also, while an existing mature tree buffer would remain around the base of the tower, staff finds the mono-pine would not meet Zoning Ordinance criteria because it would “appear out of scale with existing natural vegetation to an off-site viewer.” Given that the tower would be approximately 62 percent taller than the surrounding tree line, staff does not find the tower meets the Zoning Ordinance criteria that it be “unnoticeable to the casual observer.” Finally, with respect to the adopted Performance Standards for Wireless Communication Facilities, staff finds the mono-pine does not meet the criteria that recommends the tower be “compatible in scale with surrounding natural trees.” Staff believes that the degree of inconsistency of this particular proposal with Zoning Ordinance criteria and adopted Performance Standards sets a broad precedent unlike any previously approved wireless communications facility in the County. All other installations, whether administratively or legislatively approved since the adoption of the revised Ordinance in 1997, have met the criteria and standards noted through lower heights, camouflaging, reserving substantial land area for buffering, siting the facility away from public vistas, and/or other techniques.

While a taller facility constructed at the airport would help to cover a larger service area, there are still service area limitations, as noted above. For the reasons just listed, and using the enclosed aerial photographs for reference, staff finds that a 133-foot tall mono-pine structure does not substantially meet the Zoning Ordinance requirements and adopted Performance Standards.

For the reasons cited, staff does not recommend approval of the application. While it may minimize options for co-location, staff finds adequate coverage can be provided with a structure more in scale with existing natural vegetation and in greater compliance with Zoning Ordinance criteria and the adopted Performance Standards.

Should the Board wish to approve this application, a revised resolution of approval is attached.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
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Attachments:

1. Photos taken at the March 28, 2002, balloon test
2. Photos taken from the pine-tree camouflaged structure at the Newport News City Farm
3. Resolution of approval