

**REZONING-2-02. Greensprings Proffer Amendment
Staff Report for 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. Marc Sharp, Greensprings Park Associates

Land Owner: Greensprings Office Park Associates

Proposed Use: Amend the proffered height restrictions to permit a 120-foot Monopine Wireless Communication Tower

Location: 3900 John Tyler Highway (Intersection of Route 5 and Greensprings Plantation Drive)

Tax Map and Parcel No.: (46-1)(1-7)

Primary Service Area: Inside

Parcel Size: ±13.7 acres

Existing Zoning: R-4, Residential Planned Community

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North, East, & West: R-4, Residential Planned Community (Fairways Villas)
 South: R-1, Limited Residential (Jamestown High School)
 R-2, General Residential (Jamestown Hundred)

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposed tower consistent and compatible with the existing development, zoning, and the Comprehensive Plan. Staff recommends approval of the proposed proffer amendment to increase the permitted height of certain structures in this location with in the Greensprings Planned Community. Note that approval of the Greensprings proffer amendment does not mean automatic approval of the proposed monopine tower. If the rezoning is approved, staff would then process the submitted site plan to ensure that the proposed tower meets the strict standards

detailed in the James City County Zoning Ordinance regulating Wireless Communication Facilities such as encouraging co-location, avoiding placement of a new tower and performance standards. On June 3, 2002, the Planning Commission voted 7-0 to approve the rezoning application. In consideration of these factors and the positive results of the balloon test, staff recommends the Board of Supervisors approve the rezoning application to amend the proffers governing Greensprings.

Description of Project

Mr. Marc Sharp has applied on behalf of Greensprings Office Park to amend the existing proffers for Greensprings to permit up to 120-foot tall monopine communication towers at 3900 John Tyler Highway which is in land bay M-9 on the Greensprings Plantation Master Plan. The proffer amendment applies only to this type of structure. The James City County Zoning Ordinance permits camouflaged communication towers up to 120 feet in height within any zoning district and these site plans are processed administratively. The proposed proffers would replace the current proffers approved by the Board of Supervisors on November 23, 1999, that place height restrictions in land bays M-9 and M-10 on any structure within 600 feet from the centerline of Route 5 to 35 feet or less and 45 feet or less in height within 900 feet of the centerline of Route 5. Note that the Greensprings Master Plan is not being modified with this application.

Existing Conditions

SBA Network Services, Co. has submitted a site plan to the Planning Division (Case No. SP-27-02) for approval of two 120-foot monopine towers and associated equipment to be located at 3900 John Tyler Highway. However at this writing, site plans are being revised for construction of only one tower that would be used by Verizon Wireless to provide cellular communication coverage in the Greensprings Plantation area. The tower would be located approximately 500 feet from Route 5 and behind the existing buildings in the Greensprings Office Park. The tower would be located on land leased from Greensprings Office Park Associates. Currently, the site is heavily wooded with a mixture of trees, including some pine trees. The existing tree buffer along Route 5 would not be disturbed.

As camouflaged communication towers are permitted within any zoning district, this site plan would have been processed administratively except the current proffers regarding height restrictions prohibited approval. Staff discussed the situation with SBA Network Services when the site plan was submitted and two alternatives were proposed; relocate the tower to a location that would not be restricted by the proffers or to amend the proffers. Relocation of the tower or significantly lowering the height of the tower would severely impact the range of the tower and its usefulness. Thus, the rezoning application to amend the proffers was submitted to the County for review.

Surrounding Zoning and Development

The property is zoned R-4, Residential Planned Community. Property to the West, North, and East is zoned R-4, Residential Planned Community as well. Fairway Villas is located to the West, on the opposite of Greensprings Plantation Drive from the Greensprings Office Park and is the closest residential development. To the South across John Tyler Highway is Jamestown High School, zoned R-1, Limited Residential, and the Jamestown Hundred subdivision, zoned R-2, General Residential. In the off-site locations where it is visible, the monopine appears consistent with the scale and species of surrounding trees. Consequently, staff finds the proposed monopine is compatible with the surrounding zoning and development as the proposed tower site is heavily wooded, adequately buffered and inside the existing tree line buffer. Visibility is discussed in greater detail in a later section.

Access

Access to the tower site is now being proposed via a new access road from the Greensprings Office Park parking lot. Access had previously been proposed from an existing James City Service Authority gravel road. The proposed tower does not generate a significant amount of traffic and neither access point would impact the Route 5 buffer.

Comprehensive Plan

The property is designated Low Density Residential on the 1997 Comprehensive Plan Land Use Designation Map. Low density areas are residential developments on land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Non-residential uses should complement the residential character of the low-density area in which it is located. Very limited commercial establishments should be located on collector roads at intersections where adequate buffering can be provided to protect nearby residential properties. For the reasons cited above regarding off-site appearance of scale and species, staff finds the proposed monopine tower located within the existing buffer and access from the existing parking lot compatible with the Comprehensive Plan.

Visual Analysis of the Proposal

To simulate the proposed height of the tower extension, the applicant conducted a publicly advertised balloon test on May 20, 2002. A balloon was raised to 120 feet and staff drove on nearby streets to gauge visual impacts. Please note that due to the existing dense trees coverage, the balloon was tested from a location approximately thirty feet closer to Route 5 and Greensprings Office Park than the proposed tower site. Therefore, the proposed tower would have even less of an impact than illustrated in the photographs, as it would be located deeper into the woods.

Balloon Test Results

The balloon test revealed the proposed monopine tower would have minimal to no visibility on adjacent roadways and surrounding properties. Pictures taken during the test and a location map are attached.

Photo No. 1 was taken on-site from the parking lot of Greensprings Office Park and the balloon was visible over the existing tree line. The monopine would clearly be out of scale with the surrounding trees. However, as the parking lot landscaping matures, staff believes the tower will blend in with the existing trees.

Photo No. 2, was taken from the entrance of Fairway Villas on the opposite side of Greensprings Plantation Drive and the balloon was visible. Driving from Monticello Extension on Greensprings Plantation Drive to Route 5, the balloon was only visible as one passed the entrance to Fairways Villa and was opposite the Greensprings Office Park. From this vantage point the monopine tower would not appear to be above the surrounding tree line and would appear consistent in terms of scale, height and species.

Driving on Route 5 in either direction, the balloon was not visible, nor was the balloon visible driving from Jamestown High School towards Route 5.

Photo No. 3 shows the existing buffer at Greensprings Office Park would not be affected by the proposed tower.

Also attached for reference are simulations provided by SBA Network Services, Inc., of how the proposed monopine tower would look.

Proffers

Revised proffers are attached that reflect the proposed change to Item No.17 that currently reads:

Height Limitations - In Land Bays M-9 and M-10 any structure within 600 feet from the centerline of Route 5 (John Tyler Highway) shall not exceed 35 feet in height. In Land Bays M-9 and M-10 any structure located in that area in between 600 feet from the centerline of Route 5 (John Tyler Highway) and 900 feet from the centerline of Route 5 (John Tyler Highway) shall not exceed a maximum height of 45 feet.

The applicant proposed to amend the proffers for Land Bay M-9 only by the adding the following sentence:

Height Limitations - In Land Bays M-9 and M-10 any structure within 600 feet from the centerline of Route 5 (John Tyler Highway) shall not exceed 35 feet in height. In Land Bays M-9 and M-10 any structure located in that area in between 600 feet from the centerline of Route 5 (John Tyler Highway) and 900 feet from the centerline of Route 5 (John Tyler Highway) shall not exceed a maximum height of 45 feet. *The foregoing restrictions notwithstanding, in Land Bay M-9 stealth communication towers up to 120 feet in height as defined and governed by the James City County Zoning Ordinance shall be permitted.*

Other than changes to the proffer recitals on the first two pages necessitated by law, no other substantive changes have been made to the proffers.

If the Board of Supervisors approves the proffer amendment, the Planning Staff will administratively process the site plan that has been submitted. Note that any proposed tower would have to meet the current James City County Zoning requirements including collocation effort requirements, performance standards, radio frequency standards, public safety considerations, and other standards.

Staff believes that the proposed proffer amendment is consistent with the original intent of the Greensprings proffers to maintain and protect the Historic Route 5 corridor buffer. If approved, staff believes that the proposed 120-foot monopine tower would not have a negative impact on Greensprings Plantation, in actuality; the monopine tower would benefit citizens as cell phone coverage would be improved. In the late 1990's, the County conducted a communications coverage tower study that reported coverage in the Greensprings area was inadequate and anticipated the need for camouflaged towers in the vicinity of the this site. Staff believes this application sets an example as to how the County's unique character can be preserved through proper siting and design of communication facilities while meeting service needs.

Recommendation:

Staff finds the proposed tower consistent and compatible with the existing development, zoning and the Comprehensive Plan. Staff recommends approval of the proposed proffer amendment to increase the permitted height of certain structures in this location with in the Greensprings Planned Community. Note that approval of the Greensprings Proffer Amendment does not mean automatic approval of the proposed monopine tower. If the rezoning is approved, staff would then process the submitted site plan to ensure that the proposed tower meets the strict standards detailed in the James City County Zoning Ordinance regulating Wireless Communication Facilities such as encouraging co-location, avoiding placement of a new tower and performance standards. On June 3, 2002, the Planning Commission voted 7-0 to approve the rezoning application. In consideration of these factors and the positive results of the balloon test, staff recommends the Board of Supervisors approve the rezoning application to amend the proffers governing Greensprings.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KD/adw
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Attachments

1. Planning Commission Minutes
2. Location map
3. Photos taken at the publicly advertised balloon test
4. Tower simulation photographs
5. Proposed Proffers
6. Citizen Comment Letters
7. Resolution