

Index File

ZM-130-10 and UP-778-10

Cingular Wireless (AT&T Mobility)

Assessor's Parcel No. 28-02-00-001

Application No. ZM-130-10 seeks to amend the York County Zoning Map by reclassifying a 3.82-acre parcel of land located at 914 Denbigh Boulevard (Route 173) from LB (Limited Business) to GB (General Business). The property, further identified as Assessor's Parcel No. 28-02-00-001, is designated General Business in the Comprehensive Plan. The General Business designation is intended to provide opportunities for retail and other commercial uses oriented to supplying goods or services for a community or regional market.

Application No. UP-778-10, which is contingent on approval of the rezoning application above, 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 130 feet in height on the property referenced above.

Attachments:

- Staff Report
- Zoning Map
- Survey Plat
- Sketch Plan
- Narrative
- Site Candidates Summary
- Propagation maps
- Photo simulations
- Proposed Resolution No. PC10-10 (rezoning application)
- Proposed Resolution No. PC10-11 (Special Use Permit application)

COUNTY OF YORK

MEMORANDUM

DATE: July 30, 2010 (PC Mtg. 8/11/10)

TO: York County Planning Commission

FROM: Earl W. Anderson, AICP, Planner

SUBJECT: Application Nos. ZM-130-10 and UP-778-10, Cingular Wireless (AT&T)

ISSUE

Application No. ZM-130-10 seeks to amend the York County Zoning Map by reclassifying a 3.82-acre parcel of land located at 914 Denbigh Boulevard (Route 173) from LB (Limited Business) to GB (General Business). The property, further identified as Assessor's Parcel No. 28-02-00-001, is designated General Business in the Comprehensive Plan. The General Business designation is intended to provide opportunities for retail and other commercial uses oriented to supplying goods or services for a community or regional market.

Application No. UP-778-10, which is contingent on approval of the rezoning application above, 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 130 feet in height on the property referenced above.

DESCRIPTION

- Property Owner: Joseph T. Buxton III, Trustee for Denbigh Boulevard Land Trust
- Location: 914 Denbigh Boulevard (Route 173)
- Area: Approximately 3.82 acres
- Frontage: Approximately 326 feet along Denbigh Boulevard
- Utilities: Public water and sewer
- Topography: Relatively flat
- 2025 Land Use Map Designation: General Business
- Zoning Classification: LB (Limited Business)
- Existing Development: 5,000-square foot office building
- Surrounding Development:

North: None (across Denbigh Boulevard)
East: None
South: None
West: None

- Proposed Development: a 130-foot monopole telecommunications tower with associated ground equipment within a 3,600-square foot leased area.

CONSIDERATIONS/CONCLUSIONS

1. The subject 3.82-acre parcel has a 5,000-square foot professional office building and is heavily wooded from the southern side of the building to the rear property line. According to County assessment records, the building was built in 1985. At that time, the area was zoned OPR (Office/Professional/Research). In 1995, the Board adopted a comprehensively revised Zoning Ordinance and Zoning Map. Among the changes that were made was the elimination of the OPR zoning district and the reclassification of most OPR-zoned property, including the subject parcel, to LB (Limited Business). The surrounding, undeveloped areas to the north and west were zoned GB (General Business), while the adjacent property to the east and south remained zoned IL (Limited Industrial). Along with the requested rezoning from LB to GB, the applicant is requesting a Special Use Permit for the construction of a telecommunications tower. Telecommunications towers are not permitted in the LB district but are allowed with a Special Use Permit in the GB district.
2. The Comprehensive Plan's 2025 Land Use map designates the subject parcel as General Business, which designation "is intended to provide opportunities for retail and other commercial uses oriented primarily toward supplying goods or services for a community or regional market" with the recognition that the "high intensity activity levels envisioned by this designation dictate that it be located with a full understanding of the potential impacts on adjacent residential and commercial development and traffic and circulation patterns." The adjacent areas are designated Limited Industrial to the east and High Density Residential to the south.
3. The existing LB zoning permits the existing office use but not the proposed use (telecommunication towers); the requested GB zoning would allow the existing use as a matter of right and the proposed use with a Special Use Permit. Additionally, the Ordinance states that the GB district "is intended to provide opportunities for a broad range of commercial activities...characterized by...an activity level and aesthetic character which set them apart from the types of uses permitted in the lower intensity commercial districts." Both the existing and proposed uses meet the criteria for the GB district.
4. In an effort to expand its coverage and eliminate gaps in wireless voice and data services along Denbigh Boulevard, AT&T wishes to construct a 130-foot telecommunications monopole with exterior antenna arrays on the subject property. The proposed monopole would be set back approximately 500 feet south of Denbigh Boulevard and approximately 60 feet from the rear property line. The nearest

residence is over 2,000 feet to the west in Newport News. The closest existing business use, other than the office building, is approximately 1,000 feet to the northwest.

5. The proposed tower would be designed as a co-location site that can accommodate up to four wireless communications providers. Ground-mounted equipment at the base of the tower would be located within a 3,600-square foot lease area surrounded by a six-foot chain link fence. Vehicular access to the gated compound area would be via a 12-foot wide access road extending approximately 435 feet from the southeastern portion of the parking lot to the tower site. The applicant has proposed to establish a 20-foot access and utility easement prior to site plan submittal.
6. The height of the proposed tower would be limited by the provisions of the Airport Safety Management (ASM) overlay district and Federal Aviation Administration (FAA) requirements. The applicant submitted a FAA determination, which states that the tower can be no higher than 131 feet above ground level. The proposed tower height is below both determinations at a height of 130 feet.
7. 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 near the proposed location (see applicant's narrative, site candidate map, and propagation maps). The proposed tower location represents a site that is slightly west of the center of the area where gaps in cellular services exist. AT&T indicates that there are no towers or structures available inside the area of need that can accommodate new cellular antennae that would meet its requirements.
8. The nearest existing tower, located at Mary Immaculate Hospital in Newport News, does not have room on the tower or in the leased ground area to accommodate another wireless provider. When approached by AT&T, the hospital declined to extend the tower or expand the lease area, which would have encroached on an existing parking area. AT&T also evaluated four other sites – the proposed site and three other sites that were ultimately rejected. These sites included the Virginia Power substation in Kentucky Heights (which is too close to the airport runway), Rip's Convenience Store (the owner of which was not interested), and a location in the Newport News Waterworks watershed (which was too far from Denbigh Boulevard and limited by the ASM overlay restrictions). Therefore, the proposed location became the most acceptable site from AT&T's standpoint.
9. To help the Commission, Board of Supervisors and staff evaluate the visibility of the tower from nearby areas, the applicant submitted photo simulations of the proposed monopole. These simulations indicate that the proposed monopole would be visible only from directly in front of the subject property on Denbigh Boulevard. The surrounding dense, mature trees buffer views of the tower and lease area from the road and other properties. However, it is possible that the ground equipment area will

become visible from property interior at such time as the remainder of the property is developed. Therefore, the proposed resolution contains the County's standard condition for telecommunication towers, which requires evergreen screening immediately surrounding the lease area.

10. The submitted sketch plan shows wetlands are located on the eastern side of the property and, as such, an Army Corps of Engineers - approved wetlands delineation will have to be included with the Natural Resources Inventory, which will be required with site plan submittal. Additionally, since this property is in the Watershed Management and Protection Area (WMP) Overlay district, the development must comply with the provisions of Section 24.1-376 of the Zoning Ordinance, which would require buffering along any tributary stream.
11. 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

Whether or not the tower is approved, staff believes the proposed rezoning from LB to GB is consistent with the Comprehensive Plan, which designates this property as General Business. Furthermore, the change in zoning will provide for development of the subject property that is compatible with future development on the surrounding properties along the Denbigh Boulevard corridor.

The proposed tower site is in a heavily wooded area, which provides a visual screen from adjacent and nearby properties. Additionally, the proposed tower is over 500 feet from Denbigh Boulevard and if the subject property remains undeveloped, will likely be unnoticed by those driving along the corridor. The location should allow wireless communication providers to offer reliable service to their customers traveling along Denbigh Boulevard, thus eliminating service gaps for those traveling between Newport News and the County. Furthermore, the applicant has sufficiently documented its efforts to identify alternatives and to demonstrate 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.

Based on the considerations and conclusions as noted, staff believes that this proposal is consistent with the policies set forth in the Comprehensive Plan with regard to the General Business designation and telecommunications towers. Therefore, staff recommends that the Planning Commission forward these applications to the Board of Supervisors with a recommendation of approval of the request to rezone through

Resolution No. PC10-10 and approval of the use permit subject to the conditions set forth in proposed Resolution No. PC10-11.

EWA

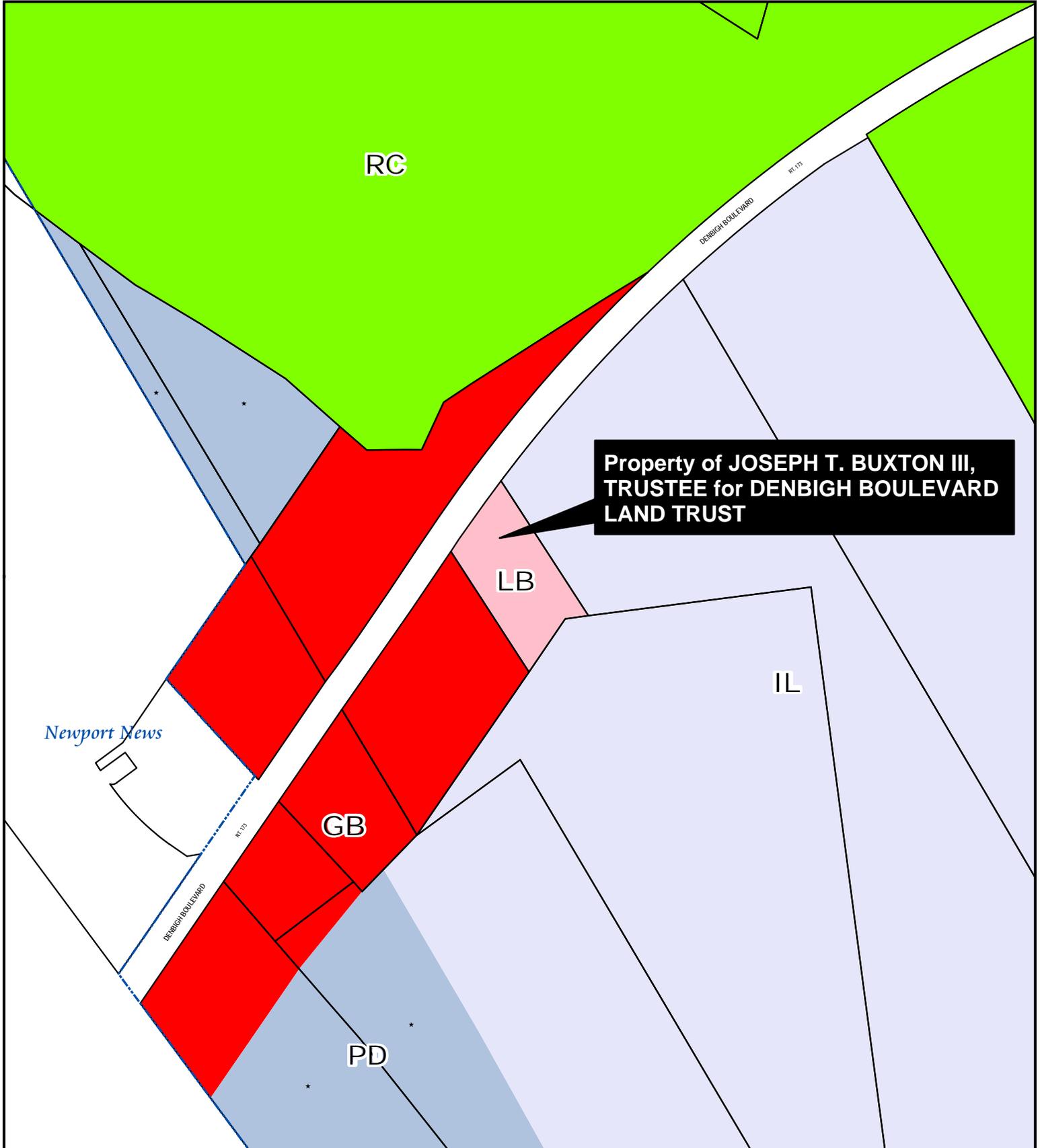
Attachments:

- Zoning Map
- Survey Plat
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- Propagation maps
- Photo simulations
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APPLICANT New Cingular Wireless (AT&T)
Request to rezone a parcel from LB to GB and Special Use
Permit for a 130 foot monopole telecommunications tower.
914 DENBIGH BLVD

ZONING MAP

APPLICATION NUMBER: ZM-130-10 & UP-778-10



**Property of JOSEPH T. BUXTON III,
TRUSTEE for DENBIGH BOULEVARD
LAND TRUST**

★ = Conditional Zoning
0 250 500 1,000 Feet



**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.

Printed on June 25, 2010

Legal Description

Site: NF478 F ~ Windsor Great Park

Access Easement

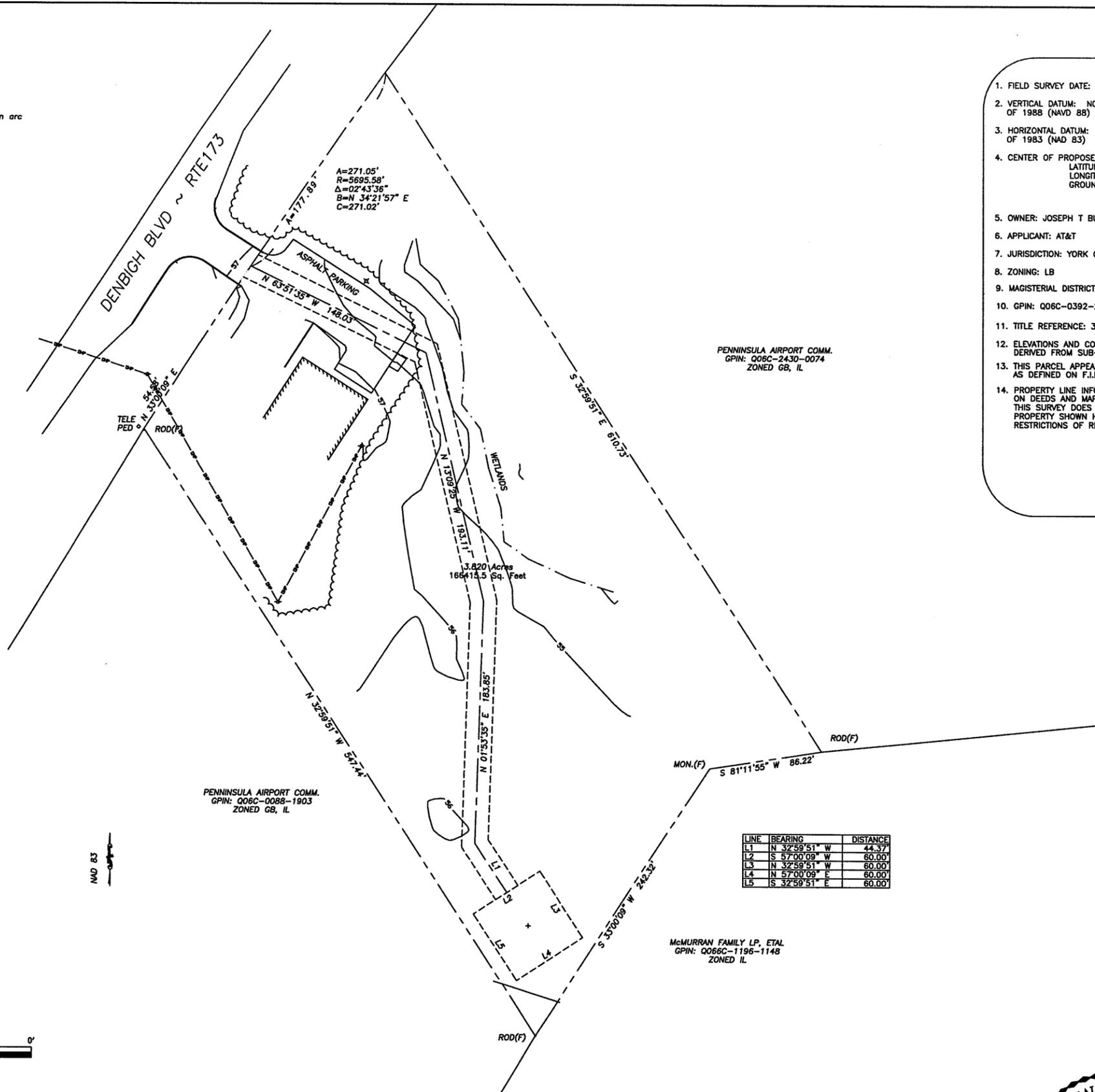
Commencing at the northern most property corner;
Thence in a southwestern direction along the right-of-way 177.89' along an arc having a radius of 5695.58' to the beginning centerline of a 20' Access Easement;

Thence S 63°51'35" E 148.03';
Thence S 13°09'25" E 193.11';
Thence S 01°53'35" W 183.85';
Thence S 32°59'51" E 44.37' to the end of said easement.

Lease Area

Beginning at the end of the 20' Access Easement

Thence N 57°00'09" E 30.00';
Thence S 32°59'51" E 60.00';
Thence S 57°00'09" W 60.00';
Thence N 32°59'51" W 60.00';
Thence N 57°00'09" E 30.00' to the point-of-beginning and containing 3600 square feet.



PENINSULA AIRPORT COMM.
GPIN: Q06C-2430-0074
ZONED GB, IL

PENINSULA AIRPORT COMM.
GPIN: Q06C-0088-1903
ZONED GB, IL

McMURRAN FAMILY LP, ETAL
GPIN: Q066C-1196-1148
ZONED IL

LINE	BEARING	DISTANCE
L1	N 32°59'51" W	44.37'
L2	S 57°00'09" W	60.00'
L3	N 32°59'51" W	60.00'
L4	N 57°00'09" E	60.00'
L5	S 32°59'51" E	60.00'



1. FIELD SURVEY DATE: DECEMBER 28, 2009
2. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
3. HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD 83)
4. CENTER OF PROPOSED POLE:
LATITUDE: N 37°09'26.8496"
LONGITUDE: W 078°30'03.1900"
GROUND ELEVATION: 56'
5. OWNER: JOSEPH T BUXTON, III TR
6. APPLICANT: AT&T
7. JURISDICTION: YORK COUNTY
8. ZONING: LB
9. MAGISTERIAL DISTRICT: GRAFTON
10. GPIN: Q06C-0392-2338
11. TITLE REFERENCE: 387, PG. 614
12. ELEVATIONS AND COORDINATES SHOWN HEREON ARE DERIVED FROM SUB-METER ACCURACY GPS.
13. THIS PARCEL APPEARS TO BE LOCATED IN ZONE "X" AS DEFINED ON F.I.R.M. 51199C0195C, DATED MARCH 5, 1990
14. PROPERTY LINE INFORMATION SHOWN HEREON IS BASED ON DEEDS AND MAPS OF RECORD AND TAX MAP INFORMATION. THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.



5659 COLUMBIA PIKE, SUITE 101
FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
FAX: (703) 671-6300

SITE NAME: WINDSOR GREAT PARK
SITE NO. NF478 F
914 DENBIGH BLVD.
YORKTOWN, VA 23602



3					
2					
1					
0	06-04-10	ZONING DRAWINGS	BML	BML	BML
A	04-02-10	PRELIMINARY ZONING DRAWINGS	BML	BML	BML
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS SHOWN		DESIGNED BML	DRAWN BML		



BC ARCHITECTS ENGINEERS
FALLS CHURCH, VA

DRAWING NUMBER	REV
C-1	0

PROJECT INFORMATION

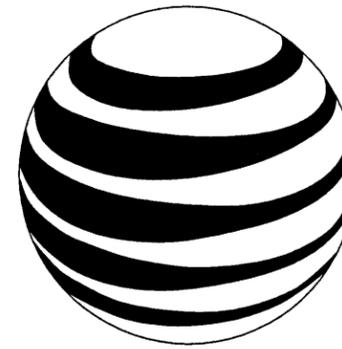
SCOPE OF WORK: PROPOSED (6) ANTENNAS MOUNTED ON TOWER. EQUIPMENT WILL BE LOCATED AT THE BASE OF THE TOWER ON A SLAB. SITE IS AN UNMANNED TELECOMMUNICATIONS FACILITY.

SITE ADDRESS: 914 DENBIGH BLVD
YORKTOWN, VA 23602

LATITUDE: 37° 09' 26.8496" N
LONGITUDE: 76° 30' 03.1900" W
GROUND ELEVATION: 56'

JURISDICTION: YORK COUNTY
MAGISTERIAL DISTRICT: GRAFTON
ZONING DISTRICT CLASSIFICATION: LB
GPIN: Q06C-0392-2338
PARCEL SIZE: 3.82 AC
TITLE REF: 387, PG. 614

PROPOSED USE: TELECOMMUNICATIONS FACILITY
PROPERTY OWNER: JOSEPH T BUXTON, III TR
SITE NAME: WINDSOR GREAT PARK
SITE #: NF478F
NAME OF APPLICANT: NEW CINGULAR WIRELESS PCS, LLC



at&t

SITE NAME: WINDSOR GREAT PARK
SITE NUMBER: NF478F

UTILITY INFORMATION

UTILITIES
POWER: DOMINION (888) 667-3000
TELCO: VERIZON (800) 483-5000

VICINITY MAP

DIRECTION:

DEPART 4801 COX RD, GLEN ALLEN, VA 23060 ON COX RD (WEST) 0.5 MI. TURN LEFT (WEST) ONTO NUCKOLS RD 0.4 MI. TAKE RAMP (RIGHT) ONTO I-295 21.8 MI. AT EXIT 28A, TAKE RAMP (RIGHT) ONTO I-64 50.1 MI. AT EXIT 250B, TAKE RAMP (RIGHT) ONTO SR-105 [FORT EUSTIS BLVD] 0.4 MI. KEEP RIGHT ONTO LOCAL ROAD(S) 98 YDS. BEAR RIGHT (SOUTH) ONTO SR-143 [JEFFERSON AVE] 3.0 MI. TURN LEFT (EAST) ONTO SR-173 [DENBIGH BLVD] 1.7 MI. TURN RIGHT (SOUTH-EAST) ONTO LOCAL ROAD(S) 0.1 MI. ARRIVE AT SITE

APPLICABLE BUILDING CODES AND STANDARDS

SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.

BUILDING CODE:
INTERNATIONAL BUILDING CODE (IBC 2006)

ELECTRICAL CODE:
NATIONAL ELECTRICAL CODE (NEC 2008)

SUBCONTRACTOR'S WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING STANDARDS.
AMERICAN CONCRETE INSTITUTE (ACI) 318, BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE
AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC), MANUAL OF STEEL CONSTRUCTION, ASD, NINTH EDITION
TELECOMMUNICATIONS INDUSTRY ASSOCIATION (TIA) 222-F, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWER AND ANTENNA SUPPORTING STRUCTURES:
TIA 607, COMMERCIAL BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS

INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE) 81, GUIDE FOR MEASURING EARTH RESISTIVITY, GROUND IMPEDANCE, AND EARTH SURFACE POTENTIALS OF A GROUND SYSTEM
IEEE 1100 (1999) RECOMMENDED PRACTICE FOR POWERING AND GROUNDING OF ELECTRONIC EQUIPMENT

IEEE C62.41, RECOMMENDED PRACTICES ON SURGE VOLTAGES IN LOW VOLTAGE AC POWER CIRCUITS (FOR LOCATION CATEGORY "C3" AND "HIGH SYSTEM EXPOSURE")

TELCORDIA GR-1275, GENERAL INSTALLATION REQUIREMENTS

TELCORDIA GR-1503, COAXIAL CABLE CONNECTIONS

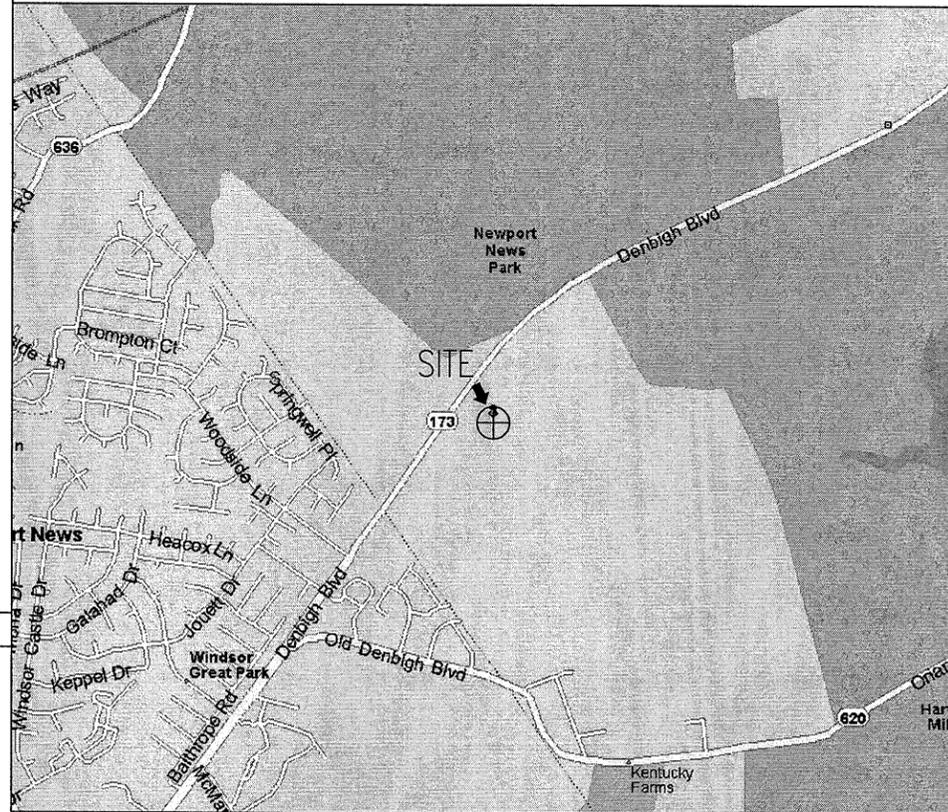
ANSI T1.311, FOR TELECOM - DC POWER SYSTEMS - TELECOM, ENVIRONMENTAL PROTECTION

FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS REGARDING MATERIAL, METHODS OF CONSTRUCTION, OR OTHER REQUIREMENTS, THE MOST RESTRICTIVE REQUIREMENT SHALL GOVERN. WHERE THERE IS CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL GOVERN.

DRAWING INDEX

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A-3	SHELTER DETAILS	0
A-4	SHELTER DETAILS	0
E&S-1	EROSION & SEDIMENT CONTROL DETAILS	0
E&S-2	EROSION & SEDIMENT CONTROL NOTES	0



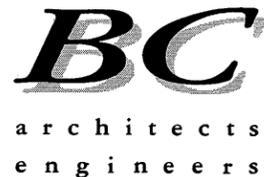
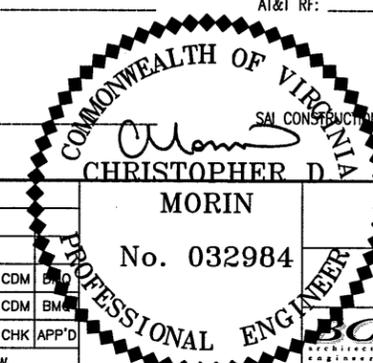
SCALE: 1"=2000'

NOTES

MAGNETIC DECLINATION - 10° 40' W CHANGING BY 0° 1' W PER YEAR AS OF 03/12/10

AT&T CONSTRUCTION: _____ AT&T RF: _____

AT&T COMPLIANCE: _____ SAI CONSTRUCTION: _____



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FALLS CHURCH, VA 22041-2868
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FAX: (703) 671-6300

SITE NAME: WINDSOR GREAT PARK
SITE NO.: NF478F

914 DENBIGH BLVD
YORKTOWN, VA 23602



3					
2					
1					
0	06-04-10	ZONING DRAWINGS	GMW	CDM	BMC
A	04-02-10	PRELIMINARY ZONING DRAWINGS	GMW	CDM	BMC
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS SHOWN		DESIGNED B. QUINN	DRAWN GMW		

BC ARCHITECTS ENGINEERS
FALLS CHURCH, VA

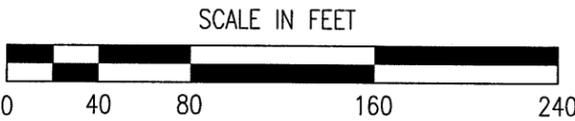
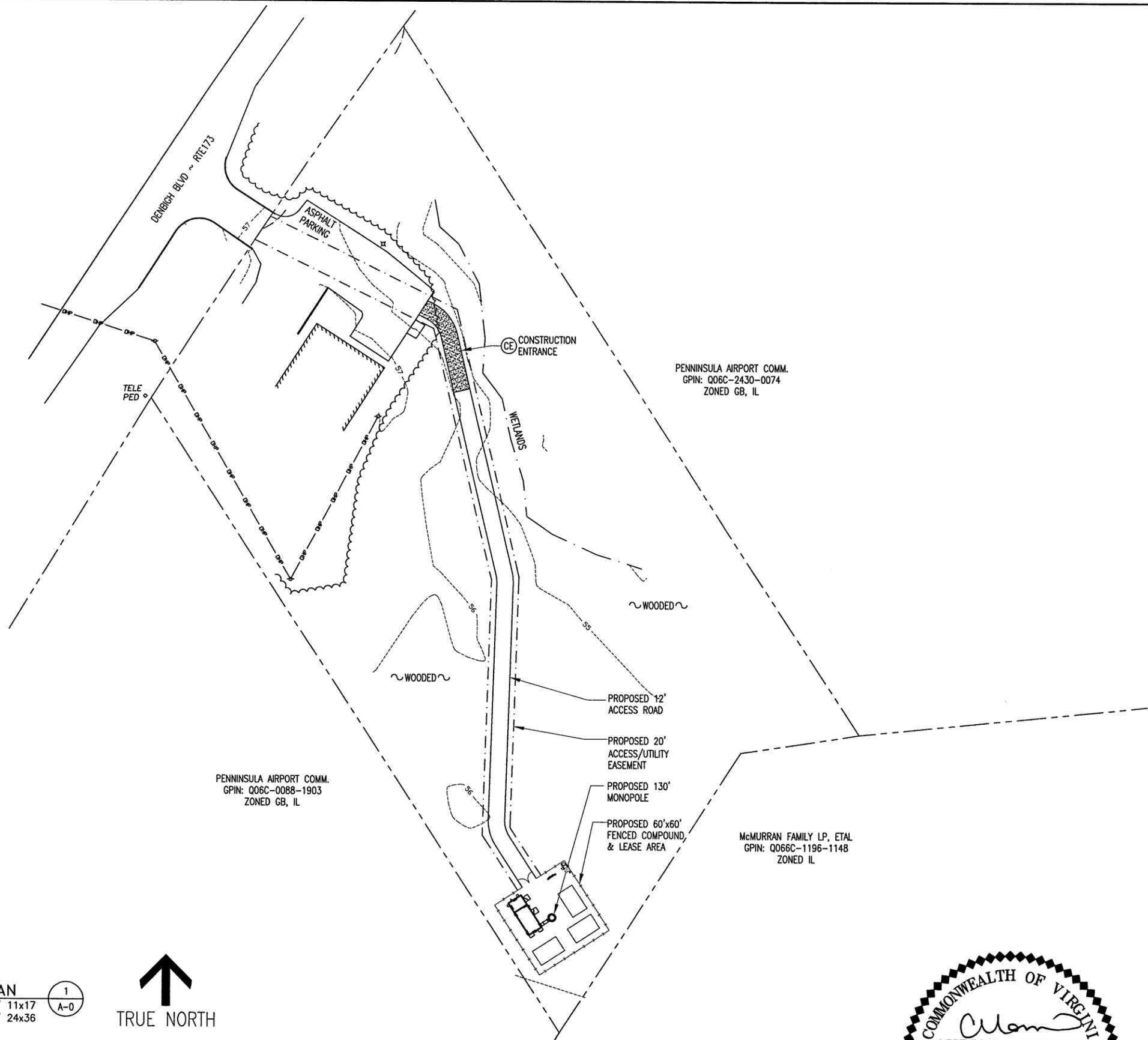
TITLE SHEET

DRAWING NUMBER	REV
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LEGEND

NEW FENCE	—●—●—●—●—
EXIST. FENCE	—X—X—X—X—
SETBACK	— — — — —
EASEMENT	— — — — —
LEASE	— — — — —
PROPERTY LINE	— — — — —
EXIST. CONTOUR	— — — — —
NEW CONTOUR	— — — — —
TYP. BUILDING	
TYP. ROAD	— — — — —



SITE PLAN
 SCALE: 1"=80' 11x17
 SCALE: 1"=40' 24x36



06-04-10 GREG WOLOZYN 16:24:30 Y:/Drawings - 2009/AT&T/_Rawland/NF478F/Zoning/A0.dwg

BC
 architects
 engineers

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SITE NAME: WINDSOR GREAT PARK
 SITE NO.: NF478F

914 DENBIGH BLVD
 YORKTOWN, VA 23602

LIBERTY PLAZA 1
 4801 COX ROAD, SUITE 300
 GLEN ALLEN, VA 23060

3				
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1				
D	06-04-10	ZONING DRAWINGS	GMW	CDM
A	04-02-10	PRELIMINARY ZONING DRAWINGS	GMW	CDM
NO.	DATE	REVISIONS	BY	CHK APP'D
SCALE: AS SHOWN		DESIGNED B. QUINN	DRAWN GMW	

COMMONWEALTH OF VIRGINIA
 MORIN
 No. 032984
 6.4.10
 PROFESSIONAL ENGINEER

BC ARCHITECTS ENGINEERS
 FALLS CHURCH, VA

SITE PLAN

DRAWING NUMBER	REV
A-0	0

06-04-10 GREG WOLOZYN 16:26:30 Y:/Drawings - 2009/AT&T/_Rawland/NF478F/Zoning/A1.dwg

PROPOSED 60'x60'
LEASE AREA
PROPOSED 60'x60'x8'
SECURITY FENCE

PROPOSED AT&T ANTENNAS
MOUNTED ON T-ARMS W/ WORK
PLATFORMS - 3 PER SECTOR (2
PROPOSED, 1 FUTURE)

FUTURE CARRIER
LEASE AREA (TYP.)

PROPOSED 30 AMP
DISCONNECT FOR MESA SPAN
XL ON 6"x6" WOOD POST

PROPOSED VERIZON MESA
SPAN XL CABINET &
HUBBLE QUARTZITE BOX

PROPOSED AT&T 4-GANG
UTILITY H-FRAME W/
TELCO BOX

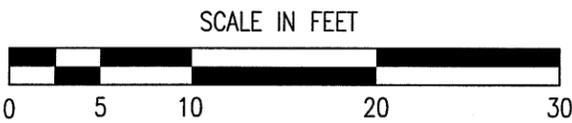
PROPOSED 130'
MONOPOLE

EXISTING
PROPERTY LINE

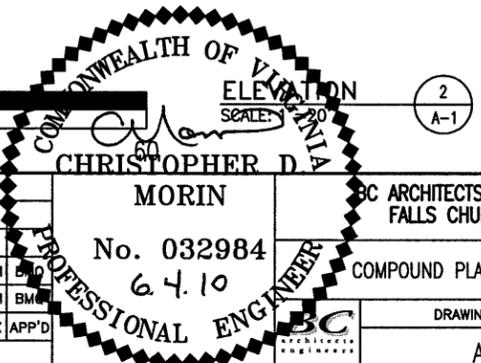
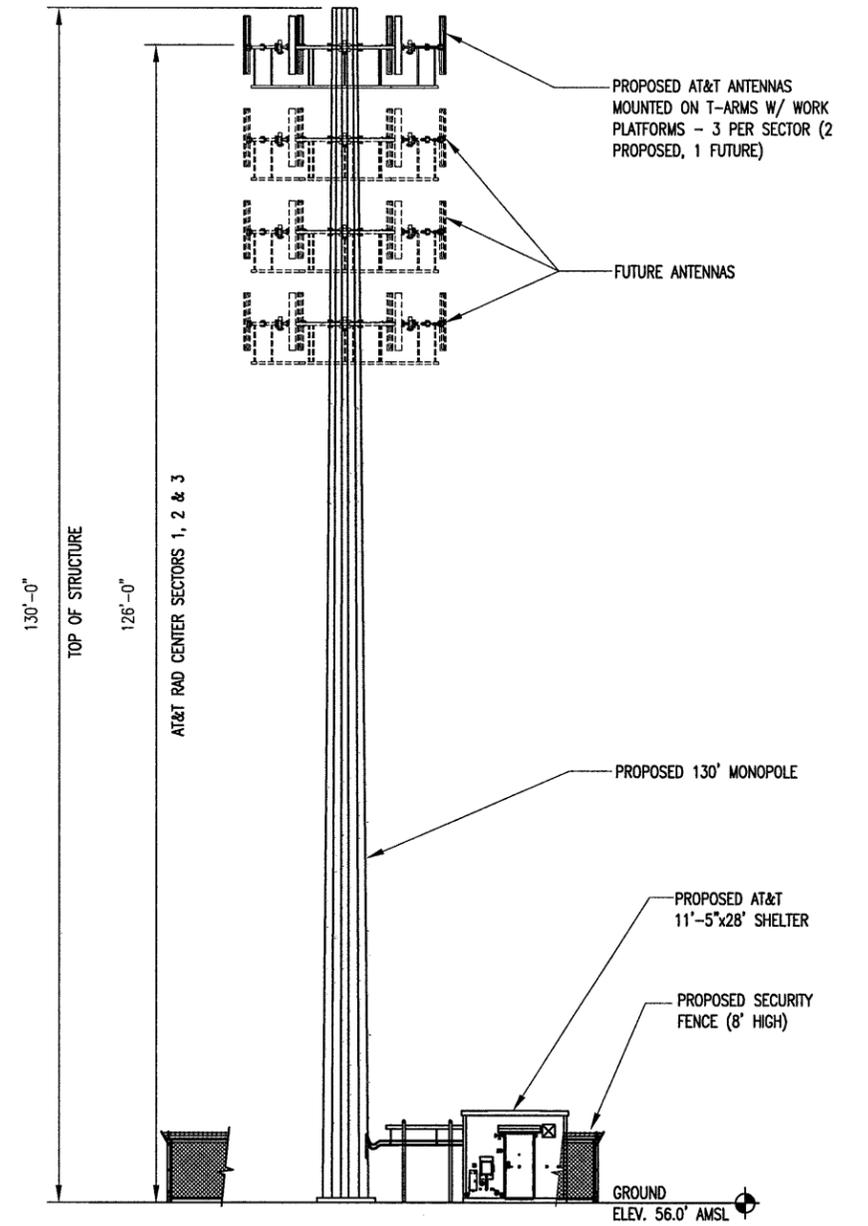
PROPOSED AT&T
11'-5"x28' SHELTER

PROPOSED 20'
ACCESS/UTILITY EASEMENT

PROPOSED 12'
ACCESS ROAD



COMPOUND PLAN 1
SCALE: 1"=10' A-1



BC
architects
engineers

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SCALE: AS SHOWN		DESIGNED B. QUINN	DRAWN GMW	

MORIN No. 032984 6.4.10 PROFESSIONAL ENGINEER		BC ARCHITECTS ENGINEERS FALLS CHURCH, VA COMPOUND PLAN & ELEVATION
DRAWING NUMBER	REV	
A-1	0	

Zoning Map Amendment and Special Use Permit Application
New Cingular Wireless PCS, LLC (“AT&T”)
130-Foot Telecommunications Tower
914 Denbigh Boulevard (“Property”)/Denbigh-York Center
Office Building (“Office Building”)
AT&T Site#: NF478F / Denbigh

Narrative of Proposed Use

Need for Telecommunications Tower

New Cingular Wireless PCS, LLC (t/a “AT&T”) is licensed by the Federal Communications Commission (“FCC”) to provide wireless communications services throughout York County (“County”). As indicated on the propagation maps and network map submitted with this application, the purpose of the proposed tower is to provide reliable in building and in car coverage to residents, travelers and businesses in and around Denbigh Boulevard corridor east toward Route 17. The enclosed network map indicates AT&T’s network of existing antenna sites on towers and tall structures built by AT&T and other carriers. As is the case with most wireless carriers, AT&T looks first for tall structures and existing towers, when it determines that it has a need for an antenna site to fill a coverage gap.

The following is a list of existing structures being used by AT&T that will connect with the proposed tower as depicted on the Site Overview Map submitted with this application: (1) AT&T is operating antennas on the New Horizon Regional Education Center tower, which is 1.93 miles to the west, at a height of 219 feet (Site NF481); (2) AT&T is operating antennas on a tower owned by American Tower, which is 1.79 miles to the southwest, at a height of 135 feet (Site NF116); (3) AT&T is operating antennas on a Dominion Virginia Power high power transmission structure which is 2.58 miles to the southeast, at a height of 120 feet (Site NF140); (4) AT&T is operating antennas on the Dare Elementary School tower, which is 2.39 miles to the east, at a height of 117 feet (Site NF487); and (5) AT&T is operating antennas on a tower owned by Crown Castle, which is 1.84 miles to the northeast, at a height of 173 feet (Site NF263).

There is only one (1) existing tower located anywhere near this section of Denbigh Boulevard. It is labeled Structure #2 on the map entitled, “NF478 Alternate Candidate Location Map” submitted with this application. Structure #2 is a tower located on the campus of Mary Immaculate Hospital at 100 St. Clare Drive. The area originally leased for the construction and operation of that tower does not contain sufficient space for any additional ground equipment. The existing tower compound is full. Therefore, to use this tower, AT&T would have to secure additional ground space from the property owner. Unfortunately, the property owner rejected AT&T’s request to lease additional ground space to increase the size of the tower compound. The tower labeled, Structure #1, is an existing tower owned by SBA located at 12920 Jefferson Avenue. Antennas operating on this tower would duplicate coverage provided by the antennas located on

AT&T's existing sites NF116 and NF481 and would do little to fill the existing gap along Denbigh Boulevard east toward Route 17.

Once it became clear that AT&T could not close its coverage gap by collocating on an existing structure, it examined four (4) alternative properties to determine if it could find an appropriate site for a new telecommunications tower in the area. The site labeled, Location #3, is an existing office park located at 646 Denbigh Boulevard. AT&T's radio frequency engineers deemed this site too far west to satisfy AT&T's coverage objective. Location #4 is an existing Dominion Virginia Power substation located at 132 South Maple Street. Unfortunately due to the substation's close proximity to the end of the Newport News-Williamsburg International Airport ("Airport") runway, AT&T could not obtain Federal Aviation Administration ("FAA") approval to install and operate a tower tall enough on this property to satisfy its coverage objectives. Location #5 is the property located at 905 Denbigh Boulevard on which Rip's Convenience Store is located. The owner of this property was not interested in entering into a lease with AT&T. Location #6 is property owned by Newport News Water Works located at 700 Richneck Road. This property was examined in the hope that it could satisfy AT&T's coverage objectives along Denbigh Boulevard extending further north to Fort Eustis Boulevard. Unfortunately, in order for AT&T's signal to propagate far enough, especially to the east and south, to satisfy the primary coverage gap, a tower height nearly double the height of the proposed tower would be required. Based on the proximity of the Newport News Water Works property to the Airport, such a height would not be approved by the FAA.

The subject Property is within the area necessary to fill the coverage objective and the property owner is willing to lease space for the construction and operation of a tower on the Property to AT&T. The Property also benefits from a natural buffer of existing mature trees and vegetation, as well as a size that allows for the tower to be placed approximately five hundred (500) feet off the nearest public road, Denbigh Boulevard. Moreover, although the Property is currently zoned LB-Limited Business, it is designated GB-General Business in the Comprehensive Plan and it is surrounded by properties zoned GB-General Business and Limited Industrial. After obtaining the FAA determination submitted with this application, AT&T determined that it could construct a 130-foot telecommunications tower on the Property that would satisfy its coverage needs and that of up to three (3) additional carriers in a manner that would have very limited visibility to the public and would neither pose a hazard to air travel or require marking or lighting.

Zoning Map Amendment

The proposed 130-foot galvanized steel monopole-style telecommunications tower would be located in the southern corner of the 3.82 acre wooded parcel at a point behind the existing Office Building furthest from Denbigh Boulevard. The tower site is surrounded by mature trees and vegetation, as well as forested wetlands to the north-east that cannot be developed. The Property is currently zoned LB-Limited Business. In

order to be suitable for the proposed use with a special use permit, our application includes a request to amend the existing zoning map, in order to change the zoning designation of the Property from LB-Limited Business to GB-General Business. The Property is currently used for general office purposes with limited external impact on surrounding properties and activities occurring generally during daylight hours. As indicated above, the Comprehensive Plan indicates that the Property and surrounding properties are suitable for GB-General Business. Moreover, the surrounding properties are already zoned either GB-General Business or Limited Industrial. Thus, the requested rezoning would not have a detrimental impact on the surrounding properties. In fact, it would result in more consistent zoning.

The Office Building on the Property will not be altered or modified in any way in connection with the rezoning and special use permit application. AT&T will use the existing entrance off of Denbigh Boulevard and will share vehicular access within the already paved portion of the Property. AT&T's access driveway will continue back to the rear of the Property through the trees at an angle that further limits the visibility of the tower from the front of the Property. The tower facility will be unmanned and will be visited on average once a month by technicians in panel trucks. The use of the existing Office Building will not change at all as a result of the addition of the proposed tower. The hours of operation of the Office Building, the uses, design and layout all will remain the same. The unlit tower, which will be nearly invisible during the day due to the existing layout, design and vegetative buffer, will be completely invisible at night. Since the use of a portion of the Property for a telecommunications tower is a very passive use and the use of the Office Building will remain unchanged, the proposed rezoning will not increase the impact of the overall development on the County over the current use in terms of public services, fiscal demands, transportation systems and the environment and will not increase the external impacts on surrounding properties. In this case, it is clear that the existing zoning is incorrect based on the Comprehensive Plan and surrounding uses. In fact, it is in the long term best interests of the County to rezone this Property to a use consistent with the Comprehensive Plan and surrounding uses that also provides citizens with enhanced wireless communications services.

Location & Design

The proposed location and use of the telecommunications tower is generally consistent with other surrounding uses as suggested by the policies set forth in the Comprehensive Plan. Additionally the proposed tower location falls within the County's Airport Safety Management Overlay District (ASM) which allows a maximum building height of one hundred thirty-seven (137) feet on this Property, which exceeds the maximum permissible height allowed by the FAA, which is only one hundred and thirty-one (131) feet.

Equipment on the ground will be located within an area surrounded by a chain link fence. The tower will be unmanned and will be visited on average once a month by technicians and will not be accessed or accessible to the general public. The facility will

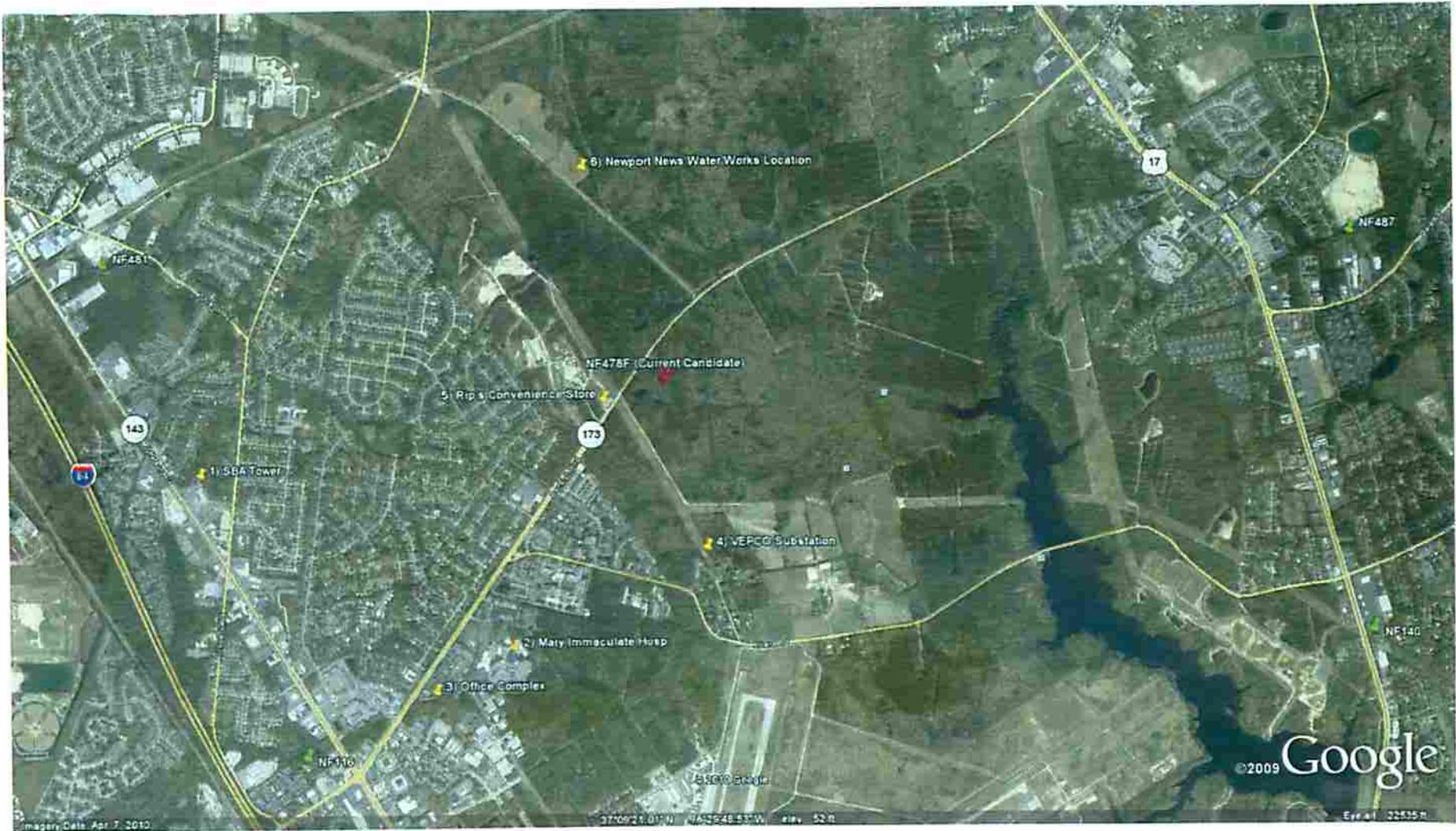
not emit any odor, fumes or glare. The noises emitted from the equipment on the ground will not be any louder than normal residential HVAC equipment. There is no need for water or sewer service or for the County to provide any services to the site. Therefore, the impact on surrounding properties resulting from this passive use will be minimal.

Buffering

As indicated above, the proposed location behind the Office Building makes the best use of the existing strand of mature trees and non-developable wetlands, which will substantially buffer the tower making it invisible from nearly all vantage points. Likewise given the fact that the proposed telecommunications tower will be over five hundred (500) feet from Denbigh Boulevard, its visibility will be limited to only those who use the Office Building, even then as the photo simulations submitted with this application indicate, it will be barely visible through the existing tree line.

Compliance with the County's Tower Ordinance Requirements

The ordinance encourages the placement of towers within industrial and commercial areas rather than in residential neighborhoods or along or within tourist corridors or historic areas. The placement and design of the proposed tower meets these requirements, as indicated above. It will allow AT&T and three (3) additional carriers to fill an existing gap in coverage along the Denbigh Boulevard corridor, which cannot be met using existing structures, in a manner that has no visual impact on surrounding uses and properties.



NF478 Previous Candidates

- Green - Current AT&T Tower Sites
- Red - Proposed Tower Location
- Yellow - Previous Locations Examined

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NF478 Previous Candidates

- 1.) – SBA Tower
 - Site located too far outside of the search ring and will not fulfill RF's requirements
- 2.) – Mary Immaculate Hospital (Existing Tower)
 - Limited Ground space around tower, compound would have to be expanded. Hospital was not interested in leasing additional ground space around tower.
- 3.) – Office Complex
 - The property is located too far west and does not satisfy our RF objective..
- 4.) – VEPCO Substation
 - Too Close to airport, not enough height available to satisfy our RF objective.
- 5.) – Rip's Convenience Store
 - The property owner wasn't interested.
- 6.) – Newport News Water Works Property
 - The proposed location is between Denbigh Blvd and Fort Eustis Blvd was examined in hopes that we could satisfy our coverage object along Denbigh and additionally help the Fort Eustis corridor.
 - Due to the 1.5 mile distance between the two corridors and the limited height available due to the proximity of the airport, this location is unable to satisfy our coverage needs.

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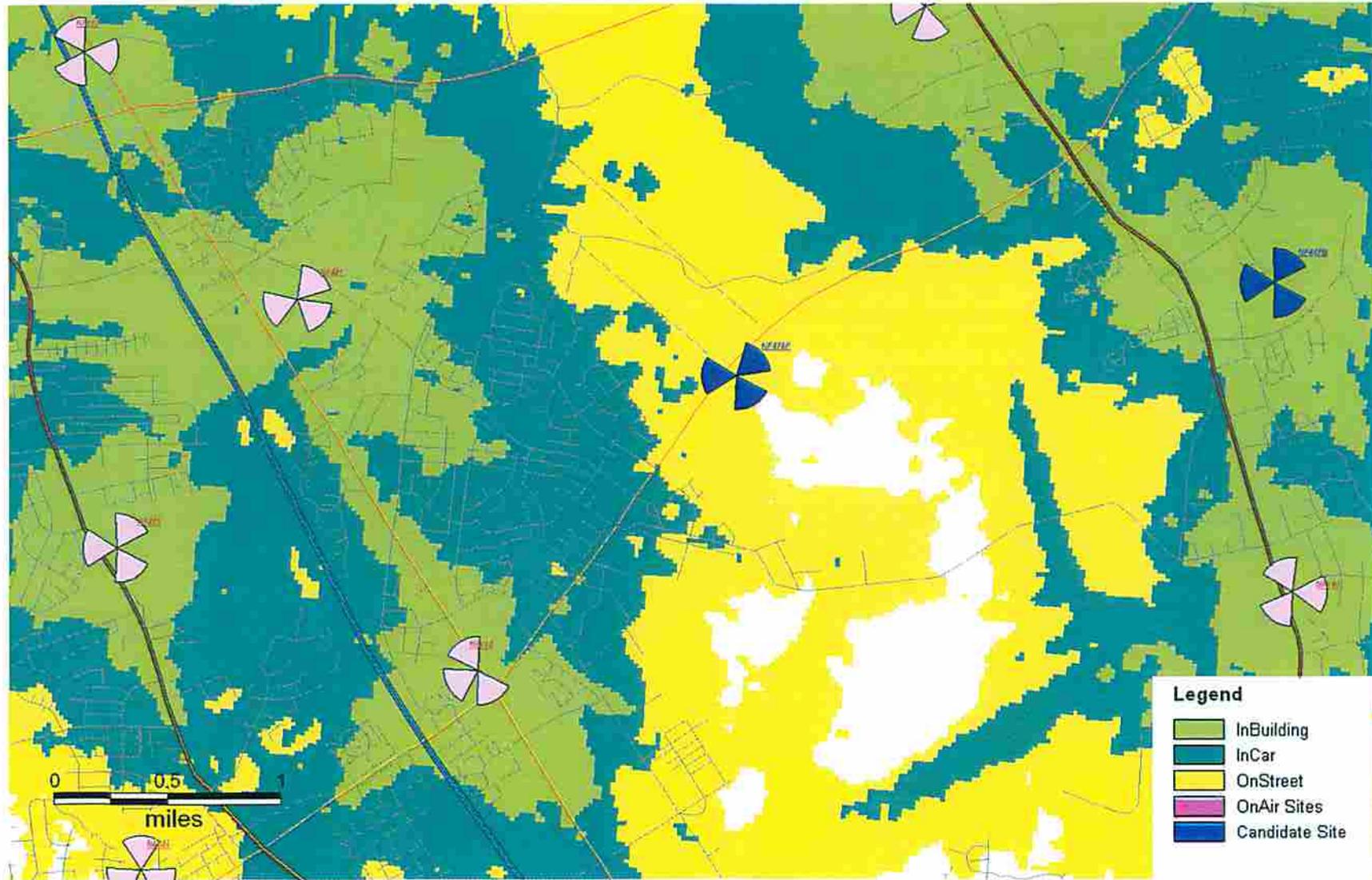
Planning Division

Coverage NF478

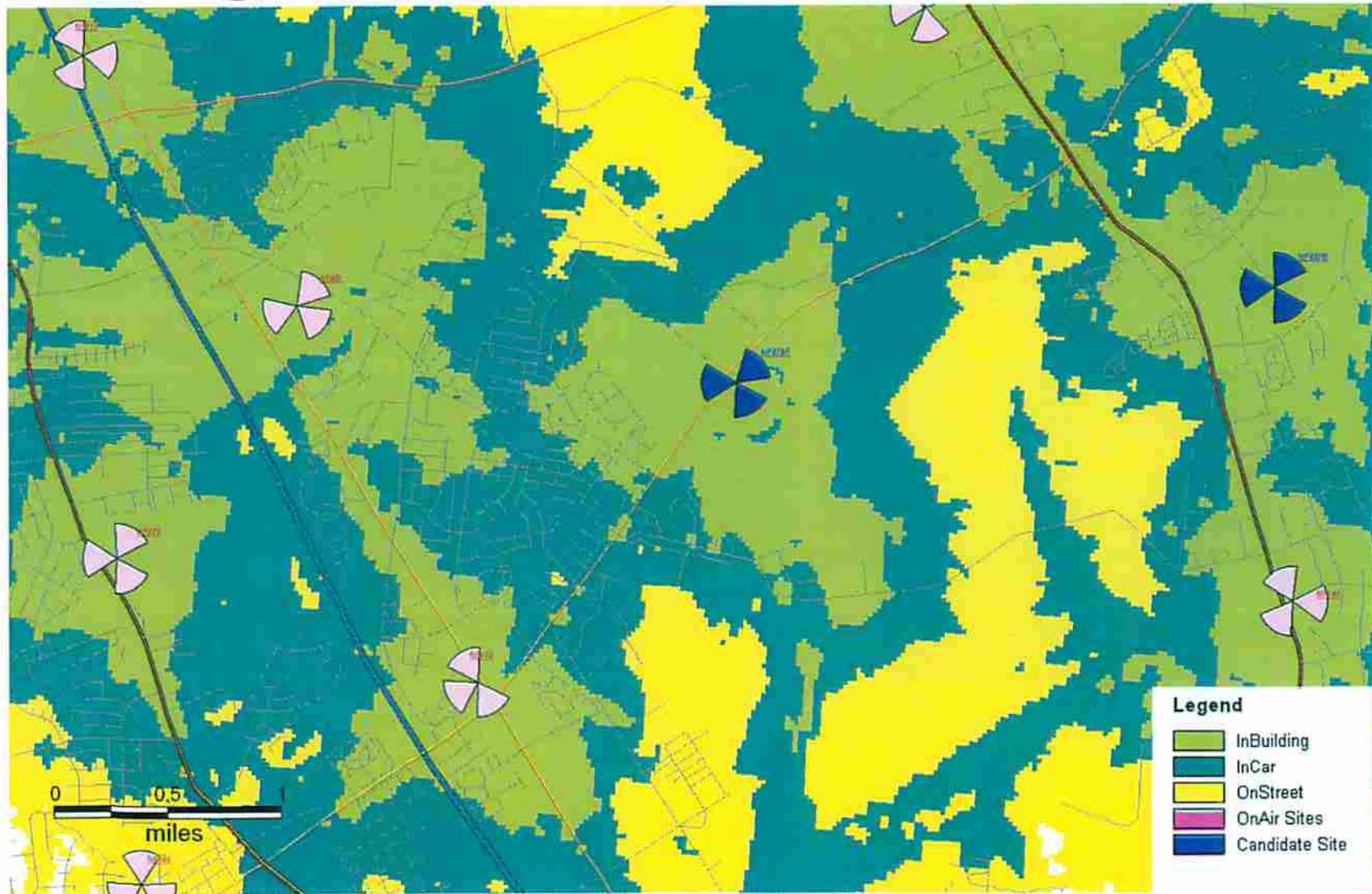
Rad Center 126'



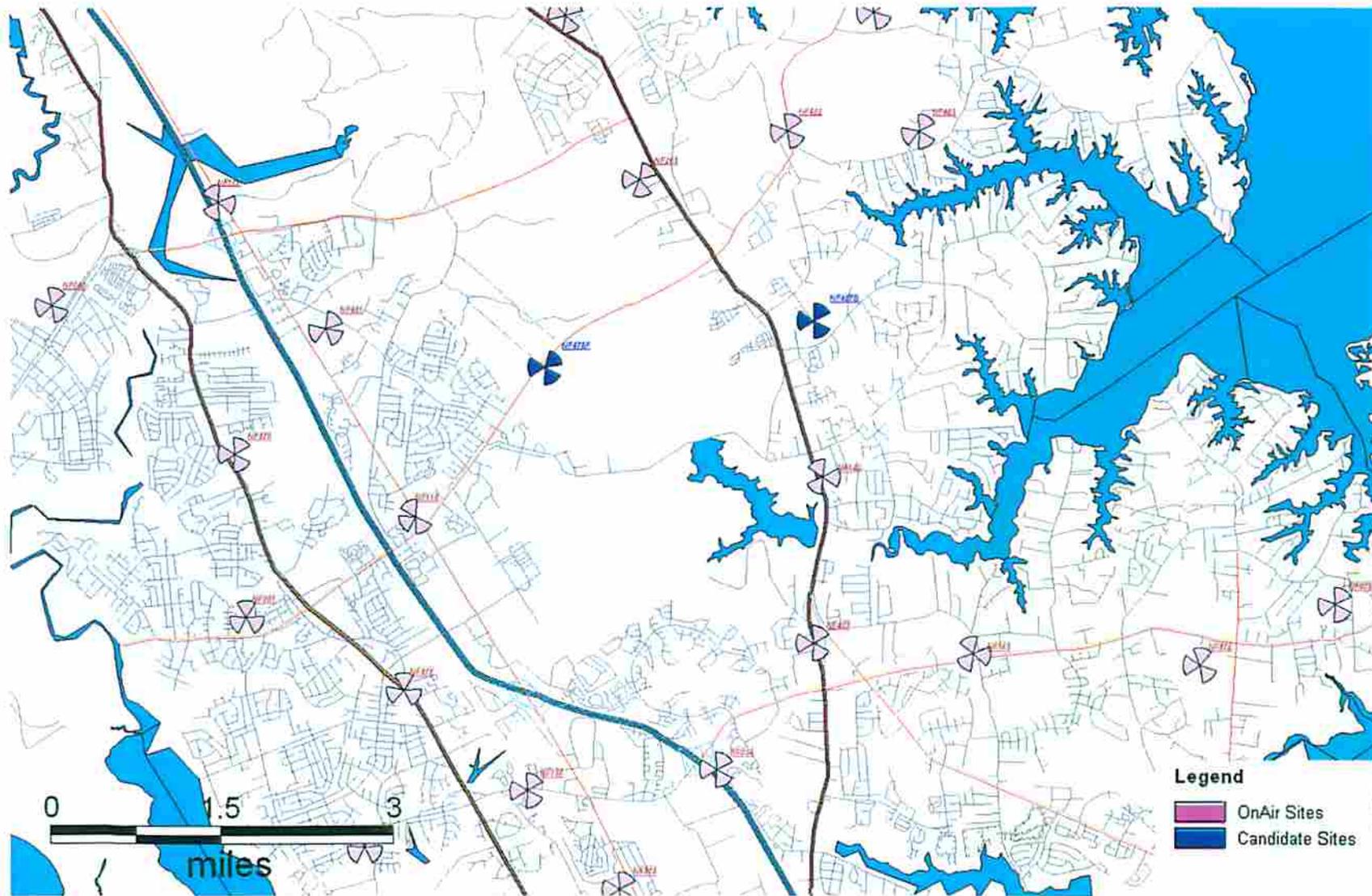
Current Coverage



Coverage With NF478F at 126'



Site Overview





NF478F - Denbigh

914 Denbigh Blvd. (Looking towards Site)
Sim 2187

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NF478F - Denbigh

Denbigh Blvd. (Looking towards Rt. 17)
Sim 2194 (Balloon Not Visible)





NF478F - Denbigh

905 Denbigh Blvd. (Rip's Convenience Store)
Sim 2197 (Balloon Not Visible)





NF478F - Denbigh

Denbigh Blvd. (Looking towards Jefferson Ave.)
Sim 2202 (Balloon Not Visible)



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

Christopher A. Abel
Alexander T. Hamilton
M. Sean Fisher
Richard M. Myer, Jr.
Mario C. Buffa
Anne C. H. Conner
John R. Davis

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

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO RECLASSIFY A 3.82-ACRE PARCEL OF LAND LOCATED AT 914 DENBIGH BOULEVARD (ROUTE 173) FROM LB (LIMITED BUSINESS) TO GB (GENERAL BUSINESS)

WHEREAS, New Cingular Wireless PCS, LLC (AT&T Mobility) has submitted Application No. ZM-130-10 requesting to amend the York County Zoning Map by reclassifying from LB (Limited Business) to GB (General Business) a 3.82-acre parcel of land located at 914 Denbigh Boulevard (Route 173) and further identified as Assessor’s Parcel No. 28-02-00-001 (GPIN Q06c-0392-2338); 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 ____ day of _____, 2010, that Application No. ZM-130-10 be, and

it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from LB (Limited Business) to GB (General Business) a 3.82-acre parcel of land located at 914 Denbigh Boulevard (Route 173) and further identified as Assessor's Parcel No. 28-02-00-001 (GPIN Q06c-0392-2338).

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

Christopher A. Abel
Alexander T. Hamilton
M. Sean Fisher
Richard M. Myer, Jr.
Mario C. Buffa
Anne C. H. Conner
John R. Davis

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

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A 130-FOOT SELF-SUPPORTING TELECOMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED EQUIPMENT AT 914 DENBIGH BOULEVARD (ROUTE 173)

WHEREAS, New Cingular Wireless PCS, LLC (AT&T Mobility) has submitted Application No. UP-778-10, 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 130 feet in height on property located at 914 Denbigh Boulevard (Route 173) and further identified as Assessor's Parcel Nos. 28-02-00-001 (GPIN Q06c-0392-2338); 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-778-10 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 130 feet in height on property located at 914 Denbigh Boulevard (Route 173) and further identified as Assessor's Parcel Nos. 28-02-00-001 (GPIN Q06c-0392-2338), subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding telecommunications tower with associated equipment on the parcel of land located at 914 Denbigh Boulevard (Route 173) and further identified as Assessor's Parcel Nos. 28-02-00-001 (GPIN Q06c-0392-2338).
2. The height of the tower, including the lightning rod, shall not exceed 130 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 "AT&T, Site Name: Windsor Great Park, Site Number: NF478F" prepared by BC Architects Engineers, dated 6/4/10.
4. No communication equipment shall be installed which will in any way interfere with the County emergency communications system. Should any equipment associated with such facility be found by the County to have such an impact, the owner shall be responsible for the elimination of the interference within twenty-four (24) hours of receipt of notice from the County Administrator.
5. 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.
6. 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.

7. 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."
8. 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.
9. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
10. 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.
11. 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.
12. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.

13. 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.
14. 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.
15. 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.
16. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
17. 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.
18. 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.