

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL MEETING OF:** 8/26/14 (work session),  
9/9/14 (regular mtg)

**CUT OFF DATE:** 8/20/14

**RESOLUTION**     **ORDINANCE**     **PUBLIC HEARING**   X  

**ITEM TITLE:**

**CU-14-432** Request of Lynn Miller on behalf of the City Of Winchester for a conditional use permit for a telecommunications tower at 231 East Piccadilly Street (*Map Number 173-01-Q-1*) zoned Central Business (B-1) District. Request is to construct a 150-foot monopole tower to be utilized as part of the proposed dual-site public safety communications system upgrade.

**STAFF RECOMMENDATION:**

Approval with conditions

**PUBLIC NOTICE AND HEARING:**

Public hearing for 9/9/14 Council mtg

**ADVISORY BOARD RECOMMENDATION:**

Planning Commission recommended approval with conditions

**FUNDING DATA:** N/A

**INSURANCE:** N/A

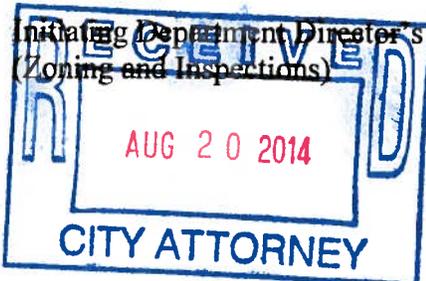
The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Planning Director	<i>[Signature]</i>		8/20/14
2. Emergency Management Coordinator	<i>[Signature]</i>		8/21/14
3. City Attorney	<i>[Signature]</i>		8/21/14
4. City Manager	<i>[Signature]</i>		21 Aug 14
5. Clerk of Council			

Initiating Department Director's Signature:  
(Zoning and Inspections)

*[Signature]*

8/20/14



APPROVED AS TO FORM:

*[Signature]* 8/21/2014  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Aaron Grisdale, Director of Zoning and Inspections  
**Date:** August 26, 2014  
**Re:** CU-14-432 – Telecommunications Facility – 231 E. Piccadilly St

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**THE ISSUE:**

The City of Winchester is applying for a conditional use permit for a telecommunications facility at 231 E Piccadilly Street. The proposal is for a 150-foot monopole tower adjacent to the Timbrook Public Safety Center.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 2 – Develop a High Performing Organization, Objective 4 – Provide adequate resources for the defined core City services and service levels.

Goal 4 – Create a More Livable City for All, Objective 4 – Upgrade City Infrastructure

**BACKGROUND:**

The request by Lynn Miller on behalf of the City of Winchester for a 150-foot monopole telecommunications facility at 231 E. Piccadilly Street. This proposed tower will replace the existing 85-foot lattice tower adjacent to the Timbrook Public Safety Center. This is one site proposed as part of a dual-site public safety communications system.

(Full staff report attached).

**BUDGET IMPACT:**

No funding is required.

**OPTIONS:**

- Approve the conditional use permit
- Approve the conditional use permit with conditions
- Deny the conditional use permit

**RECOMMENDATIONS:**

The Planning Commission unanimously recommended approval.

**CU-14-432** Request of Lynn Miller on behalf of the City of Winchester for a conditional use permit for a telecommunications tower at 231 East Piccadilly Street (*Map Number 173-01-Q-1*) zoned Central Business (B-1) District.

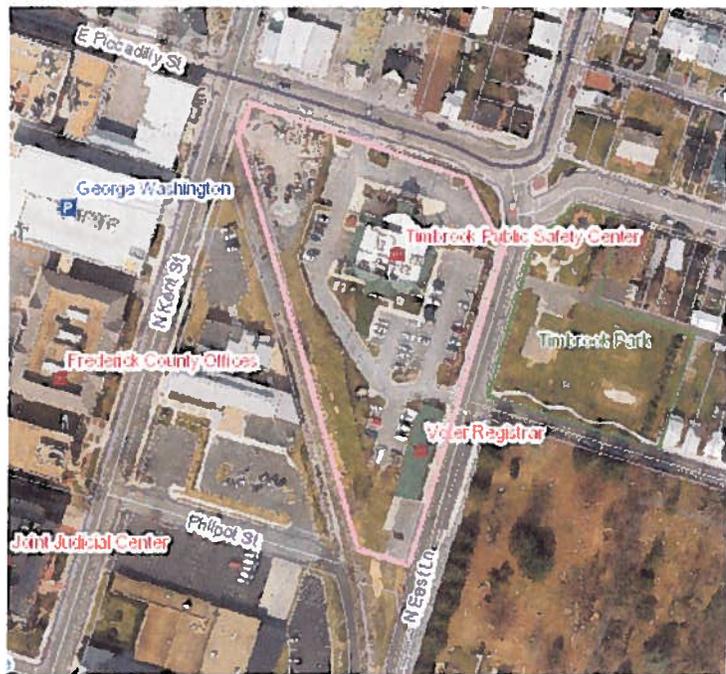
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#### REQUEST DESCRIPTION

This request is a proposal for a new communications tower adjacent to the Timbrook Public Safety Center at 231 East Piccadilly Street. The proposed 150-foot monopole tower will replace an existing 85-foot lattice tower on site.

#### AREA DESCRIPTION

The subject property is located on the southwest corner of the intersection of East Piccadilly Street and North East Lane and is zoned Central Business (B-1) district with no overlays. The immediately surrounding properties to the north, west and south are similarly zoned; however, most of the properties to the west are within the Historic Winchester (HW) district overlay. Properties to the northeast are zoned Limited High Density Residential (HR-1) and properties to the east and southeast are zoned Educational Institutional and Public (EIP) district.



#### STAFF COMMENTS

The present request is a follow up to the conditional use permit that was submitted and reviewed by Planning Commission and City Council during 2013 as part of the public safety radio communications system upgrade. The City is presently embarking on replacement of the current communications system, which is antiquated, inadequate and non-compliant with FCC regulations. During the previous CUP proposal, a single 250-foot tower was being considered at a city-owned property on 700 Jefferson Street adjacent to the existing elevated water tank. Following Planning Commission and Council review and receiving public input, Council directed staff to evaluate alternative sites for the system.

The current proposal is modified from the previous single site design, with the current proposal involving a dual-site design consisting of a 150-foot monopole tower at the Timbrook Public Safety Center site at 231 East Piccadilly Street, and utilization of the existing infrastructure/elevated water tank on the 700 Jefferson Street site.

Prior to the application for the current CUP, the public safety communications project team evaluated alternate sites that would support a single site design. As noted in the applicant's detailed letter, one site was on East Lane and would involve a 350-foot lattice tower. The second consideration was the

Winchester Medical Center site, which yielded a requirement of a 450-foot tower to achieve the required coverage requirements. Neither of these options was determined to be feasible as the ability to obtain a favorable ruling from the FAA or the FCC was doubtful. After these studies and considerations, the proposal was made for the current proposal.

The existing proposal of 150-feet was determined to be the minimal height necessary following propagation studies to analyze future signal performance. This design was identified as the most effective from an operational perspective; it would combine the utilization of existing and new resources, create economies of scale, reduce the impact of FAA regulations, address the concerns of citizens and have a minimum impact of the area.

As noted above, this tower would be part of a two-site design with this proposal being key to the design and operation of the system. The second component which is not part of this request is the replacement of existing radio aerials on the elevated water tank at 700 Jefferson Street with new and updated equipment.

Prior to the consideration of this CUP proposal, the City of Winchester made a variance request with the Board of Zoning appeals to allow for the proposed height which exceeds that which is typically permitted within the B-1 district. The normal permitted height is 100-feet within the district, and the Board found that a demonstrable hardship existed in this instance and granted the variance. With this variance approval in hand, the CUP request is now able to move forward for review.

#### RECOMMENDATION

At their August 19, 2014 meeting the Planning Commission forwarded **CU-14-432** to Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommended approval is subject to the following conditions:

1. Obtaining all required state and federal approvals and the tower design being in conformance with any additional requirements as may be required by such agencies.
2. Submit an as-built emissions certification after the facility is in operation;
3. The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use;

Timbrook Public Safety Center  
231 East Piccadilly Street  
Winchester, VA 22601

Telephone: (540) 545-4721  
FAX: (540) 542-1314  
Website: [www.winchesterva.gov](http://www.winchesterva.gov)

July 2, 2014

Mr. Timothy A. Youmans, Planning Director  
City of Winchester  
Rouss City Hall  
15 N. Cameron Street  
Winchester, VA. 22601



Re: Emergency Communications Project – Communications Tower  
231 E. Piccadilly Street, Timbrook Public Safety Center

Dear Mr. Youmans,

The City of Winchester is in the process of replacing the Public Safety Radio Communications System. The existing system is subject to failure, antiquated, inadequate, non-compliant with FCC regulations, undependable in some cases beyond repair. The infrastructure of the proposed system includes several components one of which is a 150' radio communications tower to be located as indicated above. The City embarked on the replacement of the Emergency Communications System in 2005 authorizing an evaluation of the current system followed by a detailed study in 2007 as performed by L. R. Kimball & Associates. The findings of the original study identified the current system was beyond useful life, did not provide adequate radio coverage for public safety, had limited redundancy, did not provide interoperability and was a system of stove pipes rather than a communications system.

The 2007 study determined the most suitable radio communications for the City, provided a conceptual design and took into consideration the most cost effective design. Following much discussion and research it was determined that a Project 25, digital, trunked system operating in the 800 MHz frequency spectrum to be the best option. While engaged in the design phase of the study it was determined that regulations of the Federal Communications Commission pertaining to the VHF frequency spectrum which the City utilized was subject to Narrowbanding regulations having a compliance date of January 1, 2013. This regulatory issue further influenced the decision to convert to the 800 MHz spectrum.

L. R. Kimball & Assoc. presented several design options from which a Request for Proposal (RFP) was crafted. The design utilized an industry standard of 95% coverage, 95% of the time utilizing a portable radio with a 20dB signal loss in building. The selected vendor offered a solution utilizing a single tower site. The determined site was to be located at 700 Jefferson Street and would involve a 250' lattice tower and associated ground support equipment creating a project cost of \$3.5 million. The single site was preferred as it complied with specified

performance standards, contained long term maintenance expense and was the most cost effective solution relating to initial build out. Implementation of the Jefferson Street site was initiated through an application for a Conditional Use Permit through Zoning & Planning, licensing through the Federal Communications Commission (FCC) and the submittal of an application to the Federal Aviation Administration (FAA) to permit erection of a 250' lattice tower on the site. The FAA originally provided a favorable recommendation pertaining to the erection of the tower with provisions it would to be illuminated and painted aviation orange and white. The Planning Commission reluctantly provided a favorable recommendation relating to the erection of the tower although several citizens spoke in opposition to the tower. When the Planning Commission's recommendation was presented to City Council several citizens addressed Council opposing the erection of the tower. Council considered the comments received by the citizens and requested alternate sites for the tower be examined. Alternate sites were examined and a determination made that to meet the performance standards two locations would support the single site design. One site was on East Lane and would involve a 350' lattice tower while the second site would be on the Winchester Medical Center Campus and involve a 450' tower. Neither of these sites was determined to be feasible as the ability to obtain a favorable ruling from either the FAA or the FCC was doubtful. While the alternate sites were being examined the FAA implemented new regulations addressing the Minimum Descent Altitude (MDA) for aircraft circling in a holding pattern to land at the Winchester Regional Airport. It was determined by the FAA that the Jefferson Street tower would protrude into the MDA by 20' thus the favorable ruling previously issued by the FAA was retracted. This action resolved the issue concerning the Conditional Use Permit and the application for the 250' tower was rescinded.

The action of the FAA negated six and a half years of intense work and design and placed the project back on the drawing board. As the performance standards for operations remained a vital factor the next consideration was to examine available alternatives. Consideration was given to leasing space on existing tower sites and sharing space with entities such as cell carriers. This was examined and a determination made that compliance with the performance standards could not be obtained by a single site and based on the location and elevation of the existing towers it would most likely take multiple sites each creating a significant initial investment and long term maintenance cost.

Propagation studies were performed utilizing the existing elevated water tank located at the Jefferson Street site and the replacement of the existing 85' lattice tower located at the Timbrook Public Safety Center with a 150' monopole. The propagation studies identified performance standards could be met utilizing this configuration. This design was determined as the most effective from an operational perspective, it would combine the utilization of existing and new resources, create economy of scale, reduce the impact of FAA regulations, address the concerns of citizens and have a minimum impact of the area as this is an upgraded replacement rather than an addition.

The original single site design was budgeted at \$3.5 million, the two site design as proposed has been budgeted at \$5.4 million creating a substantially greater financial impact hardship on already stressed finances. Should the request to permit the 150' tower at the Timbrook Public Safety Center not be granted the design will require further modifications and the need for

**Winchester Emergency Management**

additional sites and towers will be necessary creating yet a greater financial hardship from the construction through the 20-25 year anticipated project life span. In addition to the financial impact associated with the implementation of the project non-compliance with FCC regulations may result in issuance of violations resulting in fines up to \$10,000 per day per frequency, a revocation of existing communications licenses and an order to take immediate corrective action. This will create yet another financial hardship on the citizens. Additionally and maybe most importantly is the hardship experienced on a daily basis by Public Safety personnel as they perform services within the community without the benefit of dependable communications. This places the personal in jeopardy and reduces their effectiveness within the community creating a hazardous environment for not only the responders but for the overall community.

On behalf of the City of Winchester I respectfully request the Planning Commission consider the request to erect a 150' monopole tower structure at the rear of the Timbrook Public Safety Center located at 231 E. Piccadilly Street.

Respectfully,

  
Craig Gerhart, Interim City Manager/Director of Emergency Management

**GEO-TECHNOLOGY ASSOCIATES, INC.**

**GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS**

*A Practicing ASFE Member Firm*



June 25, 2014

City of Winchester Planning and Zoning Department  
Rouss City Hall  
15 North Cameron Street – Suite 318  
Winchester, VA 22601

Re: Notice of Cell Tower Construction for Evaluation of Historic Sites  
Timbrook Public Safety Center  
Winchester, Virginia

Dear Sir or Madam:

City of Winchester is proposing to replace an existing lattice tower with a 140-foot tall monopole telecommunications tower, with the overall height of 150-feet including upper attachments. The site is located at the Timbrook Public Safety Center at 231 East Piccadilly Street, Winchester, Virginia 22601. Pursuant to the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission, on behalf of the City of Winchester, Geo-Technology Associates, Inc. (GTA) is providing written notification of this proposal by the City of Winchester to construct the above referenced telecommunications tower.

The subject site currently consists of an existing lattice tower compound, which City of Winchester proposes to decommission to construct a fenced telecommunications compound containing the proposed monopole cell tower and associated telecommunications equipment. Total area disturbed will be approximately 600 square feet. A *Site Location Map* showing the approximate location of the proposed development and the *Site Exhibit* is attached.

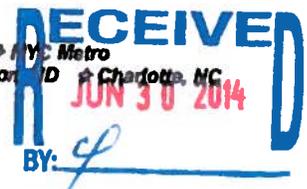
The antenna installation is subject to review under Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f ("Section 106"). In accordance with Section 106 and the Nationwide Programmatic Agreement referenced above, City of Winchester invites your comments on the effects of the proposed tower on historic properties in the vicinity that are listed or eligible for listing in the National Register of Historic Places. A copy of the Section 106 Submittal can be provided upon request. *The Section 106 review is a separate process from any city or county approval required for this project.*

Please let us know if you need anything additional to make your review convenient. Comments may be sent within 30 days to Geo-Technology Associates, Inc., ATTN: Ms. Kirti

43760 Trade Center Place, Suite 110, Sterling, VA 20166 (703) 478-0055 Fax: (703) 478-0137

◆ Abingdon, MD ◆ Laurel, MD ◆ Frederick, MD ◆ Waldorf, MD ◆ Sterling, VA ◆ Somerset, NJ ◆ NYC Metro  
◆ New Castle, DE ◆ Georgetown, DE ◆ York, PA ◆ Quakertown, PA ◆ Towanda, PA ◆ Malvern, OH ◆ Williston, ND ◆ Charlotte, NC

Visit us on the web at [www.gtaeng.com](http://www.gtaeng.com)



City of Winchester Planning and Zoning Department  
***Notice of Cell Tower Construction –Timbrook Public Safety Center Cell Site***  
June 25, 2014  
Page 2 of 2

Rajpurohit, 43760 Trade Center Place, Suite 110, Sterling, Virginia 20166 or submitted by telephone to Ms. Kirti Rajpurohit at (703) 478-0055. Any comments received from interested parties will be forwarded to the Virginia Department of Historic Resources for its consideration in reviewing this project.

If you have any questions please do not hesitate to contact us at (703) 478-0055.

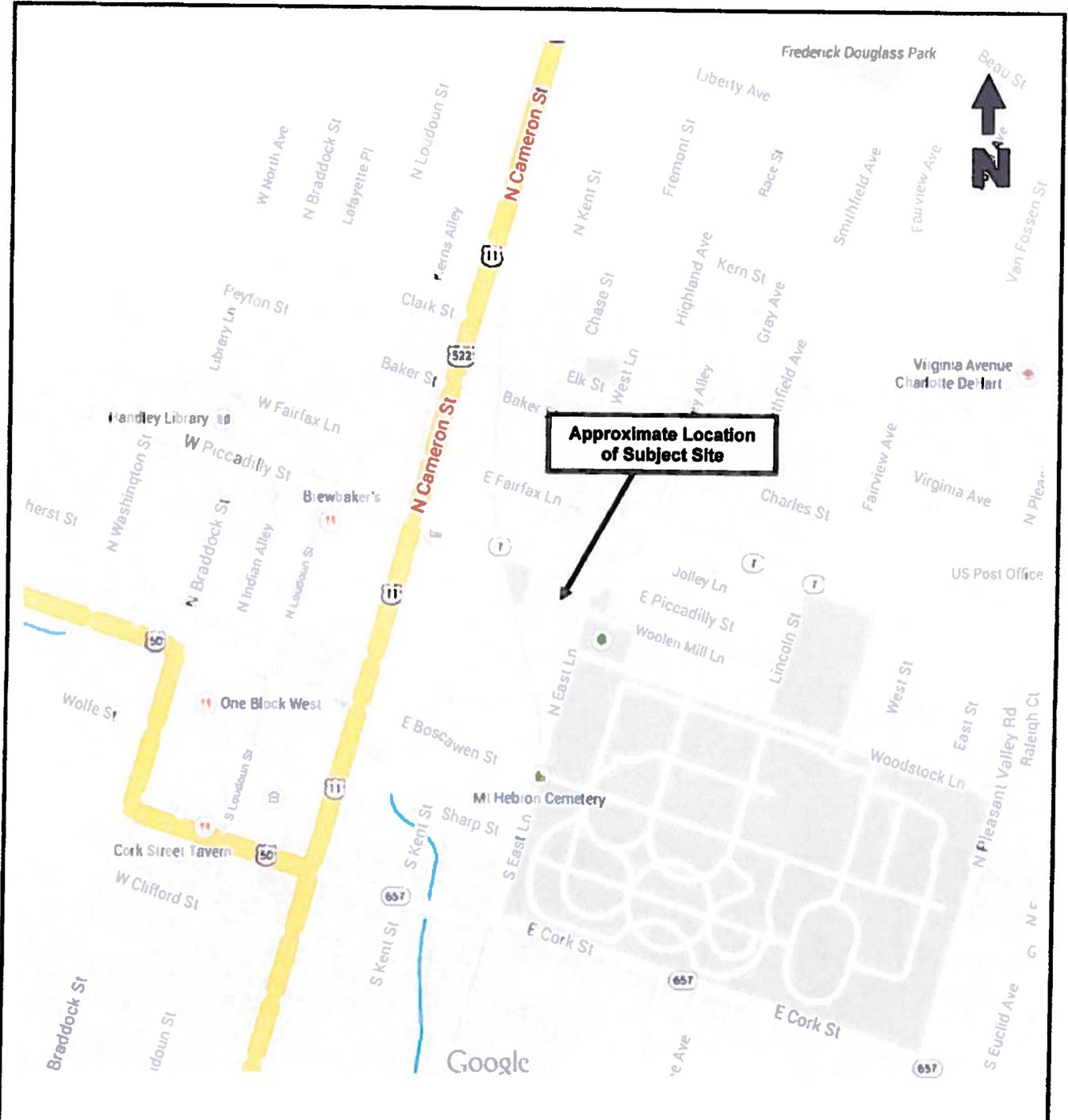
Sincerely,  
GEO-TECHNOLOGY ASSOCIATES, INC.



Kirti Rajpurohit  
Environmental/NEPA Specialist

GTA Project # 140941

Attachment: *Site Location Map*  
*Site Exhibit*



	<p><b>GEO-TECHNOLOGY ASSOCIATES, INC.</b>  <i>Geotechnical and Environmental Consultants</i></p> <p>43760 Trade Center Place, Suite 110          Sterling, Virginia 20166          (703) 478-0055          Fax (703) 478-0137</p>	<p align="center"><b>Figure 1</b>  <b>Site Location Map</b></p> <p align="center">Timbrook Safety Center          Winchester, Virginia</p>		
<p><b>SCALE</b></p> <p align="center">As Shown</p>	<p><b>DATE</b></p>	<p><b>SOURCE</b></p> <p align="center">Google Maps</p>	<p><b>REVIEWED BY</b></p> <p align="center">GTA</p>	<p><b>GTA PROJECT NO.</b></p> <p align="center">140941</p>

# BZA VARIANCE

## TELECOMMUNICATIONS TOWER

### CITY OF WINCHESTER, VIRGINIA

- SCHEDULES**
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**SHEET INDEX**

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2	GENERAL NOTES
3	GENERAL NOTES
4	GENERAL NOTES
5	GENERAL NOTES

**LEGEND**

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**OWNER**  
CITY OF WINCHESTER  
15 NORTH CAMERON STREET  
WINCHESTER, VIRGINIA 22601  
CONTACT: LYNN MILLER  
PHONE: (540) 743-4121

**ENGINEER**  
WORRELL & RICHIE ASSOCIATES  
4310 MADE CLEVER PLACE, SUITE 110  
STEPHENS VIRGINIA 20166  
CONTACT: JOHN K. ERICKSON  
PHONE: (703) 614-0151

**TOWER**

**PARKING TABULATION**

2.2.1.1	PUBLIC SPACES	10
2.2.1.2	PUBLIC ACCESSIBLE SPACES	3
2.2.1.3	SCALES GROUPS	65
2.2.1.4	SCALES ACCESSIBLE SPACES	1
		179, 18

SEE 2.2.1.1.1 EXCEPT FOR TYPING CORRECTIONS

**NOTES:**

1. ALL BUILDING AND OTHER CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WASHINGTON'S PUBLIC UTILITIES REGULATIONS, LATEST EDITION.
2. SEE SHEET C7 FOR NOTES AND OTHER DETAILS.
3. HANDICAPPED PARKING SPACES SEE SHEET C10.
4. HANDICAPPED PARKING SIGN W/VAHNS ACCESSIBLE SIGN SEE SHEET D11 CO.
5. FLAREPOLL, SEE F.A.P.O.L.E. FOUNDATION DETAIL ON SHEET C10.
6. 14" x 7" CONC. CURB FOR PER SIGNATURE, SEE SHEET C10.
7. SEE SHEET C9 FOR CONC. CURB DETAILS.
8. SEE SHEET C9 FOR CONC. CURB DETAIL.
9. SEE SHEET C11 FOR SIGNATURE ON A.
10. 14" x 7" CONC. CURB FOR PER SIGN. SEE SHEET C10.
11. 14" x 7" CONC. CURB FOR PER SIGNATURE, SEE SHEET C10.
12. SEE SHEET C10 FOR SIGNATURE ON A.
13. SEE SHEET C10 FOR PER SIGNATURE, SEE SHEET C10.
14. BUILDING HEIGHT IS AS SET BY A PERMITTED AREA OF 11,115 SQUARE FEET ON A TOTAL BUILDING AREA OF 11,115 SQUARE FEET.
15. CONTACT THE OWNER FOR THE CITY OF WASHINGTON'S PUBLIC UTILITIES REGULATIONS, LATEST EDITION.
16. SEE SHEET C10 FOR PER SIGNATURE, SEE SHEET C10.
17. SEE SHEET C10 FOR PER SIGNATURE, SEE SHEET C10.
18. SEE SHEET C10 FOR PER SIGNATURE, SEE SHEET C10.
19. SEE SHEET C10 FOR PER SIGNATURE, SEE SHEET C10.
20. SEE SHEET C10 FOR PER SIGNATURE, SEE SHEET C10.

NOTE: MRA SEAL AND SIGNATURE FOR BZA APPLICATION ONLY. ALL REVISIONS TO THIS SHEET, WHICH ARE BEING CERTIFIED TO, HAVE BEEN CLOUDDED.

- LEGEND**
- HEAVY DUTY ASPHALT PAVEMENT SEE SHEET C10
  - CONCRETE DRIVEWAYS & PADS



PROJECT NO.	100-1000-01
CITY OF WASHINGTON	TELECOMMUNICATIONS CENTER
331 EAST PENNSYLVANIA STREET	
ARCHITECT	MIRA ASSOCIATES, INC.
DATE	NOV 15, 2007
SCALE	AS SHOWN

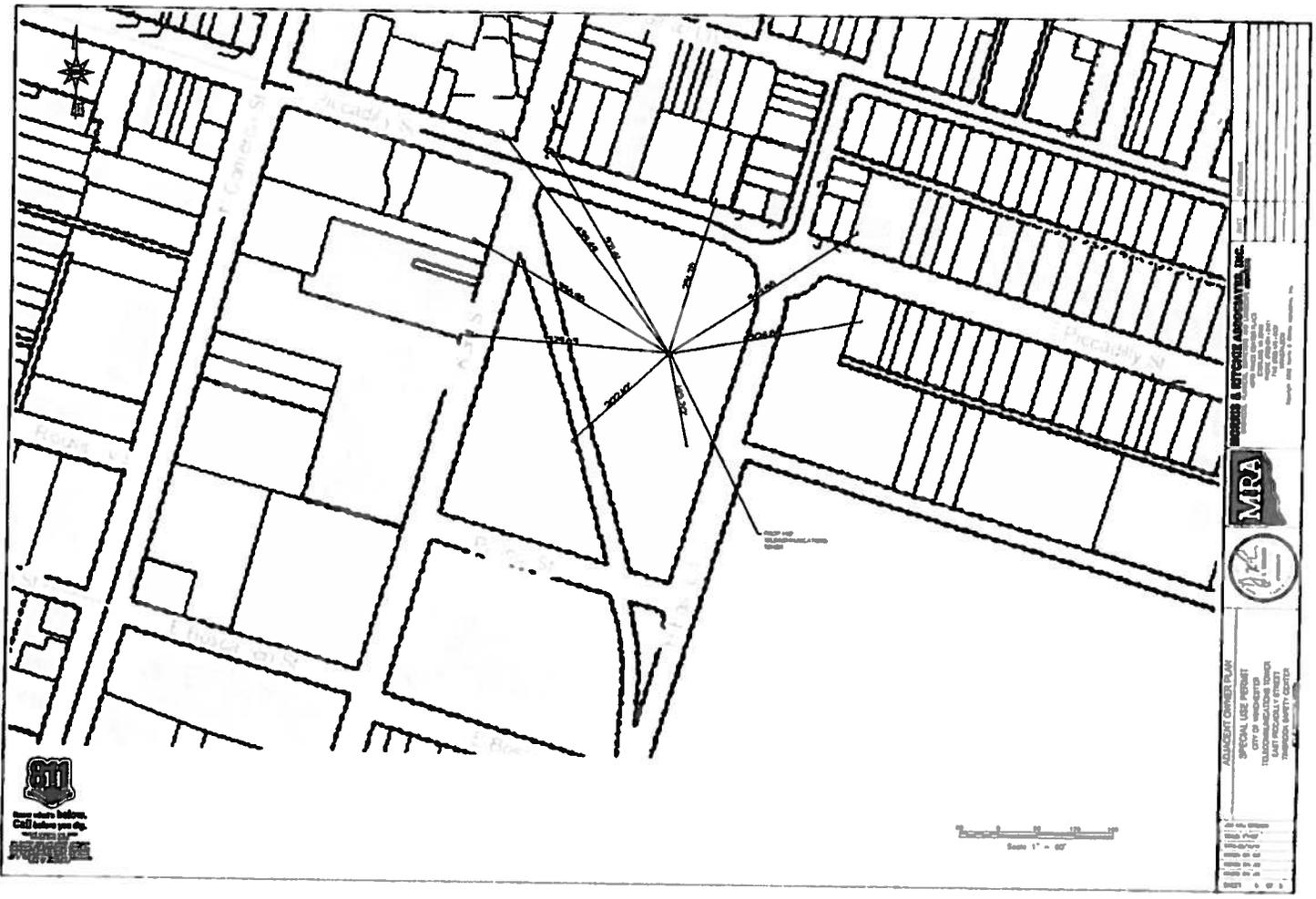
**MIRA ASSOCIATES, INC.**  
 1000 K STREET, N.W., SUITE 1000  
 WASHINGTON, D.C. 20004  
 TEL: 202-462-1000  
 FAX: 202-462-1001  
 WWW.MIRA-DC.COM

**STATE SEAL**  
 SPECIAL LICENSE PERMIT  
 CITY OF WASHINGTON  
 TELECOMMUNICATIONS CENTER  
 EAST PENNSYLVANIA STREET  
 PROJECT NO. 100-1000-01

DATE: 11/15/07  
 SHEET NO. 2 OF 2







Scale 1" = 60'

**MRA**  
MORRIS & WITKOPF ASSOCIATES, INC.  
1000 MARKET STREET, SUITE 200  
PHILADELPHIA, PA 19102  
TEL: 215-597-1000  
FAX: 215-597-1001  
WWW.MORRISWITKOPF.COM



ADJACENT OWNER PLAN  
SPECIAL USE PERMIT  
CITY OF PHILADELPHIA  
1000 MARKET STREET  
PHILADELPHIA, PA 19102  
TEL: 215-597-1000  
FAX: 215-597-1001  
WWW.MORRISWITKOPF.COM

DATE: 08/11/11  
DRAWN BY: J. [unreadable]  
CHECKED BY: [unreadable]  
SCALE: AS SHOWN  
SHEET NO. 1 OF 1