

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 11/25/14 (work session) CUT OFF DATE: 11/19/14
12/09/14 (Regular meeting)

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

CU-14-640 Request of Joshua Schakola on behalf of Verizon Wireless for a Conditional Use Permit for modifications to a telecommunications tower at 799 Fairmont Avenue (Map Number 153-01- -2-A) zoned Limited Industrial (M-1) District. (Request to add three new antennas to existing tower facility).

STAFF RECOMMENDATION:

Approval with conditions.

PUBLIC NOTICE AND HEARING:

Public hearing for 12/09/14 Council meeting

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously 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.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Planning Director, City Attorney, City Manager, and Clerk of Council with handwritten signatures and dates.

Initiating Department Director's Signature: [Handwritten Signature] 11/19/14
(Zoning and Inspections)



APPROVED AS TO FORM: [Handwritten Signature] 11/19/2014 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections *AMG*
Date: November 25, 2014
Re: **CU-14-640** Request of Joshua Schakola on behalf of Verizon Wireless for a Conditional Use Permit for modifications to a telecommunications tower at 799 Fairmont Avenue (Map Number 153-01- -2-A) zoned Limited Industrial (M-1) District. *(Request to add three new antennas to existing tower facility).*

THE ISSUE:

Request to add three antennas and a GPS antenna to the existing tower facility.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4 – Create a More Livable City for All, Objective 3 – Manage future growth, development and redevelopment consistent with City’s vision, comprehensive plan and development standards and policies

BACKGROUND:

The applicant is proposing to add three new antennas behind existing antennas on the existing tower facility behind National Fruit at 799 Fairmont Avenue. No antenna removals are associated with this request. There will be no increase to the height of the facility.

(Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve conditional use permit with recommended conditions
- Decline to approve the CUP.
-

RECOMMENDATIONS:

The Planning Commission unanimously recommended approval with conditions.

City Council Work Session
November 25, 2014

CU-14-640 Request of Joshua Schakola on behalf of Verizon Wireless for a Conditional Use Permit for modifications to a telecommunications tower at 799 Fairmont Avenue (Map Number 153-01- -2-A) zoned Limited Industrial (M-1) District. *(Request to add three new antennas to existing tower facility).*

REQUEST DESCRIPTION

The applicant is proposing to add three (3) new antennas and install one GPS antenna as part of an upgrade of existing telecommunications facilities at the tower located on the National Fruit property at 799 Fairmont Avenue.

AREA DESCRIPTION

The existing tower is located in a wooded area in the northwest portion of the ±68 acre, M-1 zoned National Fruit Product Company industrial property. Land to the east is also zoned M-1 and includes the migrant worker camp and some single family residences along the west side of Fairmont Ave. Land to the west is zoned LR and is vacant. Land further to the southwest includes an M-1 zoned City water tank and an LR zoned single family residence. Land directly to the north is located in Frederick County and includes vacant land in the Rural Area (RA) and Residential Performance (RP) Districts.



STAFF COMMENTS

The applicant intends to add three antennas mounted to the pre-existing lattice tower behind existing antennas. The additional antennas are proposed in order to additional capacity and uninterrupted coverage in response to increasing demand for streaming and data usage. Collocation of antennas on existing structures as proposed is encouraged within the Zoning Ordinance. The applicant does not intend on expanding the existing ground support equipment with this request.

RECOMMENDATION

At their November 18, 2014 meeting, the Commission forwarded **CU-14-640** 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. Submit an as-built emissions certification after the facility is in operation;
2. The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use;
3. Submit a bond guaranteeing removal of facilities should the use cease.

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Winchester

Statement of Compliance

Verizon Wireless at 799 Fairmont Ave

Winchester, VA 22601

(Proposal is for minor alteration to the Verizon installation on Tower)

Description of Proposed Use.

The Applicant is submitting this application to modify its antennas installation on the tower. The alteration consists of adding three (3) Remote Radio Heads (RRH), one (1) per sector, behind an existing antenna. There will also be an addition of three (3) Distribution Boxes, one (1) per sector, behind an existing antenna. One (1) GPS antenna will be added to the existing cable ice bridge. One (1) existing hybrid cable will be removed from the tower and replaced with three (3) new hybrid cables.

The proposed telecommunications installation is a vital part of Verizon Wireless' area wide wireless communications network. As part of that network, Verizon Wireless requires a wireless communications facility in order to provide seamless coverage in City of Winchester area next to offices, businesses as well as those travelling through the city area.

The proposed alteration is required in response to an increasing demand for streaming and data usage. Without the proposed alteration, customers will be unable to access or maintain a transmission speed of information and will not be able to obtain dependable service for voice communications.

The existing communications facility is a passive facility and will not have employees or personnel, hours of operation or impacts on traffic around the facility. The communications facility does not create any noise, dust, fumes or vibrations. The wireless facility will continue to be unmanned with one (1) or two (2) monthly maintenance visits. The use is not hazardous or in conflict with existing and anticipated traffic in the surrounding neighborhood.

Requirement for Proposed Use

Telecommunication carriers must locate antenna sites according to a network design within relatively limited geographic parameters in order to provide uninterrupted coverage. The demand for wireless Internet access and the use of "Smart Phones" has exponentially increased the demand. In order to meet demand, Verizon seeks to make the most efficient use of each facility. By collocating antennas on a rooftop with existing telecommunications facilities, Verizon makes better use of the space while avoiding the need to erect a new antenna support structure or install antennas on another structure.

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Winchester**

The proposed heights of the replacement antennas are at a sufficient height so as to permit radio signals to clear any obstructions while simultaneously providing coverage to the intended service area.

This site offers both an excellent land-use and visual solution to Verizon Wireless' coverage objective within the narrow placement parameters of this particular search area.

Conformance with the General Provisions of the Conditional Use Permit

A Conditional Use Permit is hereby requested as the intended collocation complies with the following regulations set forth in Section 18-2.

18-2-1 Conditional Use Permit

18-2-1.1

Conditional use permits may be granted by the City Council for any of the uses for which a permit is required by the provisions of this Ordinance. In granting any such use permit, the City Council may impose any such conditions in connection therewith as will assure that it will conform with the requirements contained herein and will continue to do so, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. A conditional use permit shall not be issued unless the City Council shall find that:

- a. The proposal as submitted or as modified will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration, with due regard for timing of operation, screening and other matters which might be regulated to mitigate adverse impact.
- b. The proposal as submitted or modified will conform to the Comprehensive Plan, or to specific elements of such plan, and the official policies adopted in relation thereto, including the purposes and the expressed intent of this Ordinance.

COMPLIANCE: Radio Frequencies do not affect the health safety or welfare of persons residing or working in the neighborhood per the FCC regulations. This is an existing passive facility, unmanned with only one (1) or two (2) monthly maintenance visits and does not be create any noise, dust, fumes or vibrations.

18-2-1.2

Proposals for transmitting and receiving facilities and towers for cellular communications systems and similar communications systems shall demonstrate the following: (2/14/96, Case TA-95-07, Ord. No. 002-96; 8/13/13, Case TA-13-198, Ord. No. 2013-21)

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Winchester**

- All possible means for sharing space on existing towers or on existing buildings or other structures have been exhausted and no alternative other than constructing a new tower exists, and if a new tower is proposed, the applicant as executed a Letter of Intent to share space on their tower and negotiate in good faith with other interested parties.;
- The height of any tower is not more than the minimum to accomplish required coverage and any new tower is separated from property lines in a residential district by not less than the height of the tower. In no case shall any tower exceed 75 feet in height in a LR, MR, HR, HR-1, RO-1, RB-1 or HS Districts, nor 100 feet in the B-1, B-2, CM-1, PC, MC or HE-1 Districts, nor 200 feet in the M-1 or M-2 Districts;
- The tower construction is of a design which minimizes the visual impact and the tower and other facilities have been camouflaged and/or screened from adjacent properties and rights of way to the maximum extent practicable. To this end, the proposal must provide for retention of existing stands of trees and the installation of screening where existing trees do not mitigate the visual impact of the facility. Such screening must, at a minimum, meet the requirements of Section 19-5-6.4d of this Ordinance. The Planning Commission may recommend and the City Council may require additional trees and screening when the minimum provisions do not mitigate adverse visual impacts of the facility;
- The electromagnetic fields do not exceed the radio frequency emission standards established by the American National Standards Institute or standard issued by the Federal Government subsequent to the adoption of this Ordinance.

COMPLIANCE: The proposed alteration is to an existing telecommunications tower shared by other wireless telecommunications carriers thereby eliminating the need to locate on other structures which do not support existing telecommunications facilities or the need to erect a new tower.

18-2-3 Procedures

18-2-3.1

The procedures governing this application for and the granting of conditional use permit where required by this Ordinance shall be as follows: (10/11/83, Case 83-06, Ord. No. 034-83)

18-2-3.2

The applicant, who shall be a record owner, or contract owner with written approval of the owner, of the land involved (if a contract owner, copy of said contract shall be filled with and made a part of application), shall make application for the use permit to the Administrator on the form provided for that purpose, giving all information required by such form, including such other information which the Administrator may deem necessary for an intelligent consideration of the project for which a permit is desired. The application shall be accompanied by the fee as per Section 23-8, evidence of delinquent tax payment per Section 23-9, and disclosure of real party interest per Section 23-10 for this Ordinance and ten (10) copies of the following: (10/13/92, Case TA 92-02, Ord. No. 016-92; 8/16/02, Case TA-02-04, Ord. No. 014-2002)

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COMPLIANCE: The applicable applications have been signed by the property owner who is engaged in an amendment to the current leased space with Verizon Wireless for the alterations of the space.

18-2-3.3

A site plan in accordance with Article 19 of this Ordinance.

COMPLIANCE: The site plans have been submitted with the Conditional Use Application.

18-2-3.4

The front, side, and rear elevations and floor plans of the proposed buildings.

COMPLIANCE: No new building is proposed, the alteration is on an existing Tower.

18-2-3.5

Public Notice and Hearing. The Administrator shall submit the conditional use permit application and copies of the site plan to the Commission, which shall make a recommendation to the City Council which shall approve, approve with conditions, or deny the application. No such use permits shall be considered by the Commission or the Council except after notice and hearing as per Section 23-7-1 of this Ordinance. Written notice shall be provided per Section 23-7-2 of this Ordinance for both the Commission and City Council hearings. (2/9/88, Case TA-87-14, Ord. No. 009-88; 10/13/92, Case TA 92-02, Ord. No. 016-92)

COMPLIANCE: Upon acceptance of the application, the applicant will conform to the guidelines for notification of any such hearings held by the Commission and City Council.

18-2-3.6

Notification Signs. For the hearing by both the Commission and City Council, the applicant shall place notification signage as per Section 23-7-3 of this Ordinance. (2/9/88, Case TA-87-14, Ord. No. 009-88; 10/13/92, Case TA-92-02, Ord. No. 016-92)

COMPLIANCE: Upon notice of scheduled hearing, applicant shall comply with proper posting of notification signs.

X

Joshua Schakola
Zoning Specialist