



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections

Engineering

Planning & Zoning

To: Kurt Hodgen – City Manager  
From: Adam Fletcher – Director of Department of Planning and Community Development  
Planning Commission  
Date: July 11, 2017  
Re: Special Use Permit – 865 Port Republic Road (10-3-55.4 (8) Concealed Wireless Telecommunications Facility in R-5, High Density Residential)

### **Summary:**

Public hearing to consider a request from 865 East LLC with representative Stephen Waller, agent for Verizon, for a special use permit per Section 10-3-55.4 (8) of the Zoning Ordinance to allow a concealed wireless telecommunications facility in the R-5, High Density Residential District. A concealed wireless telecommunications facility is defined as “[a]ny wireless telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless telecommunications services is not readily apparent to a casual observer. Examples include but are not limited to: bell towers, clock towers, faux trees, flag poles, minarets, monuments, parapets, religious symbols, smoke stacks, steeples, or structures intended as art.” The specified special use permit is further regulated by Article CC and, among other requirements, must meet the height, setback, screening or camouflaging, and lighting requirements within Section 10-3-196 (2) (a.) of the Zoning Ordinance. The 5.47 +/- acre site is zoned R-5C, High Density Residential District Conditional, is located at 865 Port Republic Road, and is identified as tax map parcel 92-F-1.

### **Background:**

The Comprehensive Plan designates this area as High Density Residential. This designation states that these areas are intended for high density residential use, mostly apartment buildings at densities ranging from 12 to 24 dwelling units per acre.

The following land uses are located on and adjacent to the property:

**Site:** 865 East building – zoned R-5C  
**North:** Across Devon Lane, townhomes – zoned R-3  
**East:** Across Port Republic Road, apartments – zoned R-4  
**South:** Apartments – zoned R-3  
**West:** Townhomes – zoned R-3

### **Key Issues:**

The applicant is requesting a special use permit per Section 10-3-55.4 (8) of the Zoning Ordinance in order to install a new wireless telecommunications facility consisting of concealed antennas, remote radio heads, and supporting equipment on the rooftop of 865 Port Republic Road. The 5.47 +/- acre site

is located on the southwestern corner of Port Republic Road and Devon Lane and contains the mixed use building of 865 East Residences and Plaza.

In December 2007, the subject property was rezoned from B-2C to R-5C and included approval of three special use permits: (1) to allow a multiple-family building of more than twelve units per building; (2) to allow a multiple-family building greater than four stories and 52-feet in height; and (3) to allow retail stores, convenience shops, personal service establishments, and restaurants (excluding those with drive through facilities). As part of the rezoning request, the owner proffered that the height of the structure would not exceed 91-feet in height. In 2008, building permits were issued for a 6-story building to be constructed to an overall height of 69-feet.

The applicant, Verizon Wireless, is requesting to locate a wireless facility consisting of antennas, remote radio heads, radio transmitting cabinets, utility boxes, cable diplexers, and mounting frames on the rooftop of 865 East. The actual height of the building's roof is 60.7-feet; however, there is a surrounding parapet wall at an elevation of 65.3-feet, and a taller, decorative façade at an elevation of 69-feet. Currently, there are HVAC units and a small lounge area for residents located on the rooftop of the building.

If the request is approved, Verizon would install three non-penetrating mounting frames, which would hold the panel antennas, and the supporting equipment of cabinets, boxes, diplexers, and radio heads. Approval would also allow for three future Verizon remote radio heads and wireless diplexers (one on each proposed mount). All proposed and future supporting equipment would be mounted at a height of 4-feet 9-inches above the roof and would be set in a location on the roof such that the frame and equipment are not visible above the 65.3-foot parapet wall. Each proposed antenna would be screened within a stealth shroud enclosure made of RF-friendly material designed to look like a chimney and painted to match the building's façade. The top of each shroud enclosure would be 70-feet in height. Other fiber and power equipment would be located within the basement of the building and connected to the rooftop equipment via conduit running through the interior of the building.

In July 2015, the City adopted its Wireless Telecommunications Facilities regulations, which are regulated under Article CC of the Zoning Ordinance. Verizon's SUP request for collocation on the 865 East building is the first SUP requested since the adoption of the regulations.

Per the regulations, this particular request would be allowed by-right within the B-1, B-2, and M-1 zoning districts; however, the R-5 zoning district allows such facilities only by special use permit (SUP). An applicant can apply for a SUP within a residential district for: a telecommunications tower primarily erected for use of the Harrisonburg-Rockingham Emergency Communications Center and may include rental of space for private wireless telecommunications providers; Industrial microcells, distributed antenna systems (DAS), macrocells, and similar facilities; or, concealed wireless telecommunications facilities. Verizon's proposed facilities are considered concealed wireless telecommunications facilities because they will be designed to look like chimneys and painted to match the building's façade. If the facilities were only painted to match the building's façade, they would be considered camouflaged industrial microcells and would be prohibited from being any taller than 5-feet above the existing building height. The height of a concealed wireless telecommunications facility is controlled by the specified height in the application or as conditioned by approval of the SUP. The applicant proposes that facilities would be limited to a height of 70-feet; one foot taller than the overall building height and 21-feet shorter than the proffered building height of 91-feet.

Verizon states that the deployment of this facility will help improve high-speed wireless data service for residents, visitors, business owners, and consumers throughout the City. Slow data transmission is due

to greater distances between existing facilities and/or higher numbers of users during peak hours. Small cell facilities, such as the one proposed with this request, help to increase data speeds for users, thus provides more reliable access to high-speed data transmissions and overall service improvements and coverage.

The Verizon elements in this proposal have been designed as a single carrier facility, which helps to mitigate visual impacts; however, this design does not prevent other carriers from proposing future facilities on the rooftop. Any future wireless carriers would need to apply for a SUP to collocate on the building.

Per the requirements of Section 10-3-199 of the Zoning Ordinance, which regulates submittal requirements for wireless telecommunication facilities, Verizon Wireless contacted and worked closely with the Harrisonburg Rockingham Emergency Communications Center (HRECC) regarding any possible interference with City service. In March 2017, the Director of HRECC emailed that there is “no opposition to the applicant request.” (That email is included within this packet.)

If approved, the property owner on which a facility is located is responsible for ensuring a report is submitted to the Zoning Administrator, no later than June 30 of each year, with the following information (as per Section 10-3-200):

- a. Name, address, telephone numbers and email addresses of the property owner and, if applicable, the owner of the support structure.
- b. The support structure’s (including alternative support structures) location (latitude and longitude), street address, height, and structure type.
- c. The current user status of the facility, including the name and contact information of each active tenant/wireless service provider leasing space from the site. If vacant/collocation space is available, the report shall indicate such information and explain the facility’s available accommodations.
- d. An explanation or listing of each tenant’s/wireless service provider’s equipment identifying at least the type and number of all antennae, equipment cabinets, and any other supporting equipment. The location of such equipment shall also be described or illustrated.

As well, the applicant is aware that building permits and necessary sub-trade permits will be required prior to installation of any equipment.

Staff has no concerns with a concealed wireless telecommunication facility at this location. However, to ensure that the relatively small profile of the concealed antennas and supporting equipment is maintained staff recommends approval, with the following condition:

- Aside from the three, chimney-like antennas, no other equipment, including any proposed future equipment, shall be visible above any parapet on the roof of the structure.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the special use permit as requested;
- (b) Approve the special use permit with conditions suggested by staff;
- (c) Approve the special use permit with other conditions;
- (d) Deny the special use permit request.

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing and twice for City Council's public hearing for the special use permit. The advertisement was published as shown below:

***Special Use Permit – 865 Port Republic Road***

Public hearing to consider a request from 865 East LLC with representative Stephen Waller, agent for Verizon, for a special use permit per Section 10-3-55.4 (8) of the Zoning Ordinance to allow a concealed wireless telecommunications facility in the R-5, High Density Residential District. A concealed wireless telecommunications facility is defined as “[a]ny wireless telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless telecommunications services is not readily apparent to a casual observer. Examples include but are not limited to: bell towers, clock towers, faux trees, flag poles, minarets, monuments, parapets, religious symbols, smoke stacks, steeples, or structures intended as art.” The specified special use permit is further regulated by Article CC and, among other requirements, must meet the height, setback, screening or camouflaging, and lighting requirements within Section 10-3-196 (2) (a.) of the Zoning Ordinance. The 5.47 +/- acre site is zoned R-5C, High Density Residential District Conditional, is located at 865 Port Republic Road, and is identified as tax map parcel 92-F-1.

In addition property owners within a ¼ mile radius of the subject parcel were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

**Recommendation:**

Staff recommends alternative (b) to approve the special use permit request with staff's suggested condition.

**Attachments:**

- 1. Extract (6 pages)
- 2. Site maps (2 pages)
- 3. Application, applicant letter, and supporting documents (25 pages)
- 4. Proposed site development layout (11 pages)

**Review:**

Planning Commission recommended alternative (b) to approve the special use permit (6-0) with the condition suggested by staff as follows:

- Aside from the three, chimney-like antennas, no other equipment, including any proposed future equipment, shall be visible above any parapet on the roof of the structure.