



**Applicant: At & T Wireless by Sharon Weddle**  
**c/o Jacobs Telecommunication LLC**  
**5113 Plaza Drive**  
**Conditional Use Permit**  
Staff Report prepared for the City Council Regular Meeting

*Revisions: April 27, 2021, May 14, 2021*

*This report is prepared by the City of Hopewell Department of Development Staff to provide information to the City Council to assist them in making an informed decision on this matter.*

**I. PUBLIC HEARINGS:**

Planning Commission	April 1, 2021	Recommended Approval
City Council	May 25, 2021	Pending

**II. IDENTIFICATION AND LOCATIONAL INFORMATION:**

Requested Zoning:	N/A
Existing Zoning:	B-3, Highway Commercial District
Acreage:	1.470 acres
Owner:	Nav Yuga Hospitality LLC
Location of Property:	Plaza Drive
Election Ward:	Ward 7
Land Use Plan Recommendation:	Interchange Commercial
Strategic Plan Goal:	N/A
Map Location(s):	Sub Parcel #: 245-0080 Lots 3,4 & Part of Lot 21, .067 Mitchells
Zoning of Surrounding Property:	North: B-3 South: B-3 East: B-3 West: B-3

**III. EXECUTIVE SUMMARY:**

A request for a Conditional Use Permit submitted by AT&T Wireless at 5113 Plaza Drive, also identified as Sub-Parcel #245-0080. The project will replace an existing light pole with another light pole and attach a small cell wireless antenna and associated equipment within a concealment canister on top of the pole. The

Hopewell Zoning Ordinance requires an owner to receive a Conditional Use Permit from City Council to place any private utility, towers or antenna for wireless transmission above the frequency of twenty thousand (20,000) hertz

**APPLICABLE CODE SECTIONS:**

The provisions of the Zoning Ordinance that are germane to this request for a Conditional Use Permit are the following:

***Article XI, Highway Commercial District, Statement of Intent***

This district is intended to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials or the nuisance factors of dust, odor, and noise associated with manufacturing. This includes such uses as retail stores, banks, business offices, drive-in restaurants and automobile sales and service facilities.

***Article XI, Highway Commercial District, Section A***

Structures to be erected and land to be used shall be for the following uses:

69. Private utilities, towers or antenna for the wireless transmission above the frequency of twenty thousand (20,000) hertz, with a conditional use permit issued by city council.

***Article XXI, Amendments, Section D, Conditional and Special Use Permits, Sub-Section c. 1-3:***

1. When the Director has certified that the application is complete, it shall be deemed received and referred to the Planning Commission for its review and recommendation to City Council.
2. The Planning Commission shall, within ninety (90) days after the first meeting of the Planning Commission after such referral, report to the City Council its recommendation as to the approval or disapproval of such application and any recommendation for establishment of conditions, in addition to those set forth in this Article, deemed necessary to protect the public interest and welfare. Failure of the Planning Commission to report within ninety (90) days shall be deemed a recommendation of approval.
3. Upon receipt of the recommendation of the Planning Commission, the City Council, after public notice in accordance with Virginia Code § 15.2-2204, shall hold at least one public hearing on such application, and as a result thereof, shall either approve or deny the request.

*Article XXI, Section D, Conditional and Special Use Permits, subsection (4)*

4. In approving any conditional use permit, the City Council may impose conditions or limitations on any approval, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to:
  - i. Special setbacks, yard or construction requirements, increased screening or landscaping requirements, area requirements, development phasing, and standards pertaining to traffic, circulation, noise, lighting, hours of operation and similar characteristics; and
  - ii. A performance guarantee, acceptable in form, content and amount to the City, posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.

*Article XXI, Amendments, Section D, Sub-Section d.*

d. Approval Criteria

As may be specified within each zoning district, the Planning Commission and approval by the City Council shall permit uses permitted subject to conditional use review criteria only after review only if the applicant demonstrates that:

1. The proposed conditional use is in compliance with all regulations of the applicable zoning district, the provisions of this Article, and any applicable General Provisions as set forth in the Zoning Ordinance.
2. The establishment, maintenance, or operation of the proposed use is not detrimental to, and will not endanger, the public health, safety, morals, comfort, or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity.
4. The proposed conditional use conforms to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety or comfort of persons living or working in or driving through the neighborhood, and shall be no more injurious to property or improvements in the neighborhood, than would any other use generally permitted in the same district. In making such a determination, consideration shall be given to the location, type, size, and height of

buildings or structures, type and extent of landscaping and screening on the site, and whether the proposed use is consistent with any theme, action, policy or map of the Comprehensive Plan.

5. The exterior architectural appeal and function plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable zoning district, and shall enhance the quality of the neighborhood.
6. The public interest and welfare supporting the proposed conditional use is sufficient to outweigh the individual interests, which are adversely affected by the establishment of the proposed use.
7. The proposed use will not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

#### IV. SUBJECT PROPERTY:

The subject property is located at 5113 Plaza Drive at the Candlewood Suites Ft. Lee, Petersburg, Hopewell Hotel. The light pole that will be replaced is located to the east to the east of the parking. It will contain a small cell wireless antenna and associated equipment within a concealment canister on top of the pole (see attached diagram). The property is surrounded by commercial uses, including restaurants, retail, car dealerships, and two assisted living facilities.



5113 Plaza Drive highlighted  
Aerial map of area  
Source: Hopewell GIS

**VI. ZONING/STAFF ANALYSIS:**

The applicant has provided the purpose of the cellular tower in the application, and a schematic depicting the location and details of the light pole on which the antenna will be affixed. The antenna would increase connectivity in this area.

Light poles currently located in the parking lot are approximately 27 feet high. The proposed light pole and antenna will be approximately 33 feet high, 6 feet higher than current light poles.

The conditions that must be considered by the Commission in order to grant a Conditional Use Permit are provided on pages 3 and 4 of this report. It is Staff's opinion that the applicant has fulfilled the requirements of Criteria 1-3 5, and 7. While the proposed light pole is 5 feet higher than current poles, the only difference is the addition of the small wireless antenna and the concealment canister on top of the pole.

In regards to Criteria 4, a cell tower of this height will never conform to the character of the zoning district unless it is industrial in nature, however, this would disallow all cell towers in districts other than industrial. This is not the spirit of Criteria 4. Instead the Planning Commission should consider if the applicant has taken all measures to ensure the tower's location, type, size, and height will not be detrimental to the zoning district or surrounding area.

Staff concludes that Criteria 5 is not applicable for cellular towers. This criteria deals with the architectural compatibility of like structures such as homes or commercial buildings.

Criteria 6 cannot be answered until the Commission considers the opinion of residents and others during a public hearing.

The proposed property is not located within an historic district, therefore, Criteria 7 is only applicable in regards to scenic or ecological importance. During the site plan process, the application will be required to meet all regulations of the Chesapeake Bay Protection Area.

**VII. PLANNING COMMISSION RESOLUTION:**

At their meeting on April 1, 2021 the Hopewell Planning Commission recommended approval of the Conditional Use Permit in accordance with Article XXI, Amendments, of the Hopewell Zoning Ordinance, by a vote of 4 - 0 to approve the request submitted by AT&T Wireless at 5113 Plaza Drive, also identified as Sub-Parcel #245-0080. The project will replace an existing light pole with another light pole and attach a small cell wireless antenna and associated equipment within a concealment canister on top of the pole.

### VIII. CITY COUNCIL RESOLUTION:

The Hopewell City Council in accordance with Article XXI, Amendments, of the Hopewell Zoning Ordinance, by a vote of \_\_\_ - \_\_\_ (approves) (approves with conditions) (denies) the request submitted by AT&T Wireless at 5113 Plaza Drive, also identified as Sub-Parcel #245-0080. The project will replace an existing light pole with another light pole and attach a small cell wireless antenna and associated equipment within a concealment canister on top of the pole.

#### Attachment(s):

1. Application for Conditional Use Permit
2. Location Maps & Site Plan



Aerial of hotel property  
Source: Hopewell GIS



Photograph of hotel; 5113 Plaza Drive  
Source: Hopewell Qpublic Software