

Index File

UP-775-10

Richmond 20 MHz, LLC, d.b.a. Ntelos

925, 929, and 1009 Dare Road (Route 621)

Assessor's Parcel Nos. 30-93, 30-92A, and 30-92

Application No. UP-775-10, Richmond 20 MHz, LLC, d.b.a. Ntelos: Request for 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 telecommunications tower up to 194 feet in height on property located at 925, 929, and 1009 Dare Road (Route 621). The property is located approximately 1,200 feet east of the intersection of Ilex Drive (Route 651) and Dare Road and is further identified as Assessor's Parcel Nos. 30-93, 30-92A, and 30-92. The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

Attachments:

Staff report

Zoning map

Sketch plan

Applicant's narrative

Propagation maps

Co-location letters

Proposed Resolution No. PC10-5

COUNTY OF YORK

MEMORANDUM

DATE: April 6, 2010 (PC Mtg. 4/14/10)
TO: York County Planning Commission
FROM: Earl W. Anderson, AICP, Planner
SUBJECT: Application No. UP-775-10, Richmond 20 MHz, LLC, d.b.a. Ntelos

ISSUE

This application 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 telecommunications tower up to 194 feet in height on property located at 925, 929, and 1009 Dare Road (Route 621). The property is located approximately 1,200 feet east of the intersection of Ilex Drive (Route 651) and Dare Road and is further identified as Assessor's Parcel Nos. 30-93, 30-92A, and 30-92.

DESCRIPTION

- Property Owner: Alonza Allen Hogge Jr.
- Location: 925, 929, and 1009 Dare Road (Route 621)
- Area: 12,708-square foot lease area on 4.89-acre parcel
- Frontage: Approximately 340 feet on Dare Road
- Utilities: Public water and sewer
- Topography: Slight slope from west to east
- 2025 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR-Rural Residential
- Existing Development: Driveways, which access a single-family detached home, detached garage, and pole barn at 1001 Dare Road and a single-family detached home at 1009 Dare Road.
- Surrounding Development:
 - North: Two single-family detached homes on both sides of Dare Road
 - East: Three single-family detached homes across Dare Road
 - South: Two single-family detached homes
 - West: None

- Proposed Development: 194-foot “slick-stick” telecommunications monopole with associated ground-mounted equipment

CONSIDERATIONS/CONCLUSIONS

1. In an effort to expand its coverage and eliminate gaps in wireless voice and data services in the Dare area of the County, Ntelos wishes to construct a 194-foot “slick-stick” (i.e., with interior antenna arrays) telecommunications monopole on the subject property, which consists of three contiguous parcels that are under single ownership (Mr. Hogge). The same property owner also owns a fourth adjacent parcel located at 1001 Dare Road, which is occupied by a single-family detached home. A vacant 0.63-acre lot, which is owned by a separate property owner, is completely surrounded by Mr. Hogge’s landholdings. The proposed monopole would be located approximately 245 feet west of the home at 1001 Dare Road and 280 feet southwest of the nearest adjacent residence that is not owned by Mr. Hogge and is also on Dare Road. The entire area is designated for Low Density Residential development in the Comprehensive Plan and is zoned RR (Rural Residential).
2. The proposed tower would be a co-location site designed to accommodate a minimum of three wireless communications providers that desire to improve coverage and service reliability in the Dare area. The applicant and the co-location tenant (AT&T) have submitted information indicating that location on the tower is needed to fill existing gaps in service coverage rather than merely enhance existing service. The applicant has submitted a statement from AT&T expressing its interest in co-locating on the proposed tower. Ground-mounted equipment at the base of the tower would be located within a 12,708-square foot lease area surrounded by a six-foot chain link fence and evergreen landscaping. Vehicular access to the gated compound area would be via a 20-foot access road looping from the existing northernmost property’s entrance on Dare Road, around to the tower site, and to a re-located entrance at the southernmost property. The applicant has proposed to establish an access and utility easement prior to site plan submittal.
3. The County’s policies regarding the siting of telecommunications towers are spelled out in the Comprehensive Plan, which states that new towers should be permitted “only where a proven need exists and only when all other opportunities, such as co-location on an existing tower or utilization of other existing structures have been exhausted.” Accordingly, the applicant explored various co-location opportunities inside and surrounding its half-mile radius search ring (see applicant’s narrative). The search ring represents the center of the area between Ntelos’s existing towers (located approximately two miles from the search ring center) where gaps in cellular services exist. Ntelos indicates that there are no towers or structures available inside the search ring that can accommodate new cellular antennae that would meet its needs.
4. The nearest existing towers, on the Peninsula Hardwood Mulch property and the Dare Elementary School property, are too far west of the area of need to provide adequate coverage for Ntelos. In its evaluation process, Ntelos considered and ultimately rejected numerous sites including the York Baptist Temple, which does not have a steeple or enough land for a tower, and Providence United Methodist Church, which does

not have enough land for a tower or a tall enough steeple. Other potential sites, including the previously proposed T-Mobile site on Railway Road and the previously proposed Ntelos site at Crossroads Community Church, have basically been ruled out by virtue of Special Use Permit denials by the Board of Supervisors in 2008 and 2009 respectively.

5. The Comprehensive Plan states that the County should “[d]iscourage or prohibit telecommunications towers in historic or residential areas except where no other practical option exists.” The lease area and monopole location are situated at the rear of the three parcels (4.89-acres) zoned for residential use. The three subject parcels currently serve as access to and from the existing single-family detached residence located at 1001 Dare Road, which also has an accessory garage and shed. As noted earlier, Mr. Hogge owns almost all the parcels in this area except for the adjacent vacant lot, which represents a potential future home site. Furthermore, the rear portion of the westernmost property is located in the 100-year floodplain and the Chesapeake Bay Resource Protection Area (RPA) which limits its development potential. The large parcel to the west of the proposed tower site, which separates the homes on Ilex Drive from the subject property, is likely to remain heavily wooded because of environmental constraints that limit its development potential.
6. In order for the Planning Commission, Board, and staff to evaluate visibility from nearby residential areas, the applicant submitted photo simulations of the proposed monopole. These simulations indicate that the proposed monopole would be visible from residential properties directly across and adjacent on Dare Road, from Ilex Drive during the winter, and properties near the end of Patrick’s Creek Road. Views toward the lease area from the west are buffered by dense, mature, woods and views of the site’s ground equipment complex from the north, south, and east will be screened using the County’s standard use permit conditions, which require evergreen screening immediately surrounding the lease area.
7. The applicant scheduled a balloon test on March 31 to demonstrate the proposed 194-foot tower height for the surrounding property owners. Additionally, citizens were given an opportunity to attend a community meeting held by the applicant on April 1, 2010. Ten individuals attended the meeting and exchanged commentary with the applicant.
8. As a condition of approval, the applicant will be required to submit a statement from a registered engineer certifying that radio frequency radiation emitted from the tower will meet applicable Federal Communication Commission standards.
9. The proposed tower would not encroach on any of the airspace protected by the County’s Airport Safety Management overlay district. The Federal Aviation Administration (FAA) also will review the proposed tower to ensure that there will be no effect on air traffic flight patterns. A proposed use permit condition requires that prior to the approval of a site plan for the tower, the applicant shall provide evidence that either the FAA has approved the tower or FAA approval is not required.

10. Although the Federal Telecommunications Act of 1996 did not preempt local zoning authority, localities are somewhat constrained in their ability to deny or delay requests for towers. Such decisions may be enjoined or overturned by the FCC or federal courts if the intent or the effect of the decision is to discriminate unreasonably between providers of functionally equivalent services, or if a decision has the effect of prohibiting the provision of personal wireless services. They can also be overturned if the denial is not based on substantial evidence, or if the denial is based on public health concerns relating to radio frequency emissions. Additionally, recent FCC amendments have imposed timeframes for local government regulatory decisions.

RECOMMENDATION

Because of its physical geography and the fact that the commercially zoned areas are either on the perimeter (i.e., Dare Marina) or at a highly visible crossroads (i.e., the Dare/Lakeside/Railway intersection), the Dare peninsula poses a particular challenge for wireless communication providers seeking to provide reliable service to their customers. Given that the only centrally-located, commercially-zoned area in Dare has been rejected as a communications tower site, the applicant and their companion providers have found it necessary to pursue this second residentially-zoned location. As stated previously, the Comprehensive Plan indicates that tower locations in residential areas should be “discouraged or prohibited...except where no other practical option exists.” In staff’s opinion, the applicant has provided sufficient documentation that it tried to identify alternatives and that no other practical options exist (i.e., co-locations, alternate sites) to provide the level of service it desires to provide to its customers.

The applicant has made reasonable efforts to minimize the visual impact of the proposed tower. The proposed tower would not be in a direct line of sight from the majority of surrounding properties and, by locating the tower as far to the interior of the property as possible and eliminating external antenna arrays, the applicant has taken steps to reduce the tower’s visibility. It should also be noted that this would not be the only freestanding tower in the County that is visible from adjacent residential properties and roadways; other examples include the towers at Peninsula Hardwood Mulch (visible from Winders Pond), the Tabb Fire Station (visible from Taylor Farms and Lotz Acres Estates), and Magruder Elementary School (which is also a “slick stick” and is visible from homes along Hubbard Lane and along the Merrimac Trail corridor into historic Williamsburg). Furthermore, at this location the presence of the sensitive environmental areas will help to assure that the visual buffer remains in place and undisturbed.

Staff believes this proposal is consistent with the policies set forth in the Comprehensive Plan with regard to telecommunications towers, particularly given the commitments for use by multiple communication services providers. If there is to be a communications tower to allow existing providers to improve their service in the Dare area, this is an appropriate site. Therefore, based on the considerations and conclusions as noted, staff recommends that the Planning Commission forward this application with a recommendation for approval to the Board of Supervisors subject to the conditions set forth in proposed Resolution No. PC10-5.

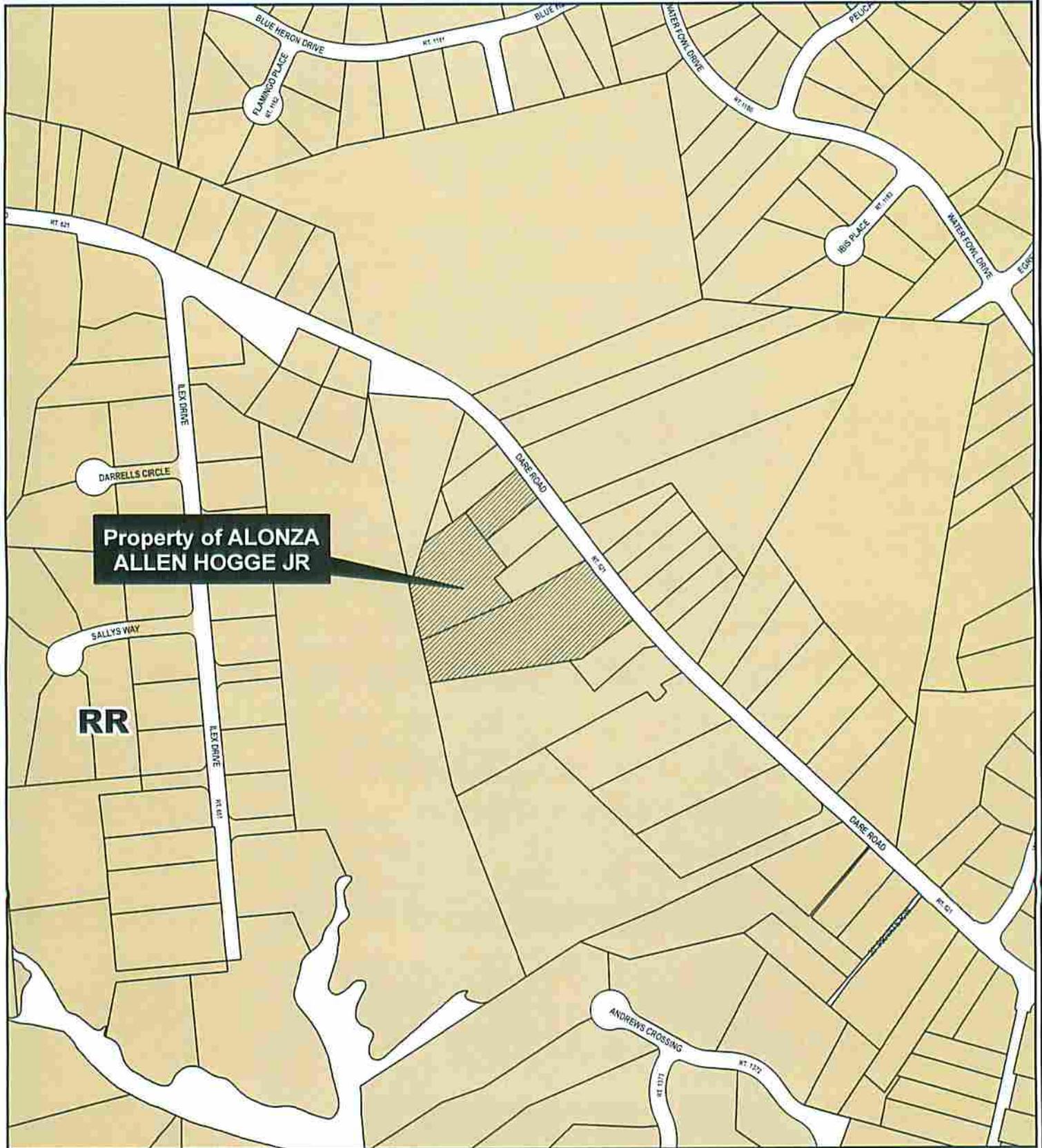
Attachments:

- Zoning map
- Sketch plan
- Applicant's narrative
- Photo simulations
- Propagation maps
- Co-location letters
- Proposed Resolution No. PC10-5

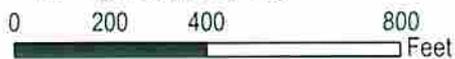
APPLICANT Richmond 20 MHz, LLC, d.b.a. Ntelos
Special Use Permit to construct a 194-foot telecommunications tower with associated ground equipment
925, 929, 1009 Dare Road

ZONING MAP

APPLICATION NUMBER: UP-775-10



★ = Conditional Zoning



Printed on February 04, 2010



SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

THIS IS NOT A LEGAL PLAT
This map should be used for information purposes only. It is not suitable for detailed site planning.



PROJECT NAME: DARE
 PROJECT #: NR-6208
 PROJECT LOCATION: 929 DARE ROAD
 YORKTOWN, VA 23692

CLIENT:

 SUITE 295
 9011 ARBORETUM PARKWAY
 RICHMOND, VIRGINIA 23236
 TEL: (804) 247-3898

CONSULTANT:

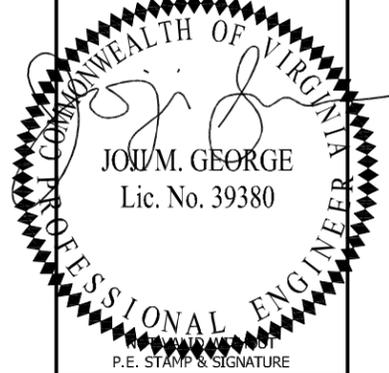
 CONSULTING GROUP, INC.
 9221 LYNDON B. JOHNSON FREEWAY
 SUITE 204, DALLAS, TX 75243
 PHONE: 972-231-8893
 FAX: 866-364-8375
 WWW.ALLPROCGI.COM

DRAWN BY: R. MADLOCK
 APPROVED BY: J. GEORGE
 ACGI JOB #: -

REVISIONS			
NO	DATE	DESCRIPTION	BY
0	10/21/09	LEASE EXHIBIT	RM
1	11/11/09	REDLINES	RM
2	11/17/09	PRELIMINARY ZD	RM
3	12/04/09	UPDATED FOR SURVEY	RM
4	01/28/10	FINAL ZD	RM
5	02/01/10	REDLINES	RM

SITE NUMBER:
DARE
 SITE NAME:
NR-6208
 SITE ADDRESS:
 929 DARE ROAD
 YORKTOWN, VA 23692

SEAL: 02/01/10



SHEET TITLE:
TITLE SHEET
 SHEET NUMBER:
T-1

SITE INFORMATION

OWNER: ALONZA ALLEN HOGGE, JR.
 1240 DARE ROAD
 YORKTOWN, VA 23692

SITE I.D.#: NR-6208
 SITE NAME: DARE

APPLICANT: NTELOS
 9011 ARBORETUM PARKWAY
 SUITE 295
 RICHMOND, VA 23236

SITE ADDRESS: 929 DARE ROAD
 YORKTOWN, VA 23692

LATITUDE: N 37° 09' 57.878"
 LONGITUDE: W 76° 25' 55.045"
 GROUND ELEVATION: 8.3'±

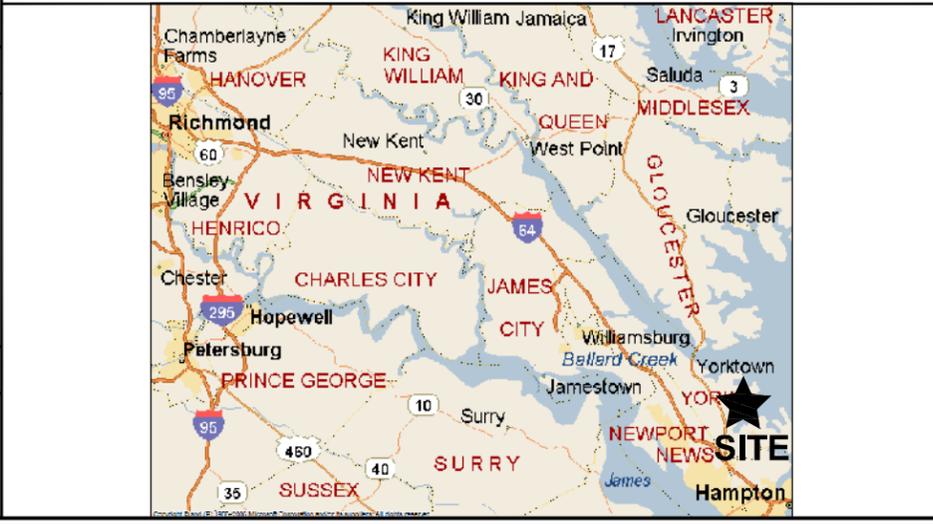
TAX MAP#: 30-92A
 ZONING CLASSIFICATION: YORK COUNTY
 ZONING JURISDICTION: RR (RURAL RESIDENTIAL)
 AREA OF CONSTRUCTION: 12,708 SQ. FT.

ENGINEER: ALLPRO CONSULTING GROUP, INC.
 9221 LYNDON B. JOHNSON FREEWAY
 SUITE 204
 DALLAS, TX 75243
 CONTACT: JOJI M. GEORGE P.E.
 OFFICE: 972-231-8893
 FAX: 866-364-8375

ENLARGED VICINITY MAP



VICINITY MAP



NTELOS CONSTRUCTION APPROVAL

PRINT NAME _____
 SIGNATURE _____ DATE _____

NTELOS RF APPROVAL

PRINT NAME _____
 SIGNATURE _____ DATE _____

OWNER APPROVAL

PRINT NAME _____
 SIGNATURE _____ DATE _____

PROJECT CONTACTS

NTELOS REPRESENTATIVE	
MARC CORNELL	(804) 327-5462
NTELOS CONSTRUCTION MANAGER	
ANDREW WALLACE	(804) 247-3898 wallace@ntelos.com
PROPERTY OWNER CONTACT	
ALONZA ALLEN HOGGE, JR.	(757) 698-0296
ELECTRICAL COMPANY	
VIRGINIA DOMINION POWER	(888)-667-3000
TELEPHONE COMPANY	
VERIZON	(800) 826-2355
MISS UTILITY OF VIRGINIA	



SHEET INDEX

- T-1 TITLE SHEET
- SP-1 SURVEY
- C-1 OVERALL SITE PLAN
- C-2 ENLARGED SITE PLAN
- C-3 ELEVATION
- C-4 FENCE DETAIL
- L-1 LANDSCAPE PLAN

DRIVING DIRECTIONS

FROM 9011 ARBORETUM PKWY, TAKE VA-76 N TO I-95 S TO I-64 E 71 MI. TAKE EXIT 250B AND MERGE ONTO VA-105 / FT. EUSTIS BLVD 4.1 MI. TURN RIGHT AT GEORGE WASHINGTON MEMORIAL HWY / US-17 2.5 MI. TURN LEFT AT DARE ROAD 2.2 MI. TURN RIGHT AT 929 DARE ROAD. PROPOSED SITE IS AT THE REAR OF THE PROPERTY CLOSE TO THE NORTHERN PROPERTY LINE.

PROJECT DESCRIPTION

THIS PROJECT WILL INCLUDE THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT, A FENCED COMPOUND, AND A MONOPOLE IN A RAWLAND LEASE AREA. SIX ANTENNAS WILL BE ADDED TO THE TOWER. ONE STEEL FRAME WITH EQUIPMENT WILL BE ADDED TO THE SITE. ASSOCIATED POWER AND TELEPHONE CIRCUITS WILL BE ADDED WITHIN THE SITE.

CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



SUITE 295
9011 ARBORETUM PARKWAY
RICHMOND, VIRGINIA 23236
TEL: (804) 247-3898



10400 CHESTER ROAD
CHESTER, VA. 23831
PHONE: 804-748-8707

DRAWN BY: RLL

APPROVED BY: PAH

REVISIONS

NO	DATE	DESCRIPTION	BY
1	1-28-10	reloc. access	rll
2	1-31-10	CHANGE ELEV. DATUM	rll

SITE NUMBER:
NR-6208

SITE NAME:
DARE

SITE ADDRESS:
929 DARE ROAD
YORKTOWN, VA 23692

SEAL:



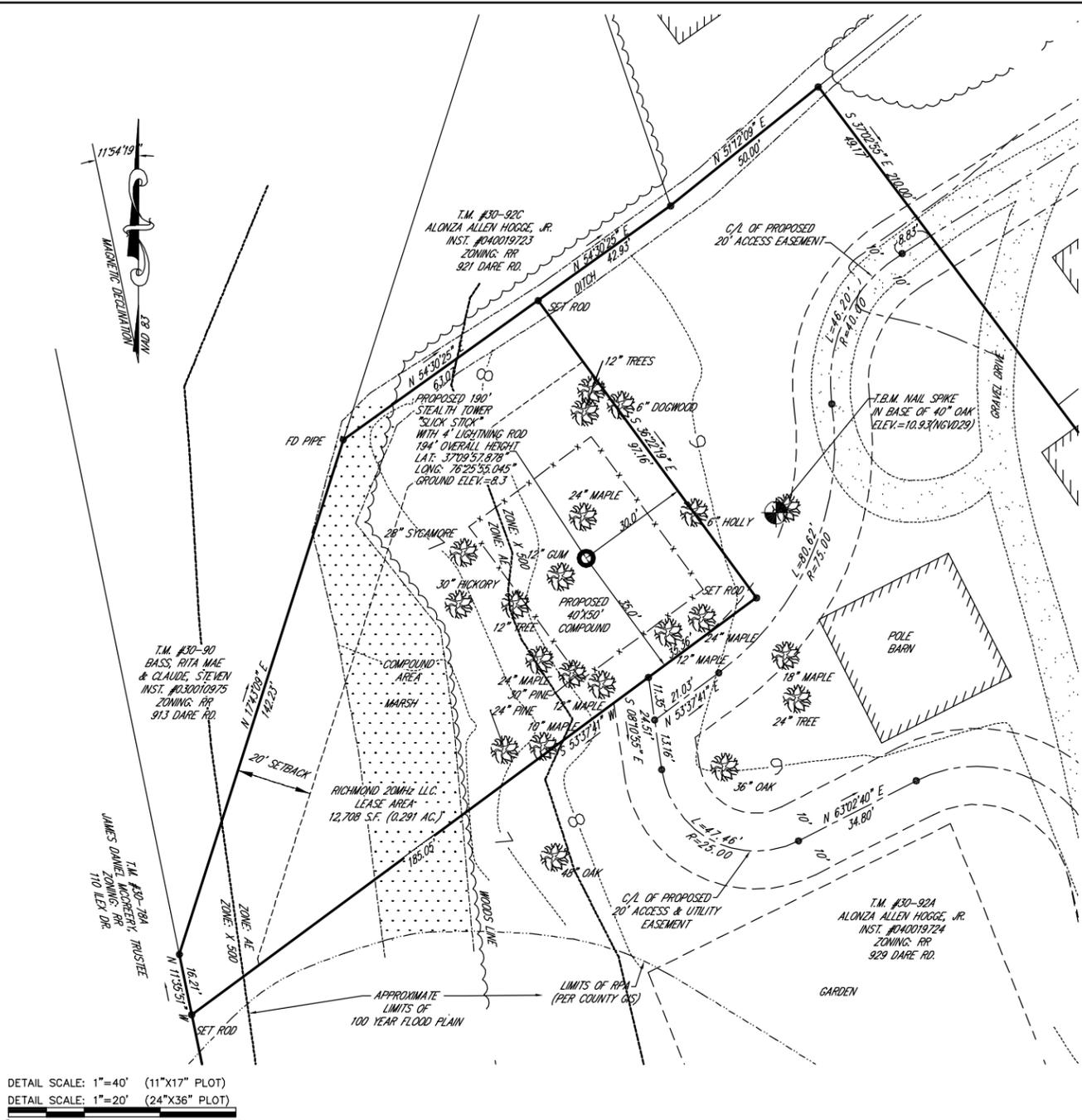
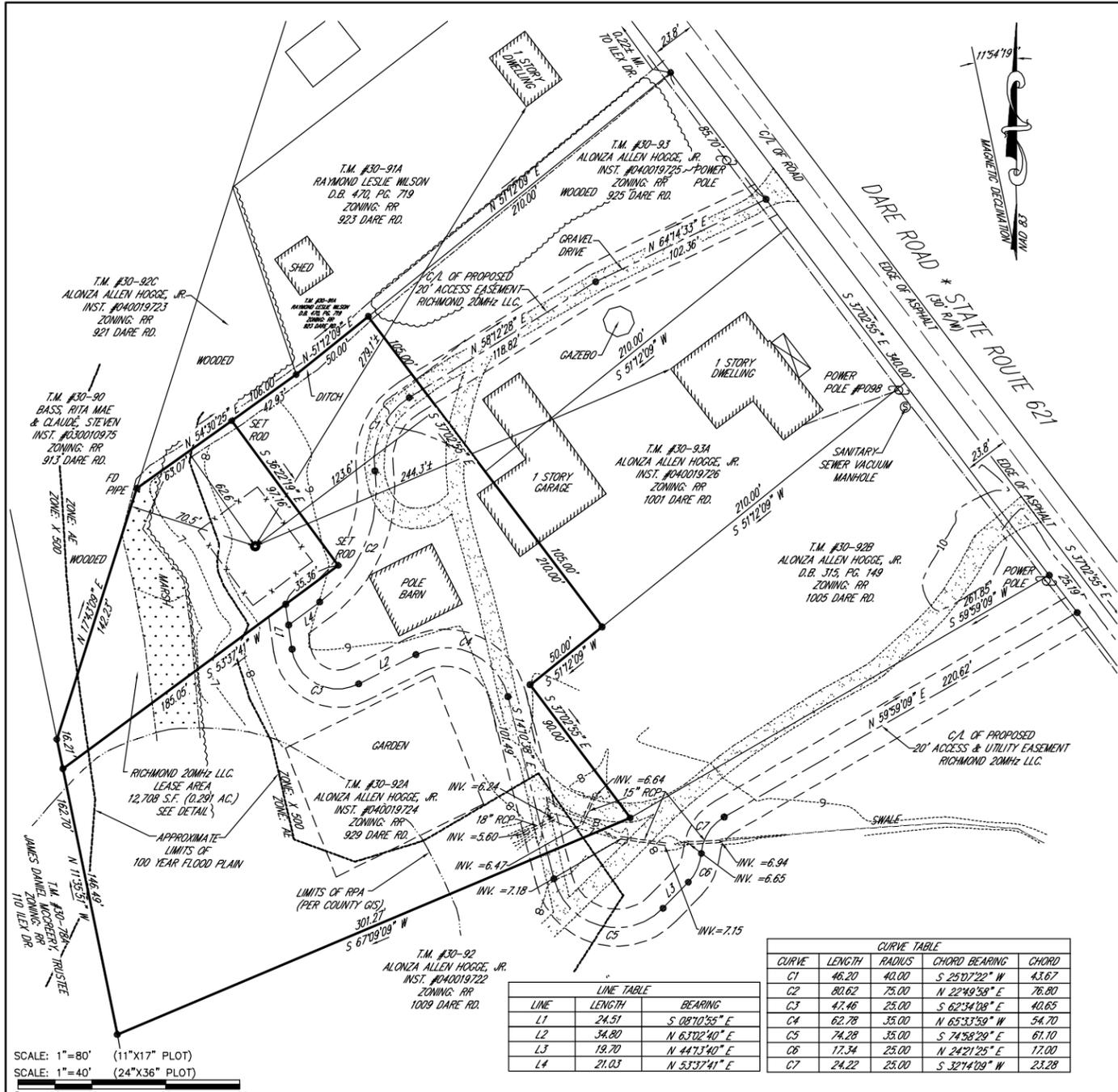
date: 11-30-09

SHEET TITLE:
SURVEY PLAT

SHEET NUMBER:
SP-1

SITE PLAN NUMBER:

NR-6208



SITE INFORMATION

TAX MAP# 30-92A
DEED REF.: INST. #040019724
ZONING: RR
JURISDICTION: YORK COUNTY
DISTRICT: GRAFTON

ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, THE MAJOR IMPROVEMENTS IN THIS PROPERTY ARE LOCATED IN AN AREA DESIGNATED AS ZONE "X500" & "AE", BASE FLOOD ELEV.=7.7(NGVD 29) COMMUNITY PANEL NO. 515531 0017E & 0018 E, DATED 6-16-09
NO WETLANDS AREAS HAVE BEEN DELINEATED.

NOTES:
THE PURPOSE OF THIS SURVEY IS STRICTLY TO PROVIDE TOPOGRAPHIC INFORMATION FOR THE PREPARATION OF SITE PLANS FOR A COMMUNICATION TOWER. A BOUNDARY SURVEY WAS NOT PERFORMED FOR THE PREPARATION OF THIS PLAT, PROPERTY LINES/RIGHT-OF-WAY LINES AS SHOWN WERE COMPILED FROM TAX MAPS, DEEDS & PLATS OF RECORD.

THIS SURVEY HAS BEEN MADE WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY USES RECORDED AND UNRECORDED AND OTHER PERTINENT FACTS IN WHICH A TITLE SEARCH MAY DISCLOSE

LEGAL DESCRIPTION

Richmond 20MHz, LLC, 12,708 s.f. Lease Area

Situated on all that parcel or piece of land owned by Alonza Allen Hogge, Jr. being Tax Parcel 30-92A, referenced in Instrument #040019724, in the Clerk's Office of the Circuit Court, in York County, Virginia.

Commencing at a found pipe situated on the northwestern corner of the subject property, said pipe also being the place of beginning; thence along the property line of the aforesaid parcel North 54 degrees 30 minutes 25 seconds East a distance of 63.07 feet to a set rod; thence leaving the property line along the proposed lease line South 36 degrees 22 minutes 19 seconds East a distance of 92.16 feet to a set rod; thence continuing along the lease line South 53 degrees 37 minutes 41 seconds West a distance of 185.05 feet to a point, said point being situated on the western property line of the subject parcel; thence along the western property line of the subject parcel North 11 degrees 35 minutes 51 seconds West a distance of 16.21 feet to a point; thence continuing along the western property line of the subject parcel North 17 degrees 43 minutes 09 seconds East a distance of 142.23 feet to a found pipe, said pipe being the place of beginning and containing 12,708 s.f. or 0.291 ac. of land.

ACCESS & UTILITY EASEMENT

20' Access Easement

Situated on all that parcel or piece of land owned by Alonza Allen Hogge, Jr. being Tax Parcel 30-92A & Tax Parcel 30-93, referenced in Instrument #040019724 & Instrument #040019725, in the Clerk's Office of the Circuit Court, in York County, Virginia.

Commencing at the southeastern corner of a proposed Richmond 20MHz, LLC, 12,708 s.f. Lease Area; thence along the southern line of said lease area South 53 degrees 37 minutes 41 seconds West a distance of 35.36 feet to a point, said point being the beginning and centerline of a Proposed 20' Access & Utility Easement; thence along the centerline of said easement South 08 degrees 10 minutes 55 seconds East a distance of 11.35 feet to a point, said point being the beginning and centerline of a Proposed 20' Access Easement; thence along the centerline of the proposed 20' access easement North 53 degrees 37 minutes 41 seconds East a distance of 21.03 feet to a point; thence along a curve to the left having a radius of 75.00 feet and an arc length of 80.62 feet to a point; thence along a curve to the right having a radius of 40.00 feet and an arc length of 46.20 feet to a point; thence North 58 degrees 12 minutes 28 seconds East a distance of 118.82 feet to a point; thence 64 degrees 14 minutes 33 seconds East a distance of 102.36 feet to a point, said point being situated on the southerly right-of-way line of Dare Road, State Route 621 and being the end of said 20' access easement and containing 7,156 s.f. of land.

20' Access & Utility Easement

Situated on all that parcel or piece of land owned by Alonza Allen Hogge, Jr. being Tax Parcel 30-92A, Tax Parcel 30-92B & Tax Parcel 30-92, referenced in Instrument #040019724, Instrument #040019722 & D.B. 315, Pg. 149, in the Clerk's Office of the Circuit Court, in York County, Virginia.

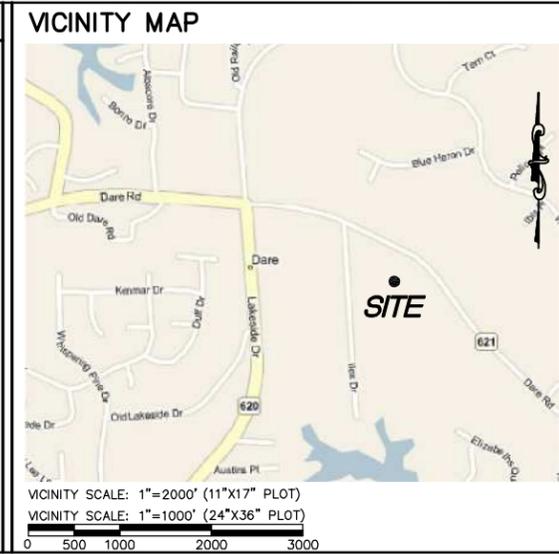
Commencing at the southeastern corner of a proposed Richmond 20MHz, LLC, 12,708 s.f. Lease Area; thence along the southern line of said lease area South 53 degrees 37 minutes 41 seconds West a distance of 35.36 feet to a point, said point being the beginning and centerline of a Proposed 20' Access & Utility Easement; thence along the centerline of said easement South 08 degrees 10 minutes 55 seconds East a distance of 24.51 feet to a point, thence along a curve to the left having a radius of 25.00 feet and an arc length of 47.46 feet to a point; thence North 63 degrees 02 minutes 40 seconds East a distance of 34.80 feet to a point; thence along a curve to the right having a radius of 35.00 feet and an arc length of 62.78 feet to a point; South 74 degrees 10 minutes 38 seconds East a distance of 101.49 feet to a point; thence along a curve to the left having a radius of 35.00 feet and an arc length of 74.28 feet to a point; thence North 14 degrees 13 minutes 49 seconds East a distance of 19.70 feet to a point; thence along a curve to the left having a radius of 25.00 feet and an arc length of 17.34 feet to a point; thence along a curve to the right having a radius of 25.00 feet and an arc length of 24.22 feet to a point; thence North 59 degrees 59 minutes 09 seconds East a distance of 220.62 feet to a point, said point being situated on the southerly right-of-way line of Dare Road, State Route 621 and being the end of said 20' access & utility easement and containing 12,541 s.f. of land.

PROJECT INFORMATION

SITE NAME: DARE
SITE NUMBER: NR-6208
SITE ADDRESS: 929 DARE ROAD, YORKTOWN, VA 23692
OWNERS NAME: ALONZA ALLEN HOGGE, JR., 925 DARE ROAD, YORKTOWN, VA 23692

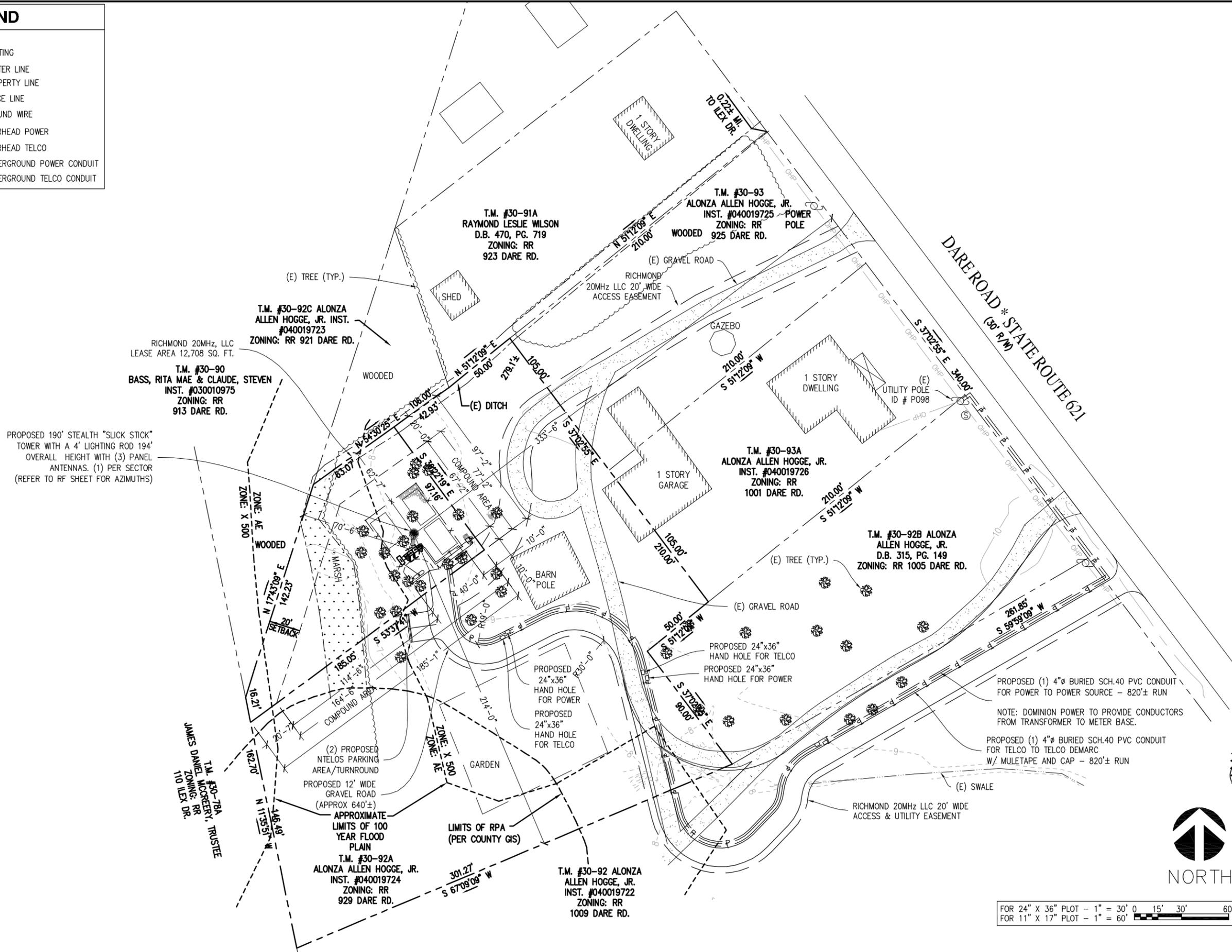
TOWER CENTROID
LATITUDE: N 37°09'57.878" LONGITUDE: W 76°25'55.045"
GROUND ELEVATION: 8.3±
PARAPET ELEVATION: N/A
BASIS OF ELEVATIONS: GPS OBSERVATIONS RECORDED ON 11-17-09
SUB-METER ACCURACY TO NEAREST FOOT
BASIS OF BEARINGS: GPS OBSERVATIONS RECORDED ON 11-17-09
SUB-METER ACCURACY TO NEAREST FOOT

NOTES:
THIS SITE FALLS ENTIRELY WITH-IN A RMA
T.B.M. NAIL SPIKE IN BASE OF 40" OAK ELEV=9.73
HORIZONTAL DATUM VIRGINIA STATE PLANE COORDINATE SYSTEM (HARN) CONTROL MONUMENTS NAD 83
VERTICAL DATUM NGVD 1929



LEGEND

PROPOSED	NEW
(E)	EXISTING
— — — — —	CENTER LINE
- - - - -	PROPERTY LINE
- X - - -	FENCE LINE
- G - - -	GROUND WIRE
- OHP - -	OVERHEAD POWER
- OHT - -	OVERHEAD TELCO
- P - - -	UNDERGROUND POWER CONDUIT
- T - - -	UNDERGROUND TELCO CONDUIT



CLIENT:

 SUITE 295
 9011 ARBORETUM PARKWAY
 RICHMOND, VIRGINIA 23236
 TEL: (804) 247-3898

CONSULTANT:

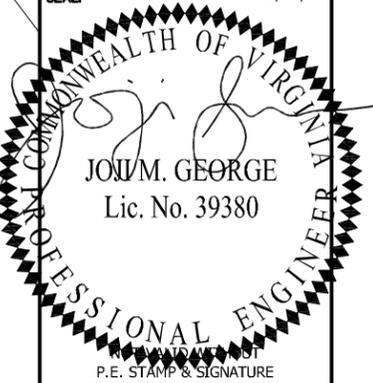
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DRAWN BY: R. MADLOCK
 APPROVED BY: J. GEORGE
 ACGI JOB #: -

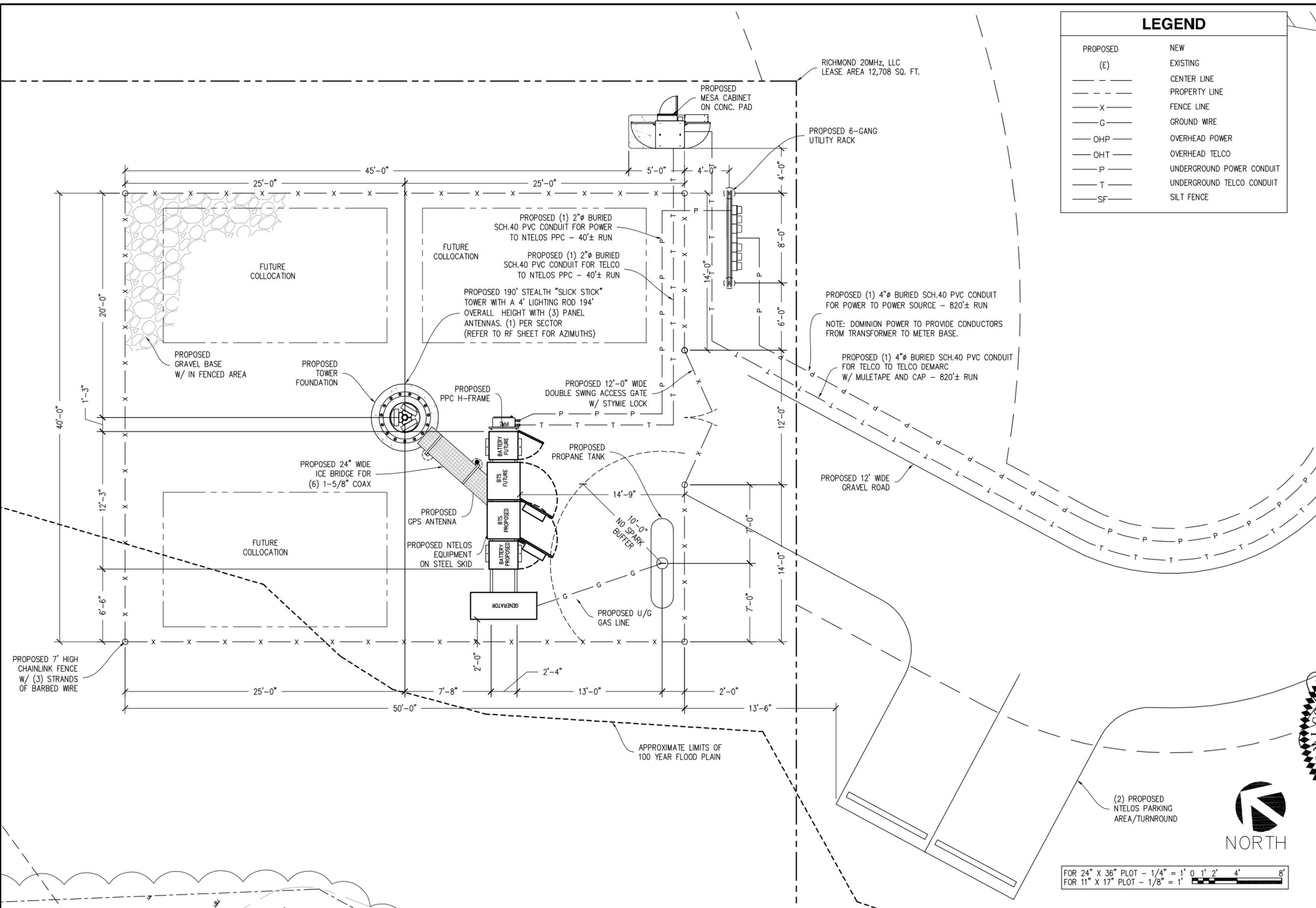
REVISIONS

NO	DATE	DESCRIPTION	BY
0	10/21/09	LEASE EXHIBIT	RM
1	11/11/09	REDLINES	RM
2	11/17/09	PRELIMINARY ZD	RM
3	12/04/09	UPDATED FOR SURVEY	RM
4	01/28/10	FINAL ZD	RM
5	02/01/10	REDLINES	RM

SITE NUMBER:
DARE
 NR-6208
 SITE ADDRESS:
 929 DARE ROAD
 YORKTOWN, VA 23692

SEAL: 02/01/10

 COMMONWEALTH OF VIRGINIA
 J. M. GEORGE
 Lic. No. 39380
 PROFESSIONAL ENGINEER
 P.E. STAMP & SIGNATURE

SHEET TITLE:
OVERALL SITE PLAN
 SHEET NUMBER:
C-1



LEGEND	
PROPOSED	NEW
(E)	EXISTING
---	CENTER LINE
- - - -	PROPERTY LINE
-X-X-	FENCE LINE
-G-	GROUND WIRE
-OHP-	OVERHEAD POWER
-OHT-	OVERHEAD TELCO
-P-	UNDERGROUND POWER CONDUIT
-T-	UNDERGROUND TELCO CONDUIT
-SF-	SILT FENCE

CLIENT:

 SUITE 295
 9011 ARBORETUM PARKWAY
 RICHMOND, VIRGINIA 23236
 TEL: (804) 247-3898

CONSULTANT:

 CONSULTING GROUP, INC.
 9221 LYNDON B. JOHNSON FREEWAY
 SUITE 204, DALLAS, TX 75243
 PHONE: 972-231-8893
 FAX: 866-364-8375
 WWW.ALLPROCGI.COM

DRAWN BY: R. MADLOCK
 APPROVED BY: J. GEORGE
 ACGI JOB #: -

REVISIONS			
NO	DATE	DESCRIPTION	BY
0	10/21/09	LEASE EXHIBIT	RM
1	11/11/09	REDLINES	RM
2	11/17/09	PRELIMINARY ZD	RM
3	12/04/09	UPDATED FOR SURVEY	RM
4	01/28/10	FINAL ZD	RM
5	02/01/10	REDLINES	RM

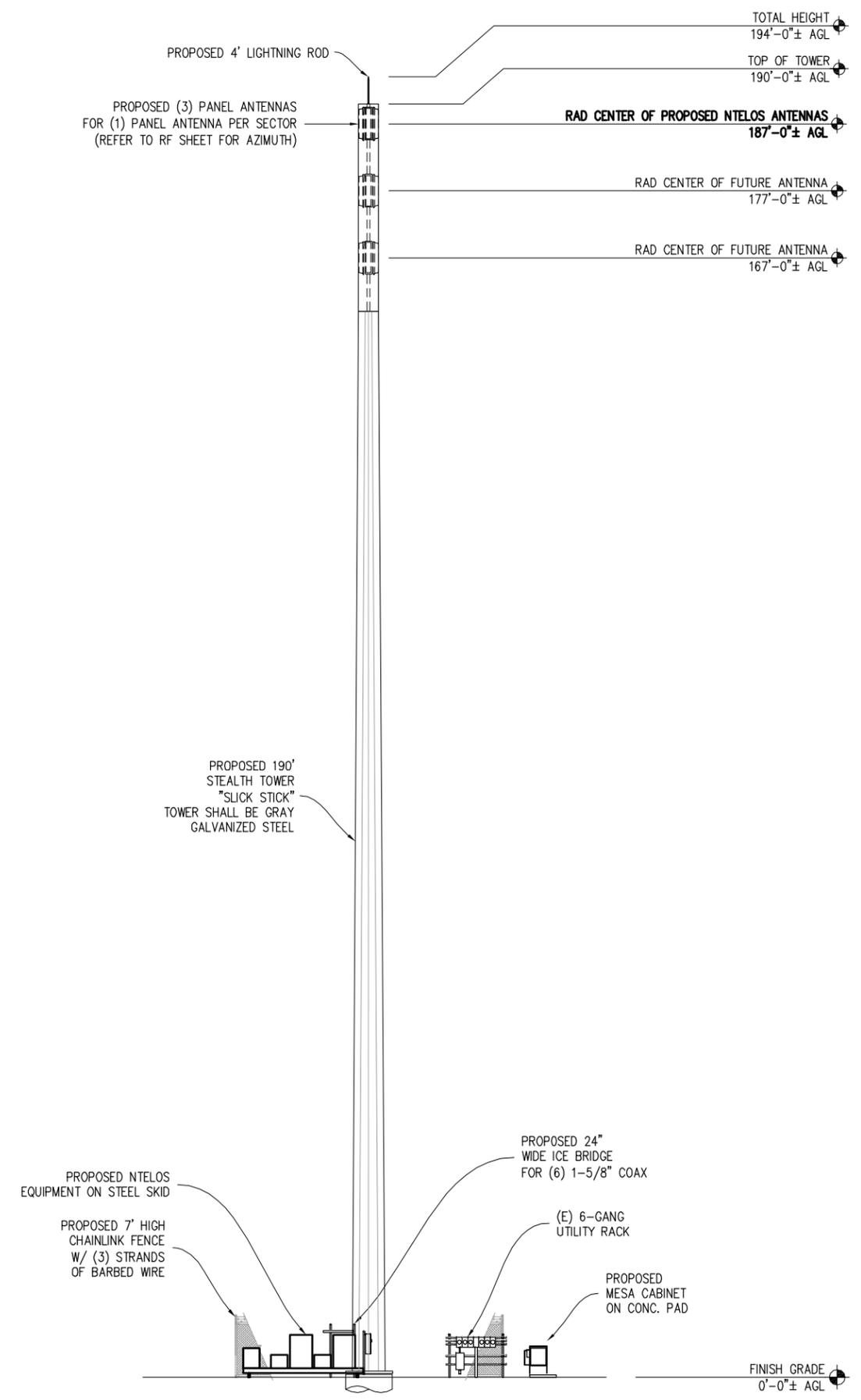
SITE NUMBER:
DARE
 SITE NAME:
NR-6208
 SITE ADDRESS:
 929 DARE ROAD
 YORKTOWN, VA 23692

SEAL: 02/01/10

 JOU M. GEORGE
 Lic. No. 39380
 P.E. STAMP & SIGNATURE

SHEET TITLE:
ENLARGED SITE PLAN
 SHEET NUMBER:
C-2

ANALYSIS AND DESIGN OF TOWER AND FOUNDATION BY OTHERS. NO ERECTION OR MODIFICATION OF TOWER AND FOUNDATION SHALL BE MADE WITHOUT APPROVAL OF STRUCTURAL ENGINEER.



FOR 24" X 36" PLOT - 3/32" = 1' 0' 4' 8' 16'
 FOR 11" X 17" PLOT - 3/64" = 1'



CLIENT:
 SUITE 295
 9011 ARBORETUM PARKWAY
 RICHMOND, VIRGINIA 23236
 TEL: (804) 247-3898

CONSULTANT:

 CONSULTING GROUP, INC.
 9221 LYNDON B. JOHNSON FREEWAY
 SUITE 204, DALLAS, TX 75243
 PHONE: 972-231-8893
 FAX: 866-364-8375
 WWW.ALLPROCGI.COM

DRAWN BY: R. MADLOCK
 APPROVED BY: J. GEORGE
 ACGI JOB #: -

REVISIONS			
NO	DATE	DESCRIPTION	BY
0	10/21/09	LEASE EXHIBIT	RM
1	11/11/09	REDLINES	RM
2	11/17/09	PRELIMINARY ZD	RM
3	12/04/09	UPDATED FOR SURVEY	RM
4	01/28/10	FINAL ZD	RM
5	02/01/10	REDLINES	RM

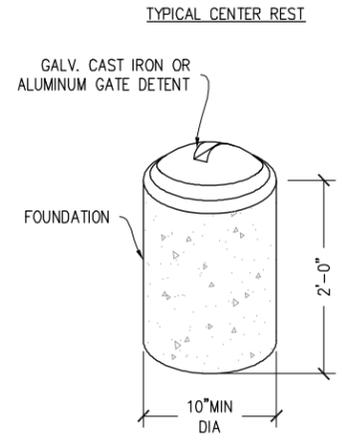
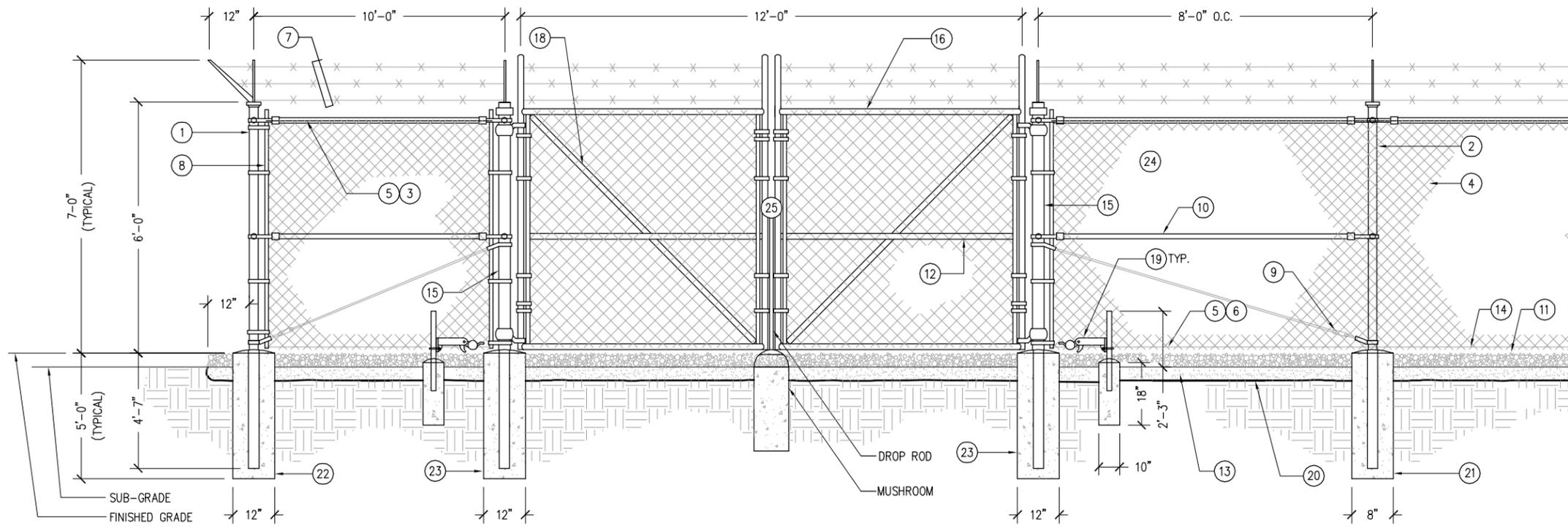
SITE NUMBER:
DARE
 SITE NAME:
NR-6208
 SITE ADDRESS:
 929 DARE ROAD
 YORKTOWN, VA 23692

SEAL: 02/01/10



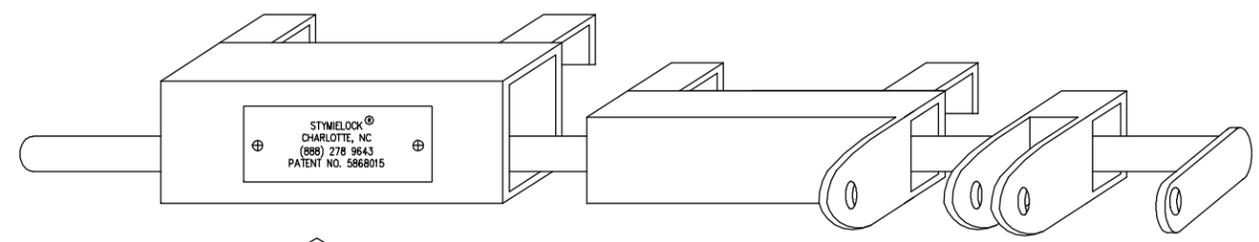
SHEET TITLE:
TOWER ELEVATION

SHEET NUMBER:
C-3



- KEYED NOTES:**
- 1 CORNER, END OR PULL POST 3" NOMINAL SCHEDULE 40 PIPE.
 - 2 LINE POST: 2 1/2" SCHEDULE 40 PIPE, PER ASTM-F1083. LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 8'-0" O.C.
 - 3 TOP RAIL & BRACE RAIL: 1 1/2" PIPE, PER ASTM-F1083.
 - 4 FABRIC: 9 GA. CORE WIRE SIZE 2" MESH, CONFORMING TO ASTM-A392.
 - 5 TIE WIRE: MINIMUM 11 GA. GALVANIZED STEEL AT POSTS AND RAILS - A SINGLE WRAP OF FABRIC TIE AND AT TENSION WIRE BY HOG- RINGS SPACED MAX. 24" INTERVALS.
 - 6 TENSION WIRE: 9 GA. GALVANIZED STEEL.
 - 7 BARBED WIRE: DOUBLE STRAND 12-1/2" O.D. TWISTED WIRE TO MATCH WITH FABRIC 14 GA., 4 PT. BARBS SPACED ON APPROXIMATELY 5" ON CENTER.
 - 8 STRETCHER BAR.
 - 9 3/8" DIAGONAL ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD.
 - 10 FENCE CORNER POST BRACE: 1 5/8" DIA. EACH CORNER EACH WAY.
 - 11 1 1/2" MAXIMUM CLEARANCE FROM GRADE.
 - 12 GATE CORNER POST BRACE
 - 13 4" THICK COMPACTED 95% MINUS 3/4" BASE MATERIAL
 - 14 FINISHED GRADE SHALL BE UNIFORM AND LEVEL.
 - 15 GATE POST 4". SCHEDULE 40 PIPE, FOR GATE WIDTHS UP TO 7 FEET USE SINGLE SWING GATE, 14 FEET FOR DOUBLE SWING GATE, PER ASTM-F1083.
 - 16 GATE FRAME: 1 1/2" PIPE, PER ASTM-F1083.
 - 17 NOT USED
 - 18 GATE DIAGONAL GALVANIZED STEEL 1 1/2" PIPE.
 - 19 DUCK BILL OPEN GATE HOLDER. VERIFY LOCATION IN FIELD PRIOR TO INSTALLATION.
 - 20 GEOTEXTILE FABRIC.
 - 21 LINE POST: CONCRETE FOUNDATION (2000 PSI)
 - 22 CORNER POST: CONCRETE FOUNDATION (2000 PSI)
 - 23 GATE POST: CONCRETE FOUNDATION (2000 PSI)
 - 24 E.M.E. SIGNAGE
 - 25 STYMILOCK SYSTEM

- GENERAL NOTES:**
1. INSTALL FENCING PER ASTM F-567.
 2. INSTALL SWING GATES PER ASTM F-900.
 3. BARBED WIRE PERMIT REQUIREMENT SHALL BE IN COMPLIANCE WITH LOCAL ORDINANCE, IF REQUIRED.
 4. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE 1 1/2" GALV. (HOT DIP, ASTM A120 GRADE "A" STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL WELDING SHALL BE COATED WITH (3) COATS OF COLD GALV. (OR EQUAL).
 5. ALL OPEN POSTS SHALL HAVE END-CAPS.
 6. USE GALVANIZED HOG-RING WIRE TO MOUNT ALL SIGNS.
 7. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC.



STYMILOCK®
 CHARLOTTE, NC
 (888) 278 9643
 PATENT NO. 5868015

FENCE, GATE, AND COMPOUND CROSS SECTION DETAIL



CLIENT:
 SUITE 295
 9011 ARBORETUM PARKWAY
 RICHMOND, VIRGINIA 23236
 TEL: (804) 247-3898



DRAWN BY: R. MADLOCK
 APPROVED BY: J. GEORGE
 ACGI JOB #: -

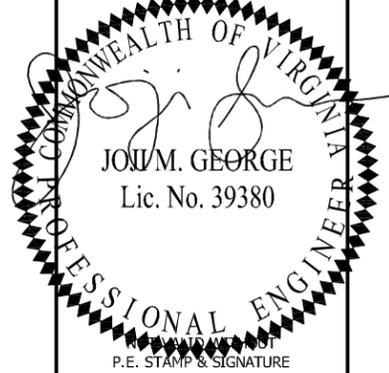
REVISIONS			
NO	DATE	DESCRIPTION	BY
0	10/21/09	LEASE EXHIBIT	RM
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2	11/17/09	PRELIMINARY ZD	RM
3	12/04/09	UPDATED FOR SURVEY	RM
4	01/28/10	FINAL ZD	RM
5	02/01/10	REDLINES	RM

SITE NUMBER:
DARE

SITE NAME:
NR-6208

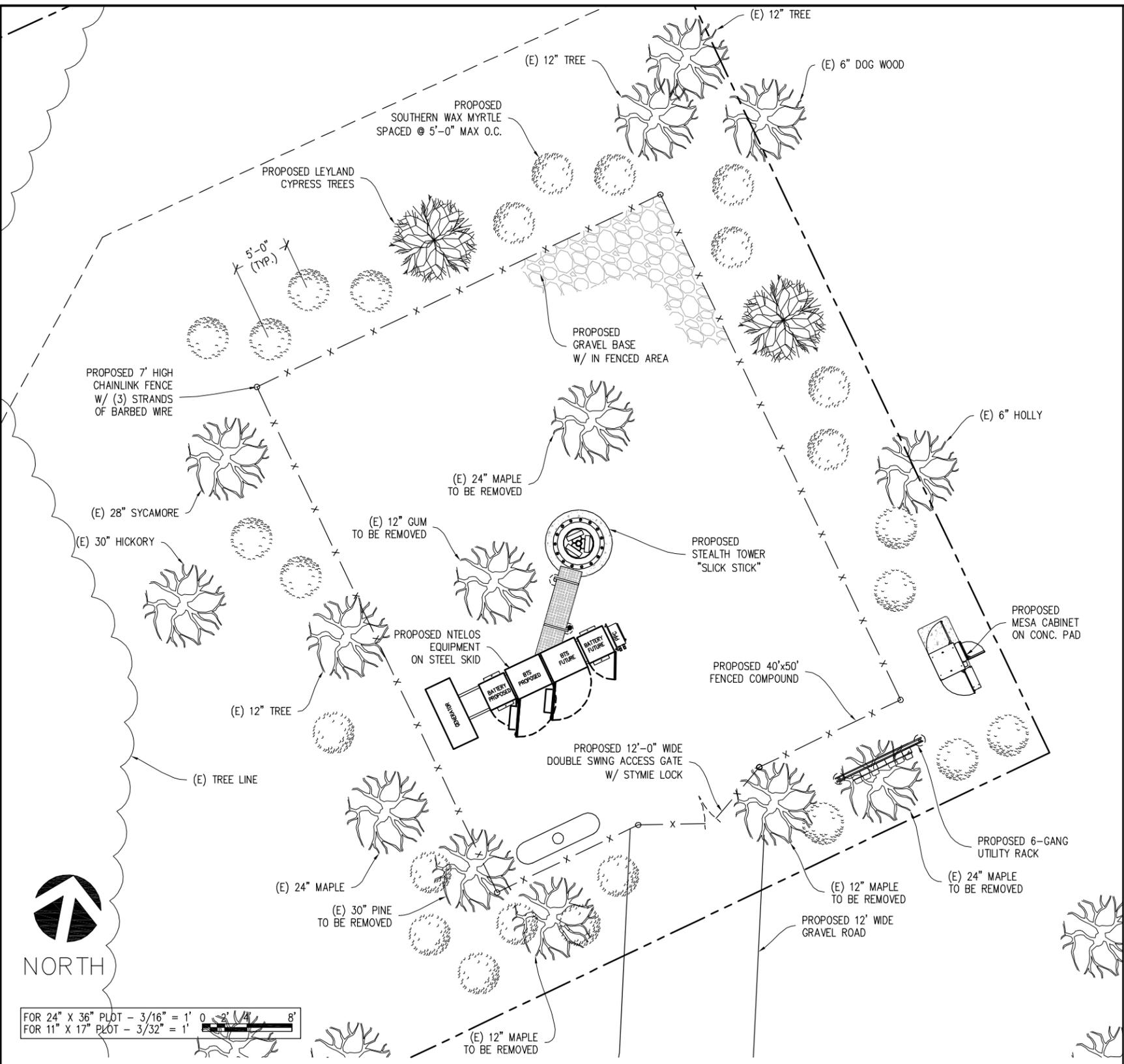
SITE ADDRESS:
 929 DARE ROAD
 YORKTOWN, VA 23692

SEAL: 02/01/10



SHEET TITLE:
FENCE DETAIL

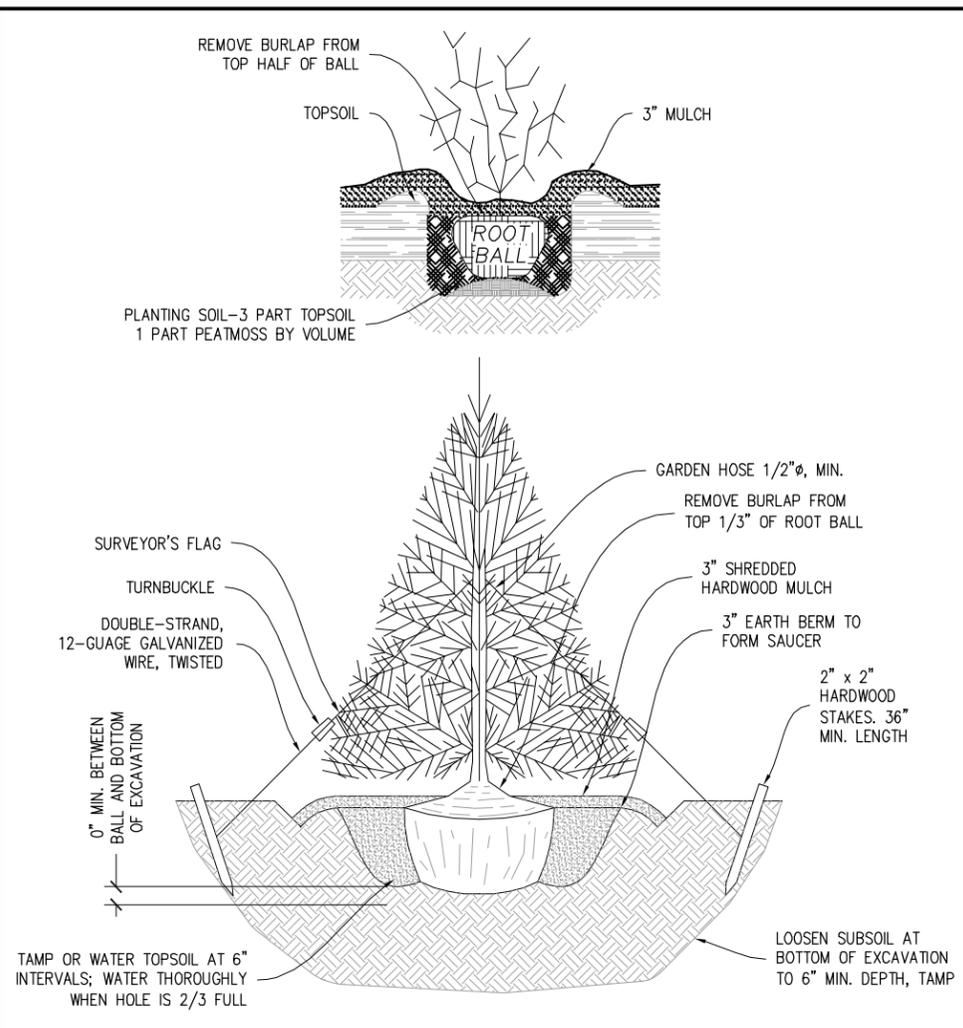
SHEET NUMBER:
C-4



FOR 24" X 36" PLOT - 3/16" = 1' 0"
 FOR 11" X 17" PLOT - 3/32" = 1' 0"

PLANTING SCHEDULE							
TYPE	BOTANICAL NAME	COMMON NAME	DIMENSIONS			QUANTITY	REMARKS
			CALIPER	HEIGHT	SPREAD		
CL	CUPRESSOCYPARIS LEYLANDII	LEYLAND CYPRESS	1 3/4" MIN.	4'-6'	10' O.C.	2	FULL, DENSE. PLANT AS SHOWN
MC	MYRICA CERIFERA	SOUTHERN WAX MYRTLE	-	5' MATURE	24"-36"	25	FULL, DENSE. PLANT AS SHOWN

*TREE CONTAINER TO BE MIN. 25 GAL OR EQUIVALENT BALL AND BURLAP.



- GENERAL PLANTING NOTES:**
- ALL PLANTS SHALL BE HEALTHY, VIGOROUS MATERIAL, FREE OF PESTS AND DISEASE.
 - ALL PLANTS SHALL BE CONTAINER-GROWN, BALLED OR BURLAPPED.
 - ALL PLANTS SHALL BE SUBJECT TO APPROVAL OF THE OWNER'S REPRESENTATIVE BEFORE, DURING AND AFTER INSTALLATION.
 - ALL PLANTS AND PLANTING AREAS SHALL BE COMPLETELY MULCHED.
 - PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION.
 - THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
 - THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING (INCLUDING, BUT NOT LIMITED TO WATERING, SPRAYING, MULCHING, FERTILIZATION OF PLANTING AREAS AND LAWNS) UNTIL WORK IS ACCEPTED IN TOTAL BY THE OWNER'S REPRESENTATIVE.
 - THE OWNER'S REPRESENTATIVE WILL APPROVE THE STAKED LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
 - ANY PLANT MATERIAL THAT DIES, TURNS BROWN OR DEFOOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, SIZE AND MEETING ALL SPECIFICATIONS.
 - STANDARDS SET FORTH IN THE "AMERICAN STANDARD FOR NURSERY STOCK", LATEST EDITION, REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
 - CONTRACTOR TO WATER AND WARRANTY TREES FOR ONE YEAR.
 - INTERMITTENT PLANTING OF EVERGREEN TREES SHALL OBTAIN A HEIGHT AT MATURITY OF NO LESS THAN 20 FEET AND HAVE NO UNOBSTRUCTED OPENINGS WIDER THAN TEN (10) FEET BETWEEN TREE CANOPIES UPON MATURITY.

CLIENT:

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DRAWN BY: R. MADLOCK
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 ACGI JOB #: -

REVISIONS			
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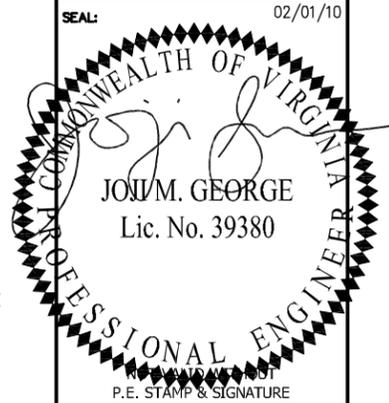
SITE NUMBER:
DARE
 SITE NAME:
NR-6208
 SITE ADDRESS:
 929 DARE ROAD
 YORKTOWN, VA 23692

SEAL: 02/01/10

 JOU M. GEORGE
 Lic. No. 39380
 P.E. STAMP & SIGNATURE

SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
L-1



NTELOS Telecommunications Facility – NR6208 DARE
Hogge Property—929 Dare Road

FEB 1 2010

February 1, 2010

Planning Division

Introduction

Richmond 20MHz, LLC, d.b.a. NTELOS, is applying for a Special Use Permit to allow construction of a wireless telecommunications facility including a stealth "slick stick" tower and associated equipment at 929 Dare Road (Tax Map #30-92A) (the "Property").

Project Description

NTELOS proposes to provide wireless personal communication services ("PCS") to its customers in the Dare area of the County. NTELOS has provided a set of propagation maps which illustrate the area proposed for service in its current, underserved condition, in contrast to the service which can be expected once the facility is active. The improved service area will be accomplished by installing a stealth "slick stick" style tower in a wooded area in a Resource Management Area ("RMA") and adjacent to a Resource Protection Area ("RPA"). The height of the proposed stealth "slick stick" is 190 feet with a four foot lightning rod, for a total height of 194 feet.

NTELOS proposes to construct the facility in a heavily wooded area to help screen the facility from view. Locating the facility in a RMA and adjacent to a RPA will prevent future development from occurring close to the facility. NTELOS also proposes to add landscaping to screen the fenced compound around the facility as illustrated on the accompanying zoning plans. NTELOS does not intend to place any signage on the site other than any required notice signs associated with the operation of the facility. The structure will have a galvanized, neutral grey finish.

NTELOS will place the equipment cabinets in a 40 foot x 50 foot (2,000 square feet) fenced compound. NTELOS proposes to construct a seven foot tall chain link fence to secure the facility. Back-up power will be provided by a battery-pack system and propane powered generator. No interior compound lighting is proposed for the facility. Maintenance technicians will access the facility using a 20 foot wide access and utility easement approximately two to four times per month. NTELOS will utilize the existing 12 foot wide gravel driveway and construct an extension of the gravel driveway to a second relocated access. The driveway and entrances will be constructed to Virginia Department of Transportation standards where needed.

Please see the accompanying zoning plans titled "DARE: NR-6208," dated 2/1/10, prepared by ALLPRO Consulting Group, Inc., for additional information regarding access, equipment cabinets, fencing, screening, and elevations.

Performance Standards

Construction and operation of the telecommunications facility will conform with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.

- (a) Documentation of the Public Necessity.

The Dare peninsula is the last remaining populated area of York County with either very poor in-car coverage or limited to non-existent in-building service by NTELOS. The only other areas so

underserved by NTELOS include areas such as Camp Peary, the USN Weapons Station, Colonial National Historic Park, and Newport News Park where service either cannot be provided or is not necessary because it is an unpopulated area. The goal of the new facility is to provide residents of the Dare peninsula wireless service comparable to service received by residents in other areas of York County. The new facility will improve wireless coverage for both NTELOS customers and the general public in the area.

- (b) Does Not Produce Hazardous, Objectionable, or Offensive Conditions at or beyond Property Line Boundaries.

Granting approval of the proposed telecommunications facility will not create any hazardous, objectionable or offensive conditions. Once activated, the facility will not produce odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, solid or liquid waste, fire, or risk of explosion.

- (c) Does Not Impede Potential Development of Commercial and Industrial Properties.

The Property is zoned Rural Residential ("RR") which will not permit the development of commercial or industrial properties. In addition, the Property is heavily impacted by an RMA and RPA which restricts additional development in the future.

- (d) Utility Lines Shall be Parallel and Contiguous.

The proposed facility is adjacent to the Property line.

- (e) Includes Appropriate Landscaping and Screening.

The Property is wooded and impacted by RMA and RPA. NTELOS plans to preserve and utilize natural vegetative areas to the greatest extent possible. In addition, perimeter landscaping is proposed around the lease area.

- (f) Evidence of a Permit from the Federal Aviation Administration ("FAA").

As a licensee of the Federal Communication Commission ("FCC"), NTELOS acts in accordance with all federally mandated regulatory requirements of the FAA and FCC. The facility will comply with radio frequency energy levels governed by the FCC. In addition, NTELOS will receive a determination from the FAA demonstrating that the requested height will not impact navigable airspace and that no marking or lighting of the structure is required.

- (g) Construct Entrance(s) to Virginia Department of Transportation ("VDOT") Standards for Commercial Entrances.

NTELOS will utilize one existing entrance and construct one new entrance to the new VDOT limited access commercial entrance standards, as required.

- (h) Non-Interference with County Emergency Communication System.

NTELOS radio frequency bandwidth is strictly governed by the FCC and will not interfere with any public safety or private frequencies in the area. NTELOS anticipates that other carriers will seek to collocate on this facility. NTELOS will eliminate any interference that may occur due to equipment

associated with the facility within 24 hours of receipt of notice from the Director of Public Safety or designee.

(i) **Removal of Antennas at Termination.**

NTELOS will remove any antenna, support structure and/or related electronic equipment which has not been used for the purpose of radio transmission for a continuous period of 6 months, pursuant to Section 24.1-494(d) of the Zoning Ordinance.

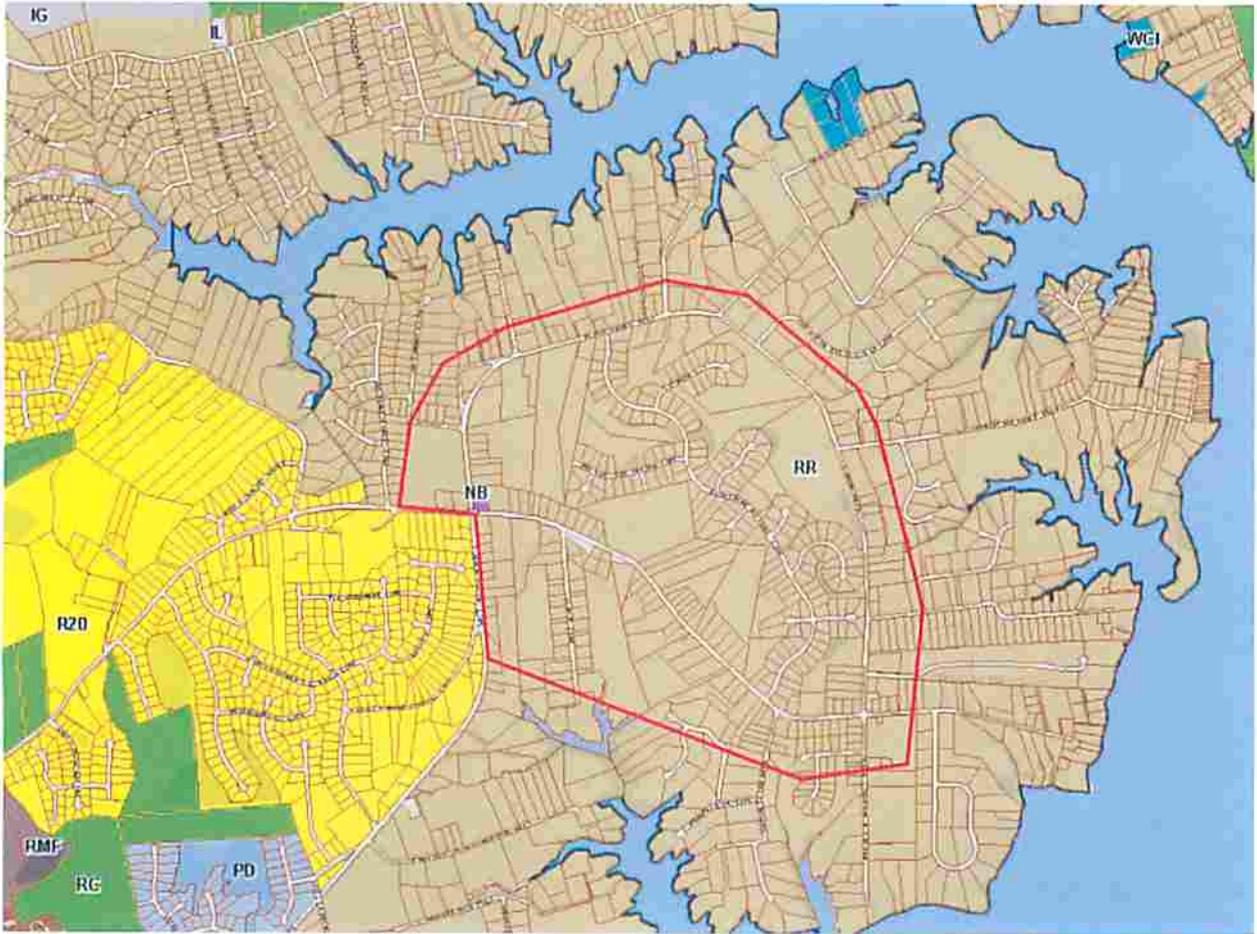
Methodology behind the Site Selection

Zoning Considerations:

NTELOS desires to improve service to the residential communities on the Dare peninsula in York County. The search ring has been centered on an area roughly bounded by Dare Road to the south, Railway Road to the west and north and Link Road to the east (the "Target Area").

Although the York County Tower Ordinance allows structures up to one hundred feet (100') in height as a matter of right in Limited Industrial ("LI") and General Industrial ("IG") zoning districts, none of these zoning districts are located within or near the Target Area. As indicated by the zoning map below, the Target Area is dominated by parcels zoned Rural Residential ("RR"). Towers are permitted on RR properties with a Special Use Permit approved by the Board of Supervisors. The Target Area also contains large areas of wetlands and environmentally protected lands where no development may occur.

YORK COUNTY ZONING MAP



EO	IL	PD	R7	RR	Greenbelt	★ Conditional Zoning
GB	LB	R13	RC	WCI	Tourist Corridor	
IG	NB	R20	RMF	YVA	Rt17 Overlay District	

Potential Sites within Target Area:

NTELOS has evaluated the Dare Target Area for potential sites three times. An exhaustive property-by-property search has occurred to examine all parcels with suitable size and characteristics that could potentially meet the service objectives and zoning requirements.

In addition to the proposed T-Mobile facility at 108 Railway Road and proposed NTELOS facility at 1420 Lakeside Drive that were denied by York County, three (3) existing towers located within approximately one (1) mile of the search ring and two (2) churches outside the search ring were evaluated. These five (5) sites and the reasons for rejection are listed below:

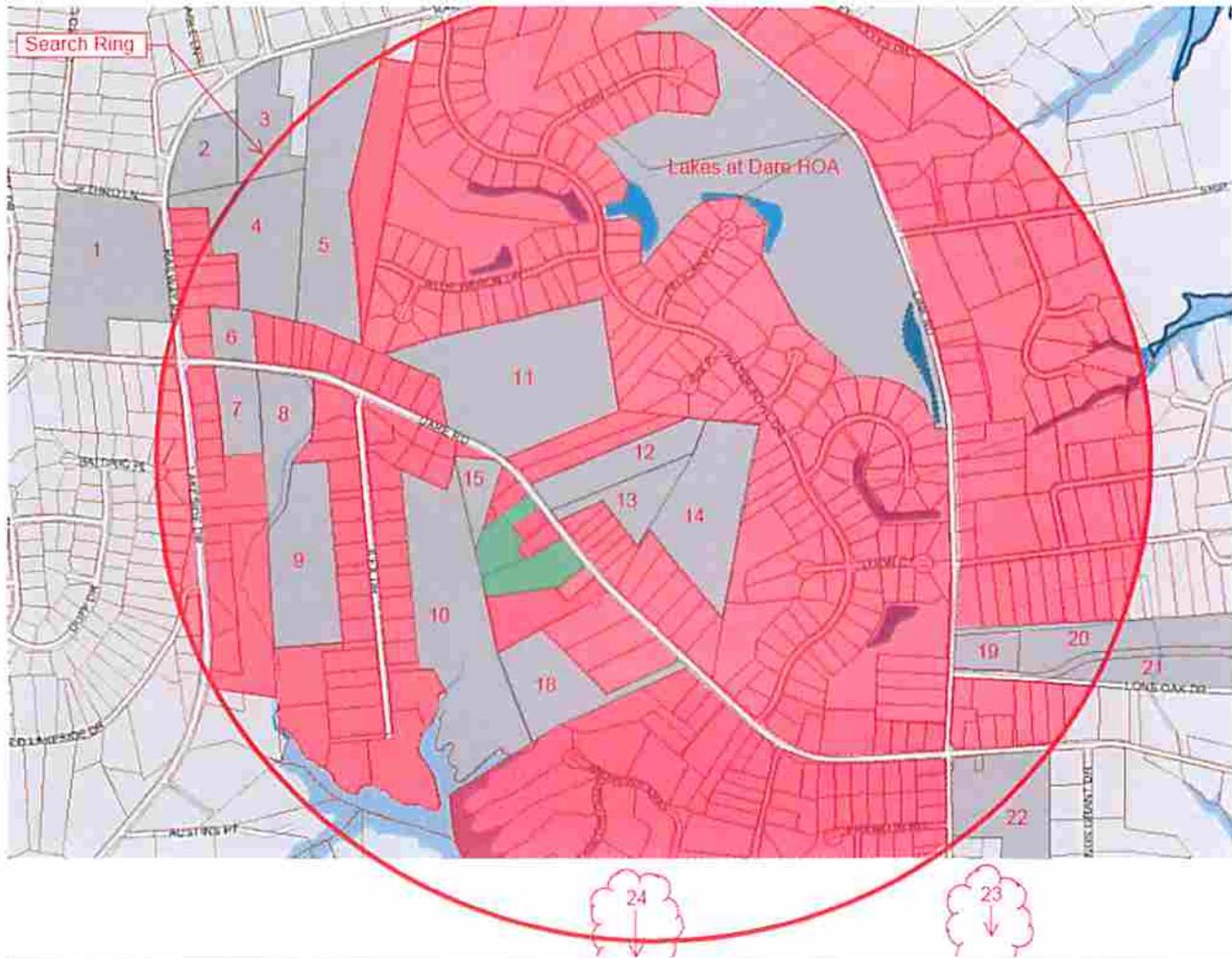
1. Alltel tower, N 37-9-18 W 76-27-15 (evaluated and rejected; too far west)
2. Mobilite tower, N 37-9-51 W 76-27-31 (evaluated and rejected; too far west)
3. Global Towers tower, N 37-11-16.7 W 76-26-32.4 (current NTELOS site)
4. York Baptist Temple, N 37-9-51 W 76-27-11 (no steeple or land for a tower)
5. Providence United Methodist Church, N 37-10-8 W 76-26-33 (steeple is too short, no land for a tower)

NTELOS also evaluated the properties noted in the list and map below to determine if sufficient space existed to meet zoning requirements, if a tree canopy existed to help conceal the facility, and if the property location minimized the visibility of the proposed facility from nearby residential properties. NTELOS attempted to contact property owners that owned properties that met these site criteria to determine if the property owner was interested in a lease for a telecommunications facility on their property. The following list and map identifies the property owners NTELOS contacted:

SITES CONSIDERED LIST

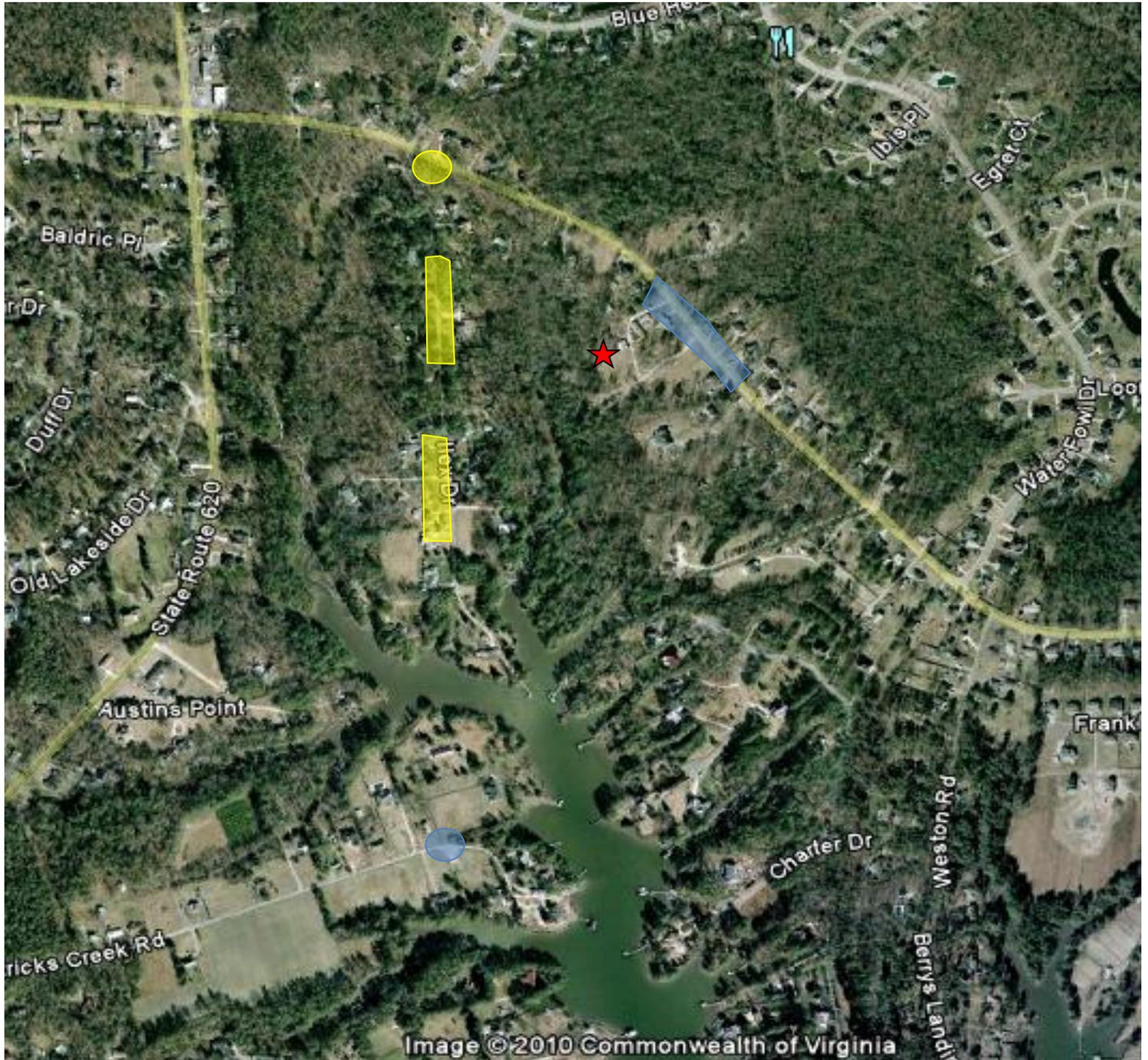
Number on Map	Property Owner	Property Address	Response
1	Sidney Dawson	111 Railway Road	8/26/09-Not interested.
2	Antoine Asmar	200 Railway Road	No response.
3	Walter Presson	220 Railway Road	8/19/09-Not interested.
4	21st Century Dev LLC	124 Railway Road	No response.
5	Myrtle Dawson	304 Railway Road	8/19/09-Not interested.
6	Paul Wilford	804 Dare Road	No response.
7	Raul Flores Jr.	805 Dare Road	9/10/09-Could not agree on lease terms.
8	Stephen Swicegood	813 Dare Road	8/27/09-Not interested.
9	Darrell Hunter	111 Ilex Drive	9/10/09-Not interested.
10	James McCreery	110 Ilex Drive	No response.
11	Kirby Smith	910 Dare Road	8/20/09-Not interested.
12	Chiarello Santo	940 Dare Road	9/10/09-Not interested.
13	Wayne Presson	946 Dare Road	8/19/09-Not interested.
14	Wayne Presson	950 Dare Road	8/19/09-Not interested.
15	Claude Bass	913 Dare Road	8/26/09-interested but location rejected by NTELOS.
16	Allen Hogge Jr.	929 Dare Road	8/27/09-will use 1009 Dare Road
17	Allen Hogge Jr.	1009 Dare Road	8/21/09-very interested.
18	Van Mitchell	1025 Dare Road	9/10/09-Not interested.
19	Gary Goodrich	200 Link Road	8/19/09-Not interested.
20	Possibilities LC (Wm Powell)	114 Link Road	9/7/09-Not interested.
21	Possibilities LC (Wm Powell)	114 Link Road	9/7/09-Not interested.
22	Sandra Reynolds	1209 Dare Road	9/10-Not interested.
23	George Colonna Jr.	311 Holly Point Rd.	8/21/09-Not interested.
24	Michael Bowler, DDS	103 Charter Road	9/10/09-Not interested.

SITES CONSIDERED MAP



Conclusion:

No collocation opportunities or properties zoned LI or IG are located in the Dare Target Area. Given the limitations in the Target Area, NTELOS determined that the Hogge property is a viable candidate because there is: a) substantial tree cover surrounding much of the proposed location; b) the proposed location in a RMA and adjacent to a RPA preventing future development; c) a preliminary balloon test at one hundred ninety-five feet (195') showed that a facility would only be visible to properties immediately near the Hogge property along Dare Road, through bare trees in the winter along Ilex Drive and at a distance from the end of Patricks Creek Road; and d) Mr. Hogge agrees to allow the facility on his land. NTELOS will provide the opportunity for three carriers to collocate on the proposed facility.



Partially Obstructed View



Obstructed View



SINCE 1881

FROEHLING & ROBERTSON, INC.

Engineering • Environmental • Geotechnical
3015 Dumbarton Road
Richmond, Virginia 23228-5831 | USA
T 804.264.2701 | F 804.266.1275

Tower Viewshed Map - 190'
Dare

Drawn:	DMM	Scale:	NTS	
Checked:	DMM	Date:	1-Apr-10	Drawing No.: 1

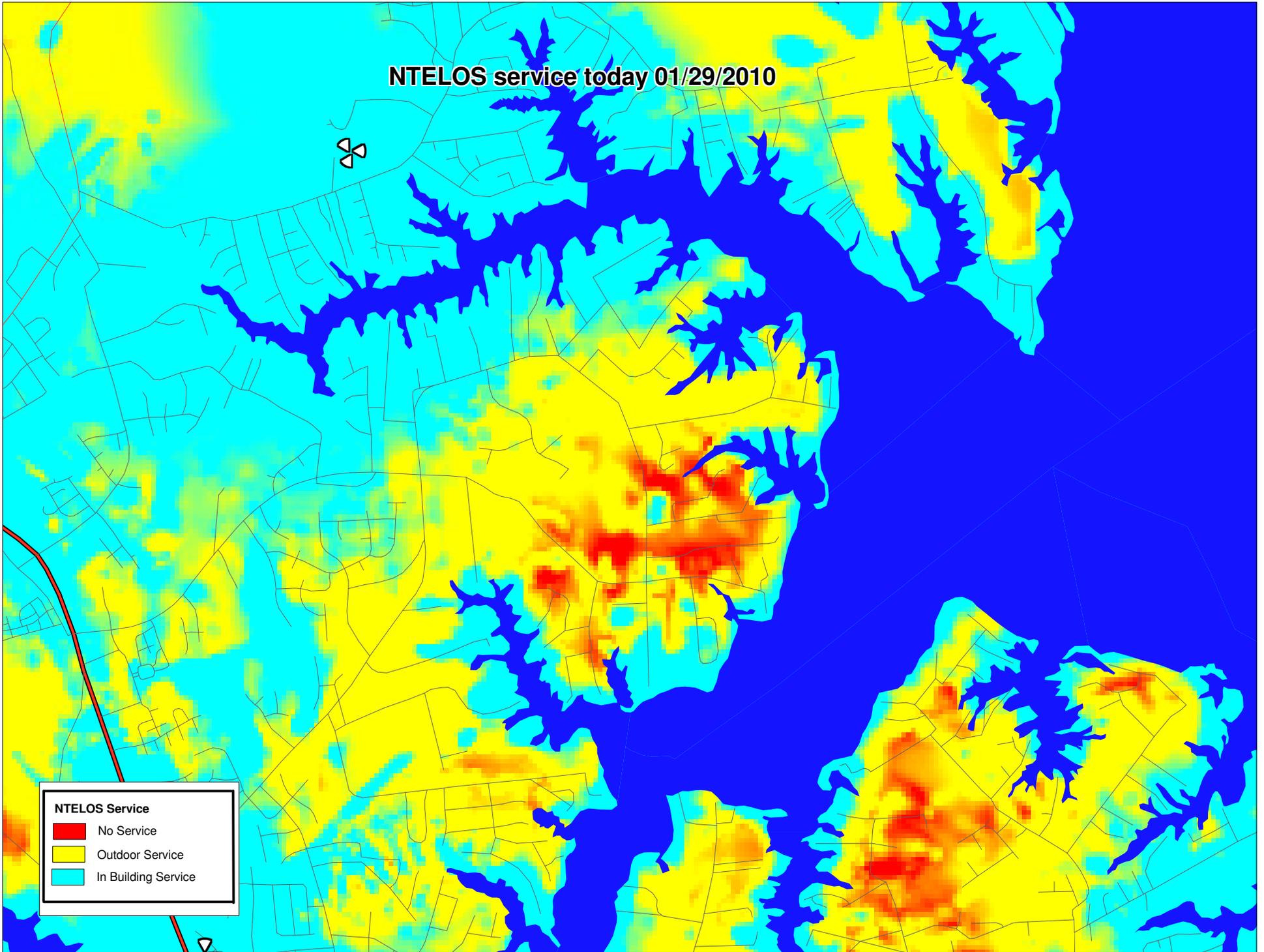


County of York
ZONING OFFICE
1000 W. MARKET ST. YORK, PA 17403
717.853.1234
WWW.YORKCOUNTYPA.GOV
NO SIGN PERMITTED
IN THIS ZONING DISTRICT
WITHOUT A ZONING PERMIT
ISSUED BY THE ZONING OFFICE

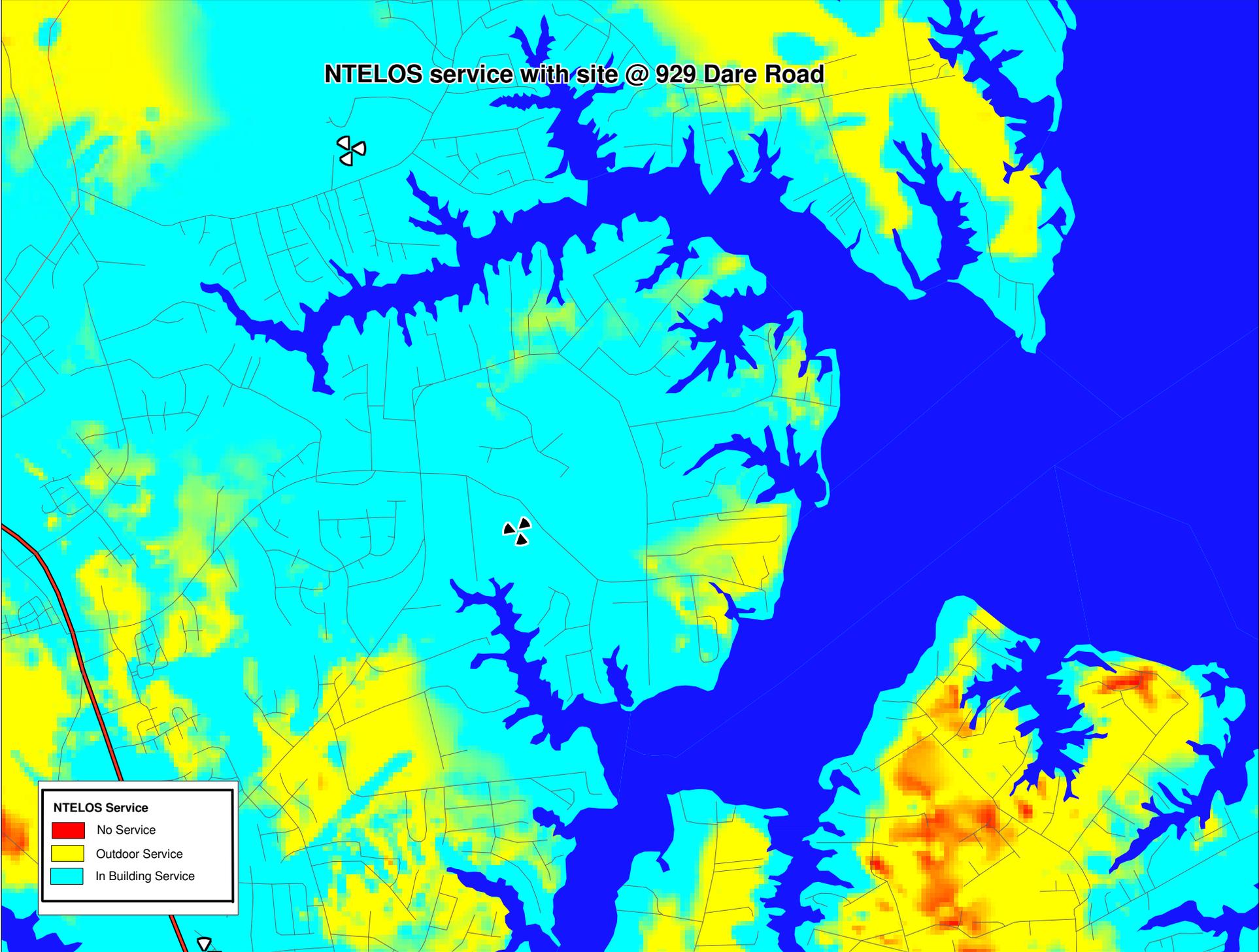




NTELOS service today 01/29/2010



NTELOS service with site @ 929 Dare Road



Anderson, Earl

From: Dunkle, Samantha E. [sdunkle@mcguirewoods.com]
Sent: Monday, February 22, 2010 3:39 PM
To: Anderson, Earl
Cc: Freye, Gloria L.
Subject: NTELOS--Hogge Collocation

Hi Earl,

For your records, below is an email from AT&T noting their interest in collocating on the proposed NTELOS facility.

Thanks,
Samantha

From: WRIGHT, JAMI (ATTCINW) [mailto:jw603p@att.com]
Sent: Monday, February 15, 2010 11:08 AM
To: Cornell, Marc
Subject: RE: URGENT!: Proposed NTELOS Site

Marc,

Thank you for allowing AT&T the opportunity to evaluate Ntelos' proposed monopole. AT&T is interested in the site. Engineering has requested a RAD center between 130' and 150'.

Thanks,

Jami Wright

4801 Cox Rd, Suite 300
Glen Allen VA 23060
804-290-5049 (desk)
804-349-9544 (mobile)

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2010:

Present

Vote

John R. Davis, Chair
Christopher A. Abel, Vice Chair
Alexander T. Hamilton
M. Sean Fisher
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Anne C. H. Conner

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A 194-FOOT SELF-SUPPORTING TELECOMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED EQUIPMENT AT 925, 929, AND 1009 DARE ROAD

WHEREAS, Richmond 20 MHz, LLC, d.b.a. Ntelos has submitted Application No. UP-775-10, 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 telecommunications tower up to 194 feet in height on property located at 925, 929, and 1009 Dare Road (Route 621) approximately 1,200 feet east of its intersection with Ilex Drive (Route 651) and further identified as Assessor’s Parcel Nos. 30-93, 30-92A, and 30-92 (GPIN U07c-0629-0774, U07c-0491-0552, and U07c-0721-0396); 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; and

WHEREAS, the Commission has determined, pursuant to Section 15.2-2232 of the Code of Virginia, that the proposed communication tower location is substantially in accord with Charting the Course to 2025: The County of York Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the _____ day of _____, 2010 that Application No. UP-775-10 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval for 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 telecommunications tower up to 194 feet in height on property located at 925, 929, and 1009 Dare Road (Route 621) approximately 1,200 feet east of its intersection with Ilex Drive (Route 651) and further identified as Assessor's Parcel Nos. 30-93, 30-92A, and 30-92 (GPIN U07c-0629-0774, U07c-0491-0552, and U07c-0721-0396), subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding monopole "slick-stick" communications tower with associated equipment on the parcel of land located at 925, 929, and 1009 Dare Road (Route 621) approximately 1,200 feet east of its intersection with Ilex Drive (Route 651) and further identified as Assessor's Parcel Nos. 30-93, 30-92A, and 30-92 (GPIN U07c-0629-0774, U07c-0491-0552, and U07c-0721-0396).
2. The height of the tower, including the lightning rod, shall not exceed 194 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 County prior to commencement of land clearing or any 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 "Ntelos, Project Name: Dare, Project #NR-6208, Project Location: 929 Dare Road, Yorktown VA 23692" prepared by Allpro Consulting Group, Inc., dated 02/01/10 and received by the Planning Division on February 1, 2010. 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 General Services, Sheriff's Office, 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. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. 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.
6. 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."
7. The access easements shown on the above-referenced sketch plan shall be submitted to the Division of Development and Compliance for review, approval, and recordation to establish the rights 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.
8. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
9. 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.
10. 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.
11. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
12. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.
13. The proposed lease area shall be surrounded by a six-foot (6') chain link fence outfitted with opaque material deemed acceptable for screening purposes by the Zoning Administrator. Evergreen trees having a planting size of no less than six feet (6') 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.
14. The communication 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 the tower is unlighted, four six-inch (6") by six-inch (6") squares of reflective tape or reflectors shall be installed on the uppermost portion of the tower and shall be oriented north, south, east, and west so as to be seen by aircraft using light amplifiers.
15. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower. No externally-mounted communications antennae shall be permitted on the tower.
16. 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 County's Department of Fire and Life Safety.
17. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor 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 severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.