

MINUTES OF THE PLANNING COMMISSION MEETING

Wednesday, March 6, 2019

City Council Chambers

2400 Washington Avenue

Newport News, Virginia

PRESENT: Daniel L. Simmons, Jr., Chairman; Katie Stodghill, Vice-Chairwoman; Sharyn L. Fox; Mark W. Mulvaney; Michael F. Carpenter; Zachary E. Wittkamp; Elizabeth W. Willis; N. Steve Groce; (Staff: Flora Chioros, Assistant Director – Current Planning; Saul Gleiser, Senior Planner; Johnnie Davis, Planner; Lynn Spratley, Deputy City Attorney; Nyoka Hall, Zoning Administrator)

ABSENT: Willard G. Maxwell, Jr.

CALL TO ORDER

Mr. Groce read the Planning Commission's purpose as stated in Section 15.2-2210 of the Code of Virginia. He made a motion to adopt the agenda before the Planning Commission. Ms. Fox seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

INVOCATION

Mr. Carpenter presented the invocation.

MINUTES

The minutes of the February 6, 2019 public hearing and February 20, 2019 work session were approved as presented.

PUBLIC HEARING

DEFERRED CONDITIONAL USE PERMIT

CU-2018-0010, North Riverside Baptist Church. (Deferred from Planning Commission meeting of February 6, 2019) Requests a conditional use permit to allow for the operation of a pre-school with child care center as part of a community facility on property located at 311 Selden Road. The parcel contains 5.38 acres and zoned R3 Single-Family Dwelling. The *One City, One Future 2040* comprehensive plan recommends Community Facilities for this property. The Parcel No. is 237.00.03.32. ***(Withdrawn)***

Mr. Simmons stated application CU-2018-0010 has been withdrawn. He read a letter from the applicant regarding the withdrawal (copy attached to record minutes).

CHANGE OF ZONING

CZ-2019-0001, Landlovers, LLC. Requests a change of zoning from C1 Retail Commercial to R5 Low Density Multiple-Family Dwelling with proffers on a 1.43 acre site at 14307 Old Courthouse Way. The *One City, One Future 2040* comprehensive plan recommends Medium Density Residential uses for the site. The Parcel No. is 118.00.04.08.

Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Fox stated there is an old magnolia tree on Old Courthouse Way. She asked if it will be saved. Mr. Gleiser stated he does not know if it will be saved.

Ms. Fox asked if all the driveways are along Old Courthouse Way. Mr. Gleiser stated no, there are two on Wells Road.

Mr. Simmons asked if the applicant is planning to use the existing sidewalks until the proposed sidewalks are built. Mr. Gleiser stated there are no sidewalks in that area. Mr. Simmons asked if the proposed sidewalks will be the only sidewalks on that street. Mr. Gleiser stated yes.

Mr. Simmons stated a storm drain is being installed on the south end of the property. He asked how that would tie in with the sidewalks. Mr. Gleiser stated the Engineering Department has had the opportunity to review the preliminary plans and they will review the plans in detail when they submit the site plan. Mr. Simmons stated he is concerned about any water flow onto the adjacent properties and he wants to be sure the Best Management Practices (BMPs) do not cause issues. Mr. Gleiser stated they will not.

Ms. Willis stated there are trees shown in the front yards, but her experience on Old Courthouse Way is that whenever Warwick Boulevard is backed up there is a lot of through traffic. She stated she does not know what size trees are proposed, but for people accessing their driveways, she is concerned the vegetation will limit drivers' ability to see what is coming down the road. Mr. Gleiser stated Transportation Engineering has looked at the location of the trees and there will be ample visibility.

Ms. Willis asked what is the size of the sidewalk. Ms. Chioros stated a 6 foot sidewalk is proposed.

Ms. Willis asked if the BMP will be wet or dry. Mr. Gleiser stated it is supposed to be damp, but it is going to be planted. Ms. Willis asked if it would be a pond. Mr. Gleiser stated no.

Mr. Carpenter stated the applicant is not maxing out the number of residential units in R5 zoning. Mr. Gleiser stated they could have gone a lot higher. Mr. Carpenter asked

how high could the number of residential units go. Mr. Gleiser stated R5 allows up to 11 units per acre.

Mr. Simmons opened and closed the public hearing.

Mr. Mulvaney stated the city is in the middle of the Denbigh-Warwick Area Plan and there has not been any new development in this area for quite some time. He stated he is very excited to see what is occurring here and it falls in line with the city's comprehensive plan. Mr. Mulvaney stated he is fully in favor of what is being proposed.

Mr. Simmons stated having had no recent development of homes in the area, he thinks this is a great use for this property. He thanked the developer and wished him well on this project.

Ms. Fox stated this is a really nice project in a very blighted setting, and she hopes the magnolia tree remains.

Ms. Fox made a motion to recommend approval of change of zoning CZ-2019-0001 to City Council. The motion was seconded by Mr. Groce.

Vote on Roll Call

For: Fox, Mulvaney, Carpenter, Stodghill, Wittkamp, Willis, Groce, Simmons

Against: None

Abstention: None

The Planning Commission voted unanimously (8:0) to recommend approval of change of zoning CZ-2019-0001 to City Council.

CONDITIONAL USE PERMIT

CU-2019-0001, The Mariners' Museum. Requests a conditional use permit to allow for the installation and operation of a communication tower on property located at 100 Museum Drive. The lease area is 2,500 square feet of a 463.9 acre parcel and zoned P1 Park. The *One City, One Future 2040* comprehensive plan recommends Parks and Recreation for this property. The Parcel No. is 231.00.01.01.

Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Fox asked if there has been any discussion about erecting a stealth tower. Mr. Gleiser stated no. Ms. Fox stated there are towers that look like trees and have lots of different collocators. Mr. Gleiser stated those towers tend to call more attention to themselves than regular towers. Mr. Mulvaney stated he disagrees because he has seen camouflaged towers that look authentic. He stated he would like to see the tower disguised because this is a very pristine area of the city.

Mr. Mulvaney stated requiring a landscape plan out in a wilderness area makes no sense. Ms. Chioros stated the screening requirement is required to cover and screen the base and all of the equipment that is on the ground.

Mr. Mulvaney asked why the tower is proposed to be 150 feet. He stated the heights of the trees there are not so encompassing and a 150 foot tower will tower over the trees. Mr. Gleiser stated 150 feet is the standard height recommended for cellular towers within the city.

Mr. Mulvaney asked if a 150 foot tower requires an avoidance light on top of it. Mr. Gleiser stated it might if the Federal Aviation Administration (FAA) requires it.

Mr. Mulvaney asked are we able to lower the tower to 125 feet if they are not going to camouflage it to reduce the visual pollution. He asked what is the maximum height that would be acceptable to get the communication abilities the applicant is seeking. Mr. Gleiser stated he would need to defer to the applicant.

Ms. Stodghill asked what is the average tree height at the Mariners' Museum. She stated the application shows a tower at 170 feet and she would like it brought down to the average tree height. Ms. Chioros stated we feel that with a 150 foot tower you will still see the top of the tower above the tree line but that it will blend in better with all of the natural branches that surround it from a distance. Mr. Gleiser stated the closer you get to the tower, the less you will see it because you have the museum buildings blocking the view of the tower.

Mr. Carpenter stated he lives relatively nearby the proposed tower location and this is an area with weak cellular coverage. He stated he believes there is a need for a new pole. Mr. Carpenter stated the proposed tower will be on land owned by the Mariners' Museum and he likes the idea that they will be receiving some rental income from the collocators.

Ms. Fox stated we need to have cell towers but she does not think we have to settle for metal towers rising up into the sky if there is something we can do to alleviate that impact. She stated she would love the opportunity to see what over types of towers might be available.

Mr. Gleiser stated the applicant has not agreed to our suggestion that the tower be 150 feet. He stated the application is still for a 175 foot tower. Mr. Gleiser stated, to clarify, the 150 feet allowed is the total height, so if they need to install a lightning rod it would be included in the 150 feet.

Mr. Mulvaney stated the technology has changed and stealth towers can be aesthetically pleasing. He stated we have been trying to promote the beauty and pristine nature of Newport News, and it makes sense to ensure that we set a standard

going forward. Mr. Mulvaney stated we understand that we need communication towers and there are gaps, but there is a way to fill those gaps and not visually pollute our city.

Mr. Simmons opened the public hearing.

Mr. Howard Hoege, 100 Museum Drive, applicant, President and CEO of the Mariner's Museum, stated he was available for questions.

Mr. Groce asked what is the optimum height of a cellular tower for full reception. Mr. Hoege stated he does not have the technical answer for that. He stated the museum does not have a strong opinion about the height of the tower. Mr. Hoege stated we would lose one collocator if we move from a 175 foot tower to a 150 foot tower, but it would not make it undesirable. Mr. Groce stated he would hate to see a tower that was too small. Mr. Hoege stated part of the attraction for this is the safety of park users. He stated that, in addition to some of the coverage problems we have, there are areas on the Noland Trail where calls are dropped. Mr. Hoege stated if people are having a problem on the trail they need to be able to call our security office, so the ability to have coverage for the whole park is important to the museum. He stated that in the museum itself there is poor cell phone coverage and this tower would also help that in terms of safety concerns and visitor enjoyment.

Mr. Mulvaney stated he appreciates and understands that it would be a great flow of revenue for the museum but it is also a great flow of revenue for the providers that are on the tower and he cannot understand why we would not consider camouflaging it. He stated that, potentially, if the tower is camouflaged they could have a 175 foot tower with four collocators and the city does not get a monolith of another metal structure that may or may not have to be lit just sitting in the middle of the Mariners' Museum and Noland Trail area. Mr. Hoege stated during our conversations with P.I. Tower, they performed a balloon test and he drove the full circumference of the park, and you can absolutely see the tower from Warwick Boulevard and over the top of the main entrance to the museum. He stated that from most of the other locations you are within trees and it is difficult to see, and in most cases you cannot see, the tower. Mr. Hoege stated the only potential consideration with respect to a camouflaged tower is that they are significantly wider. He stated regardless of its shape or design it is going to stand out from the other trees. He stated if he is on the Noland Trail and catches a glimpse of the tower through the trees as he is walking, if it is wider it might be that he would see it more frequently or regularly than a narrow monopole. Mr. Hoege stated he thinks from the museum's perspective the tower is more appealing narrow. He stated from the main entrance to the museum we already have a radio tower that serves our two-way radios and provides communications for our staff out in the park, including security and grounds people, and until we started exploring the possibility of putting up a cellular tower, he never noticed the radio tower. Mr. Hoege stated he would suspect that if it is somewhat more discreet, it might possibly be ignored by people because they are always going to be in transit on Warwick Boulevard and at the museum entrance. He stated the area where the tower would be located is not viewable by the public and unless it is a code

requirement, he thinks masking the ground equipment is not a concern and the landscaping outside of the compound in this case would eat up some of the storage area

Mr. Jeff Holland, 4435 Waterfront Drive, Glen Allen, NB&C, LLC, consultant for P.I. Tower Development and T-Mobile, thanked Planning staff for their assistance. He stated we are proposing a 175 foot tower which includes a 5 foot lightning rod and a 50x50 fenced in compound area. Mr. Holland stated in speaking with T-Mobile the height where this tower is no longer viable would be at 150 feet, including the lightning rod. He stated the total height would need to be 154 foot, being a 150 foot tower and a 4 foot lightning rod. Mr. Holland stated if you drop the height, the future collocation spots go lower and lower and we do not know how viable they would be for future carriers, but the three collocations would be at 135 feet, 125 feet and 115 feet. He stated T-Mobile and P.I. Tower Development are amendable to doing the monopine at 170 feet. Mr. Holland stated they are also willing to do semi-flush mounted antennas. He stated flush mount is right against the tower and semi-flush is in between that and the normal antenna array which is really wide. Mr. Holland stated Planning staff recommended a 150 foot tower which includes the lightning rod and if the Planning Commission approves it, the applicant requests that it be a 150 foot tower not including the lightning rod.

Ms. Fox asked how many collocators could the tower have if it is 150 feet. Mr. Holland stated you can build a tower with three or four collocations, but we do not know how viable they would be at 135 feet, 125 feet and 115 feet. He stated the higher we go, the better coverage it is for everybody. Ms. Fox stated her concern is that if we have four collocaters on this tower it would eliminate the need to build an additional tower somewhere else in the area. Mr. Holland stated we do not know if other carriers would be willing to collocate at 135 feet, 125 feet and 115 feet as opposed to a 175 foot tower which would allow collocations at 165 feet, 155 feet, 145 feet and 135 feet. Ms. Fox asked if that would be more appealing to other carriers. Mr. Holland stated yes.

Ms. Fox asked if T-Mobile has any agreements with other carriers to collocate on the tower. Mr. Holland stated T-Mobile would be the anchor tenant and we are assuming other carriers would collocate, but we do not have any agreements at this time.

Ms. Fox asked how the collocations would appear. Mr. Holland stated you would see the antenna arrays 10 feet apart. He stated the T-Mobile coverage on top would be greater than the lower collocations. Ms. Fox asked if T-Mobile has installed stealth towers. Mr. Holland stated yes. He stated there are monopines and what is called a slick stick which looks like a smokestack. Mr. Holland stated the problem with a slick stick is you have to put everything inside and there are less collocations.

Ms. Fox asked if there are other options apart from the monopine. Mr. Holland stated he does not know. Ms. Fox stated she would like to see T-Mobile get the most coverage with as many collocaters as possible so that we do not have another

application for another 150 cellular tower in a few years. Mr. Holland stated that would be possible with a 175 foot tower. Ms. Fox stated she would also like to see the tower look attractive. Mr. Holland stated there are options to make the tower attractive, such as painting it (dark java brown is a popular color in many counties) and using flush or semi-flush mounts. He stated we ran photo simulations from Warwick Boulevard and there was not much difference between what peeks out from the top of the trees between a 150 foot tower and a 175 foot tower.

Mr. Carpenter asked how far out a semi-flush array would stick out. Mr. Mulvaney stated our agenda package shows the arrays to be 7 feet to 8 feet off the monopole. Mr. Holland stated those are a normal antenna array. He shared a schematic of a semi-flush mounted cellular tower on his cellular phone with the Planning Commission. Mr. Simmons stated even with semi-flush, it does nothing about the tower height. Mr. Holland stated yes, it just makes it less obtrusive on the top.

Mr. Mulvaney asked if a 175 foot tower includes a 4 foot lightning rod. Mr. Holland stated yes, it would be a 170 foot tower with a 4 foot lightning rod. He stated if the Planning Commission recommends a 150 foot tower, we are asking that the 4 foot lightning rod not be included, making the total tower height 154 feet. Mr. Mulvaney stated there may need to be an additional 24 inches above the lightning rod for any aircraft avoidance lights if necessary, so the total tower height may be 156 feet. He stated if the tower is 175 feet and requires aircraft avoidance lights, it will be a 170 foot cellular tower with a 5 foot lightning rod and a 2 foot extension for the lights, totaling 177 feet. Mr. Holland stated that is correct.

Ms. Stodghill asked if the radio tower has a light on top of it. Mr. Hoege stated it does not. Ms. Stodghill asked how tall is the radio tower. Mr. Hoege stated it is approximately 100 feet tall.

Mr. Groce stated he never noticed the radio tower until he started looking at where the cellular tower is going to go. He stated if the optimum performance of the tower is going to be 170 feet, he does not see any reason to make it lower. Mr. Groce stated he toured the property and it would not need landscaping because it is set back out of the way. Mr. Holland stated if the code requires landscaping, we will do it.

Mr. Mulvaney stated he does not disagree that the ground landscaping is necessary, and any type of camouflage is going to hide this, because of how far away the human eye can physically see things. Mr. Mulvaney stated that to camouflage it in any way will help it blend into the surrounding environment. He stated we have to set a standard going forward because we are going to get more cellular tower applications and have more communication on how we make them as invisible as possible.

Mr. Simmons asked if the landscaping per city code is something the Planning Commission can modify. Ms. Spratley stated there is a landscaping requirement but it does say there is some leeway. She read "in special cases, including stealth

applications, the applicant may prepare an alternate landscape plan and specifications for landscape and screening, including plantings, fences, walls, buildings, topography, etc. to screen the tower.” Ms. Spratley stated the Director of Planning would still need to approve the alternate arrangement, but there is some leeway to the requirement. Mr. Simmons asked if the screening is specified to be on the ground. Ms. Spratley stated the screening being referenced is for the ground equipment. Ms. Chioros stated the code also states “where existing trees abut the compound but are located within the lease area, such trees can be maintained and the evergreen trees shall be used as infill.” She stated if they choose to do a different type of screening material, it would have to be approved by the Director of Planning.

Mr. Carpenter stated we have two issues being discussed: the height of the tower and whether it should be camouflaged or not. Mr. Mulvaney stated we also do not know if the tower will need to be lighted. He stated his concern is more for the Riverside Regional Medical Center helipad than for the airport.

Mr. Derry Haywood, 63 Lakeside Drive, lives across the street from the proposed tower. He stated he has some concerns about the application. Mr. Haywood stated no one from the tower company reached out to the neighborhood to get them involved in the process. He stated he spoke with Mr. Gleiser about his concerns and he was told Planning staff was proposing a 150 foot tower, with which he is onboard. Mr. Haywood stated he does not want to look out of his window and see a 175 foot tower ruining the pristine view.

Ms. Fox asked if Mr. Haywood thinks a 25 foot difference would bring a real impediment to his view. Mr. Haywood stated yes, he does not think it is worth the cost of the cell phone carrier making more money than his view. Ms. Fox asked if Mr. Haywood would rather have one big cell tower than several other cell towers. Mr. Haywood stated the tower company said they wanted to build it there because another location would be close to another tower. He stated if you put a 150 foot tower in his neighborhood, he is sure they are not going to put another one there because they do not want them that close together.

Mr. Carpenter asked if a 150 foot tower is installed, would Mr. Haywood prefer an average-width array or a tree 50 feet taller than any other tree. Mr. Haywood stated he has friends who live in Riverside and the monopine off of Hiden Boulevard is not attractive.

Mr. Groce asked if Mr. Haywood noticed the balloon test. Mr. Haywood stated no, because they did not notify anyone.

Ms. Stodghill asked if Mr. Haywood can see the radio tower from his house. Mr. Haywood stated no, because he does not know where it is. He stated he can see the museum and the parking lots.

Ms. Fox asked how far the Hidenwood tower is from the proposed application. Mr. Carpenter stated maybe 2 miles. Ms. Fox asked how many collocations does the tower have since we do not want to build another one 1.5 miles away if this one is not tall enough.

Mr. Simmons closed the public hearing.

Mr. Mulvaney made a motion to defer conditional use permit CU-2019-0001. He stated he would like to see the FAA report; the applicant reaching out to the neighboring community and giving them an opportunity to review the pole; and, he would like to understand whether we are going to have a 150 foot tower or a 175 foot tower, as well as what type of stealth tower options are available. The motion was seconded by Ms. Fox.

Ms. Willis stated without deferring it, she did not feel we would get the best vote possible.

Vote on Roll Call

For: Mulvaney, Carpenter, Stodghill, Wittkamp, Willis, Groce, Fox, Simmons

Against: None

Abstention: None

The Planning Commission voted unanimously (8:0) to defer conditional use permit CU-2019-0001 to the May 1, 2019 Planning Commission public hearing.

EXECUTIVE SECRETARY REPORT

Ms. Chioros stated on February 26, 2019, City Council approved zoning text amendment ZT-2018-0008 that amended definitions and requirements for communication towers not greater than 50 feet, less than 50 feet, small cells and wireless facilities.


Ms. Chioros stated the March 20, 2019 public meeting will include a special exception to increase the floor area of an accessory structure on a 2.56 acre parcel at 20 Miller Road. Ms. Fox asked what type of building is it. Ms. Chioros stated it is a garage on a single-family parcel.

Ms. Chioros stated the Department of Housing and Urban Development is performing a site visit today for our Choice Neighborhoods Initiative Implementation grant application. She stated Newport News is one of four applicants that were shortlisted and we hope to have exciting news to share soon.

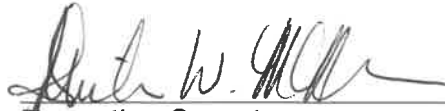
Ms. Chioros stated a Denbigh-Warwick Area Plan community meeting will be held on March 21, 2019 at 6:00 P.M. at the Denbigh Community Center. She stated there will be a presentation of the draft of the vision, goals and strategies of the plan. There will

also be some design charrette items that were discussed at the last community meeting that will be discussed.

There being no further business, the meeting adjourned at 3:26 P.M.



Recording Secretary



Executive Secretary



February 19, 2019

Flora D. Chioros
Department of Planning
2400 Washington Avenue
Newport News, VA 23607

Dear Mrs. Chioros,

North Riverside Baptist Church recently submitted an application for a Conditional Use Permit on behalf of our tenant City Life Church. We would like to withdraw that CUP application from consideration.

We thank you for your help and guidance as we will be resubmitting an application which better reflects our needs and circumstances.

Sincerely,

Robert G. Johnson
Trustee, North Riverside Baptist Church