

**Application No. UP-966-21, Cellco Partnership:** Request for a Special Use Permit, pursuant to Section 24.1-306 (category 17, no. 7) of the York County Zoning Ordinance, to authorize the establishment of a 199-foot self-supporting telecommunications tower on a 16.8-acre parcel (GPIN F15d-4665-2009) located at 124 West Queens Drive (Route 716). The property is zoned RC (Resource Conservation) and is designated Medium-Density Residential in the Comprehensive Plan.

**Earl Anderson, Senior Planner**, summarized the staff report dated May 5, 2021, stating that staff recommends the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC21-8. He added that staff had received three emails in reference to the application, one of which was in support with the other two opposed.

**Mr. Jons** asked for clarification of the location of New Quarter Park in reference to the proposed tower site.

**Mr. Anderson** showed the location on the aerial photo and explained that the applicant ruled out the park because of its proximity to the airfield at Camp Peary, which limits the allowable tower height.

**Chair King** opened the public hearing.

**Lisa Murphy**, 440 Monticello Avenue, Suite 2200, Norfolk, spoke on behalf of the applicant, Cellco Partnership, which is doing business as Verizon Wireless. She stated that Verizon has been trying to find a site in this area for over three years. She spoke of the rapidly growing demand for wireless service, which has been compounded by the pandemic. Ms. Murphy displayed an aerial photo showing current cell tower locations, and she noted the lack of coverage in the proposed site area. She stated that several other sites were considered and determined to be infeasible for various reasons. She noted that approximately 30% of the towers in the County are located on school sites, which allows carriers to provide coverage in residential areas, and she added that the School Board unanimously approved for the use of this site for a tower. In response to a citizen comment, she said the tower would not affect the path used by children who walk to Queens Lake Middle School. She also noted a letter from a nearby resident and health physicist who said he has no concerns about the tower.

**Mr. Titus** asked if there is an optimal distance between tower sites.

**Ms. Murphy** responded that the distance depends on topography, tree coverage, and population and added that one to three miles is typical in this area.

**Mr. Jons** asked about the range of frequencies on the proposed tower.

**Ms. Murphy** explained that the frequency listing is part of the FAA determination. She added that when a study is submitted by a carrier, the FAA looks at whether the cell tower will be an obstruction and/or cause possible interference in air traffic communication.

**Mr. Jons** asked if a finding of evidence showing that cell towers cause cancer would factor into the applicant's decision to locate a tower near a school.

**Ms. Murphy** responded that the fact that 30% of the antennae structures in the County are located on school sites is an indication that they are safe. She added that emissions are regulated by the Federal Communications Commission (FCC) and that they are extremely low compared to everyday household uses such as microwave ovens. Ms. Murphy added that she provided notice of the proposed tower,

including her contact information, throughout the surrounding area and had not been contacted by anyone, which indicates that there is not significant concern on the part of local residents.

**Mr. Peterman** asked if a large tower would support the 4G system whereas the 5G system covers smaller areas within neighborhoods.

**Ms. Murphy** responded that the tower will potentially support 5G and explained that 5G is less of a frequency and more of technology in use. She explained that small cell sites, like those mounted on light poles, cover a very limited area. She added that in addition to Verizon, two other users will be able to utilize the proposed tower.

**Elizabeth McGoldrick**, 104 Royal Grant Drive, stated that the tower would be located behind her house. She expressed concerns about security, vandalism, and visibility, and she stated that she believes other sites should be considered in greater depth before a tower is approved at the school site.

There being no one else wishing to address the Commission on this application, **Chair King** closed the public hearing.

**Mr. Titus** said that he has found cell towers to be relatively inconspicuous.

**Mr. Jons** stated that it is important to note that the School Board, who are the guardians of the County's school children, owns the property and unanimously voted to lease it for the tower.

**Mr. Peterman** said that he sees a high-profile lighted tower near his neighborhood and he said that he does not have a problem with it since it allows communication.

**Chair King** said that the compounds at the bases of cells towers are surrounded by locked fencing and are highly secure and noted that this tower will have netting to prevent balls from entering the enclosure. He stated that providing cell coverage to the residents would increase safety and that school sites are ideal locations for towers. He noted that towers are part of the infrastructure and blend in to their surroundings, and he expressed support for the application.

**Mr. Jons** moved the adoption of Resolution No. PC21-8.

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO  
AUTHORIZE A 199-FOOT SELF-SUPPORTING MONOPOLE  
COMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED  
EQUIPMENT AT 124 WEST QUEENS DRIVE

WHEREAS, Cellco Partnership has submitted Application No. UP-966-21, which requests a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 17, No. 7), to authorize the establishment of a 199-foot self-supporting telecommunications tower on a 16.8-acre parcel (GPIN F15d-4665-2009) located at 124 West Queens Drive (Route 716); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12<sup>th</sup> day of May, 2021, that Application No. UP-966-21 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a 199-foot self-supporting telecommunications tower on a 16.8-acre parcel (GPIN F15d-4665-2009) located at 124 West Queens Drive (Route 716), subject to the following conditions:

1. This use permit shall authorize the establishment of a 199-foot self-supporting telecommunications tower on a 16.8-acre parcel (GPIN F15d-4665-2009) located at 124 West Queens Drive (Route 716).
2. The height of the tower, including the lightning rod, shall not exceed 199 feet.
3. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the Development Services Division prior to commencement of any land clearing or construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "White Lion, 124 West Queens Drive, Williamsburg, VA 23185" prepared by Dewberry Engineers, Inc. and dated March 24, 2021, a copy of which shall remain on file in the Planning Division office. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and Public Works, the York-Poquoson Sheriff's Office, the York County School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
4. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
5. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
6. An access easement shall be established over the area as shown on the plan referenced in Condition No. 3 above for the benefit of tower users for purposes of ingress, egress, and installation and maintenance of utilities associated with the proposed telecommunications facility prior to site plan approval. The driveway and vehicle turn-around area shall be paved.
7. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.

8. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
9. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
  - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
  - (2) The County requests, in writing, that the tower be reserved for County use.
10. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
11. Evidence shall be provided prior to issuance of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.
12. The proposed lease area shall be surrounded by an eight-foot (8') vinyl coated chain link fence outfitted with opaque material deemed acceptable for screening purposes by the Zoning Administrator. Evergreen trees having a planting size of not less than six feet (6') in height shall be installed surrounding the exterior of the fence at a spacing of not more than ten feet (10'). Trees shall be of a species type that retains branching to ground level.
13. The telecommunications tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
14. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the York County Department of Fire and Life Safety.
15. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner(s) as grantor(s) in the office of the Clerk of the Circuit Court prior to application for site plan approval.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On a roll call the vote was:

Yea: (5)           Sturk, Peterman, Jons, Titus, King  
Nay: (0)

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