

**SPECIAL USE PERMIT-10-02. VoiceStream Wireless - VDOT Tower Extension
Staff Report for the July 9, 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

Building C Board Room; County Government Complex
Planning Commission: June 3, 2002, 7:00 p.m.
Board of Supervisors: July 9, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Nathan Holland of VoiceStream Wireless

Land Owner: The Virginia Department of Transportation (VDOT)

Proposed Use: 10 foot extension of an existing monopole telecommunications tower

Location: Interstate 64/Croaker Road intersection - Exit No. 231

Tax Map and Parcel No.: n/a - this is VDOT right-of-way

Primary Service Area: Inside

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Low Density Residential

Surrounding Zoning: West: Undeveloped lands zoned A-1 and B-1, and General Business.
South: Scattered single-family homes on A-1 zoned property and vacant R-8, Rural Residential zoned land.
East: Undeveloped, M-1, Limited Business/Industrial zoned land, and the Kiskiack Golf Course on R-8 and R-5, Multi-family zoned land.
North: Scattered single-family homes on residentially zoned property.

Staff Contact: Paul D. Holt, III - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the added visual impact of the antenna negligible. While the existing tower is not consistent with the Comprehensive Plan, staff finds that the proposed antenna addition would not have an additional impact on surrounding zoning and development and that the co-location would in fact prevent the need for construction of a new tower. Staff recommends approval of the special use permit, subject to the proposed conditions. On June 3, 2002, the Planning Commission recommended approval of the application by a vote of 6-1. The applicant has assured staff that VoiceStream has reviewed the proposed conditions of approval with the Virginia Department of Transportation.

History of the Project

In 1997, the Virginia Department of Transportation (VDOT) allowed the erection of 150-foot to 185-foot tall monopole towers at roadway interchanges along Interstate 64. At the time, Federal and State legislation encouraged state agencies to make available their lands to companies that provide wireless telecommunications services (Code of Virginia §2.1-504.4(C)). VDOT entered into contracts with private wireless telecommunications providers to construct towers at Interstate interchanges. VDOT then located cameras on the towers (typically at the 55-85 foot tall range) and took possession of the towers, with the private carriers then leasing the remaining tower space for their private enterprise equipment. The VDOT cameras were part of the first phase of a statewide Intelligent Transportation System (ITS) program whereby monitoring devices were installed along Interstate corridors. Despite heavy objection, VDOT sidestepped the normal plan review process, and constructed the towers without the standard zoning approvals. After construction of the tower, VDOT did agree to provide landscaping requested by County staff. Approval of this special use permit request would make the tower a valid use under the Zoning Ordinance.

Description of the Current Proposal

The towers have proven to be of great benefit to wireless telecommunications providers. Four separate users are currently located on the 185-foot tall monopole tower at the I-64/Croaker Road intersection (Exit No. 231). A photograph of the existing facility is attached. The applicant proposes increasing the height of the tower by 10 feet.

VoiceStream Wireless is currently in the process of building its “deployment” network in the James City County area and desires additional antenna locations along the I-64 corridor. Recently, the company received approval of a special use permit amendment to extend the existing tower located off I-64 in the Route 30/Stonehouse area (Case No. SUP-01-02). The company also has antenna located on the State Police tower on I-64, on the monopoles located at Exit 238 (Route 143) and 242 (Route 199), and they are presently working on co-locating on the existing tower located at the Regional Jail Facility on Route 143. As far as providing continuous coverage along the Interstate, this leaves a service gap in the Croaker Road area.

VoiceStream had originally submitted an application to construct a new 250-foot tall tower at 4392 Rochambeau Road (Case No. SUP-25-01) which was subsequently withdrawn. At staff’s suggestion, a structural analysis of the existing VDOT tower at the Croaker Road intersection was performed and it was revealed that, with modification, VoiceStream’s antenna could be located on the existing tower, thus preventing the need for a new tower to be constructed in this vicinity at this time.

SUP’s are not normally needed for antenna co-location on an existing tower. A SUP is needed in this case since a SUP has never been granted for this site and the applicant proposes extending the total height of the structure. Tower mounted antenna greater than 35 feet in height are a specially permitted use on lands zoned A-1, General Agriculture.

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

On May 26, 1998, the James City County Board of Supervisors adopted several performance criteria for Wireless Communications Facilities (a copy of these standards is attached for your convenience).

As noted above, the tower was constructed without the standard zoning approvals. The tower was also constructed prior to the date of the current Performance Standards. As such, many of the current expectations regarding “minimal visual intrusion” are not met and in general, the tower is not consistent with the County’s policy. However, the tower does meet the criteria which call for providing co-location alternatives to the greatest extent possible.

VoiceStream proposes adding its antenna array to the top of the existing tower. With the addition, the top of the tower will remain below 199 feet, thus preventing the need for tower marking or lighting, another important objective of the Performance Standards.

VoiceStream submitted a computer simulation of the visual impact of adding the antenna to the top of the existing tower. Staff finds the added visual impact negligible. VoiceStream has also submitted a photograph of a prototype tower where such an addition has already been completed. Copies of these submittals are attached.

Surrounding Zoning and Development

To the west of the VDOT interchange are undeveloped lands zoned A-1 and B-1, General Business. To the north are single-family homes on residentially zoned property and to the south are scattered single-family homes on A-1 zoned property and vacant R-8, Rural Residential zoned land. East of the interchange is undeveloped, M-1, Limited Business/Industrial zoned land, and the Kiskiack Golf Course on R-8 and R-5, Multi-family zoned land.

Staff finds the proposed antenna addition would have no additional impact on surrounding zoning and development and that the co-location would in fact prevent the need for construction of a new tower.

Comprehensive Plan

This quadrant of the interchange is designated Low Density Residential on the Comprehensive Plan Land Use Map. The other three quadrants are designed for Mixed Use. Low Density residential areas are located in the PSA where natural characteristics such as terrain and soils are suitable for residential development. Examples of acceptable land uses within this designation include single-family homes, duplexes, schools, and very limited commercial establishments. Nonresidential uses should not alter, but rather, compliment the residential character of the low-density residential area in which they are located. Because taller communication towers generally require specialized locations, opportunities exist for the County to evaluate the individual merits of proposed communication towers on the stated case-by-case basis.

The existing tower is not consistent with the Comprehensive Plan. However, staff finds the proposed antenna addition would have no additional impact on the surrounding area and that the co-location would prevent the need for construction of a new tower which may be deemed incompatible with the Comprehensive Plan designation.

Recommendation:

Staff finds the added visual impact of the antenna negligible. While the existing tower is not consistent with the Comprehensive Plan, staff finds that the proposed antenna addition would not have an additional impact on surrounding zoning and development and that the co-location would in fact prevent the need for construction of a new tower. Staff recommends approval of the special use permit, subject to the proposed conditions. On June 3, 2002, the Planning Commission recommended approval of the application by a vote of 6-1. The applicant has assured staff that VoiceStream has reviewed the proposed conditions of approval with the Virginia Department of Transportation.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
sup10-02.wpd

Attachments:

1. Minutes from the June 3, 2002, Planning Commission meeting
2. Location map
3. Performance Standards for Wireless Communications Facilities, dated May 26, 1998
4. Photograph of the existing tower configuration and prototype of an existing tower where such an antenna addition has already been made
5. Photograph simulation of the antenna addition to the existing VDOT tower
6. Resolution