

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 23.

Date of Request: August 6, 2007

Date Request Received: August 6, 2007

Board Meeting Date Requested: August 20, 2007

Board Meeting Date Assigned: August 20, 2007

Short Title: Approval Of A Special Use Permit To Construct An Emergency Services Communication Tower And Compound.

- Request Status:**
- Request is proceeding to Board of Commissioners
 - More information is needed – see attached
 - Request on hold – no further information needed
 - Other:

Background: The project will consist of a 480 foot communications tower. The site is located on a 58.6 acre parcel of land owned by Pender County Board of Education. The property is zoned B-2, Highway Business District with the Pender County Sheriff's Department, applicant, and Pender County Board of Education, owner of the proposed location of the tower.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to hold a special use permit hearing for a Emergency Services Communication Tower.

CONTRACT TYPE

Requested by: Planning Staff
Department: Planning Department
Title: Planning
Contact Phone: 910.259.1202
Contact Fax: 910.259.3735

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grant or
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent: _____
Signed: _____

ATTORNEY Reviewed and Approved
Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent: _____
Signed: _____

FINANCE Sufficient Funds Available
Date Rec'd Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent: _____
Signed: _____

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

INTRODUCED BY: Planning Staff **DATE:** August 20, 2007

ITEM NO:

Special Use Permit to Construct an Emergency Services Communications Tower

SUBJECT: **CASE NO:** 07-08-20-25
PROPERTY RECORD NO: 3330-67-3023-0000
APPLICANT: County of Pender, Office of the Sheriff
PROPERTY OWNER: Pender County Board of Education

ACTION REQUESTED: Approval of Special Use Permit to construct an emergency services communication tower and compound to a height of 480'.

HISTORY/BACKGROUND:

Project Location: The project site is located off of NC Highway 53 East, approximately four miles northeast of Burgaw, NC, on the South side of Murray Town Road, (see location maps attached).

Project Description: The project will consist of the construction of a 480 foot tall lattice (free standing) tower, ancillary equipment and antennas. The tower will be located within a fenced and secured compound that will contain a generator and equipment shelter at the base. The 3,900 square foot area of the tower is of sufficient size and structural integrity. The facility will be accessed by a 12 foot wide access easement from NC Highway 53. The site is located on a 58.62-acre tract of land. The tower will have a restricted fall area from its base of 300', not equaling to its height of 480'. The applicant will provide a recorded easement over this area restricting the construction of any structures that can be occupied for purposes other than those related to the tower use for the duration of the permit. The applicant is also requesting the following variances from the Telecommunications Tower Ordinance:

- 1) A variance from the 199 foot height limit because the tower needs to be 480 feet tall in order to provide the coverage desired. The tower will meet all FAA guidelines, including lighting.
- 2) A variance from the requirement of a fall zone equal to the height of the tower. The tower is designed and constructed so that the tower and any ice or debris will be contained within the 300 foot fall zone provided. Given the height required in order to meet coverage needs, there is no location on the site where the tower could be constructed in order to meet the 100% fall zone. It is requested that the Board find that the fall zone is 300 feet in order to avoid imposing restrictions on property off the Board of Education site.
- 3) A variance is requested from the collocation requirement because the terms of the grant being used to construct the tower forbids commercial collocation. If permission is ever given to use the tower for other users, collocation will be explored, but the grant currently forbids such and is beyond the control of the County.
- 4) A variance from the requirement of a bond to cover the cost of demolishing the tower. The purpose of this is to ensure that money will be available to remove the tower at the end of its useful life. Because there are no concerns regarding the financial viability or continuing presence of the County, there is no need to require this bond and doing so would increase the cost without benefit.
- 5) A variance from the requirement to show other towers owned by the applicant or other nearby towers because no tower in the area is high enough to provide the required coverage.

EVALUATION:

- A) **Public Notifications:** Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Special Use Permit signs were posted on or near the proposed site.
- B) **Basis for Granting SUP:** See attachment A for approval procedures (15.3 of Zoning Ord.) and revocation procedures (15.4b of Zoning Ord.).
- C) **Zoning Ordinance Compliance:** This property is currently zoned B-2, Business District, and telecommunication towers are permitted via Special Use Permit in the B-2 district. All applications for

telecommunication towers must comply with the provisions of the Zoning Ordinance and the Telecommunications Tower Ordinance.

- D) Land Use Plan Compliance:** This property is classified as Rural Area and the proposal is consistent with the 2005 Land Use Plan.
- E) Existing Land Use In Area:** The proposed parcel is currently undeveloped. The Pender County Board of Education does not anticipate using the site for construction of a school during the lease period. The site is surrounded by agricultural and vacant woodlands.
- F) Site Access Conditions:** The property has access to NC Highway 53 via a 12 foot wide access easement.
- G) Tower Checklist & Ordinance Compliance:** The applicant has submitted the basic information required for a tower as permitted under the Telecommunications Tower Ordinance, along with a list of variances.
- H) Conditions to Consider in Issuing a Special Use Permit for this Project:**
1. Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months.
 2. Any suspension of the approved use for a continuous 180 days, without hardship, shall result in this permit, and subsequent zoning permits, becoming void.
 3. Perimeter wall and security fencing shall be installed on site.
 4. No junk, debris, trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building.
 5. No permanent personnel occupancy on-site will be allowed.
 6. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance. This will include parking and landscaping requirements that will be in compliance with Sections 13 and 14 of the Pender County Zoning Ordinance.
 7. Prior to issuance of a Zoning Permit the applicant shall submit the following in accordance with Pender County Telecommunication Ordinance, unless variance is issued for each specific condition as requested by applicant:
 - a. Estimate from a licensed engineer or licensed contractor on the cost to remove the tower, and a Bond or Letter of Credit in an amount sufficient to cover the cost of removal.
 - b. Certification that lighting on the tower is the minimum lighting required by FAA.
 - c. A recorded easement or other document that prohibits the construction of any structures that can be occupied for purposes other than those related to the tower use in the area of the fall zone (199' from the base of the tower) for the duration of the permit
 - d. An executed copy of the lease on the tower site property and access easement shall be submitted to the Planning Director prior to issuance of the zoning permit.
 8. The project and the applicants other facilities in Pender County will be constructed, maintained and operated in compliance with all applicable Federal, State and Local regulations, including annual and three (3) year reporting and fee requirements.
 9. The project must be inspected and approved as complete by the Code Enforcement Officer, including installation of all buffers, landscaping, parking and other conditions of this permit and the Zoning Ordinance prior to final zoning permit being issued.
 10. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
 11. The project shall be developed and *maintained* in accord with the applicant's final revised site plan as approved by the Zoning Administrator, the Zoning Ordinance and the conditions contained in this permit.
 12. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in affect for the duration of this permit.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on August 20, 2007, the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit for Crown Castle International as described herein and F. D. Rivenbark, Chairman, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: RIVENBARK__ BLANCHARD__ BROWN__ TATE__ WILLIAMS__

F.D. RIVENBARK,
CHAIRMAN

8/20/07
DATE

DEPUTY CLERK

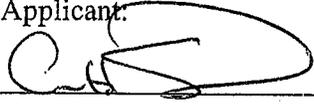
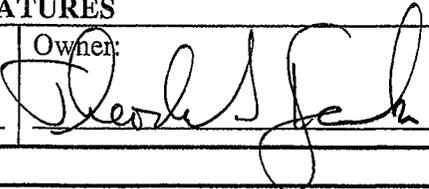
8/20/07
DATE

**PENDER COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

THIS SECTION FOR OFFICE USE			
Application No.		Date	
Permit Fee		Receipt No.	

APPLICANT INFORMATION	
Applicant Name <u>County of Pender</u>	Owner Name <u>Pender County Bd. of Education</u>
Address: <u>P.O. Box 5</u> <u>Burgaw, NC 28425</u>	Address: <u>925 Penderlea Hwy.</u> <u>Burgaw, NC 28425</u>
Phone No: <u>910-259-1200</u>	Phone No: <u>910-259-2187</u>
Legal relationship of applicant to owner: <u>Tenant</u>	

PROJECT INFORMATION	
Property tax record No. <u>3330-67-3023-0000</u>	Total acreage
Zoning Designation: <u>B2</u>	In property: <u>58.6</u>
Acreage to be used for project: <u>6.6</u>	Acreage to be disturbed: <u>less than 1</u>
Project location and address: <u>off of NC Hwy 53 E, approximately 4 miles NE of Burgaw</u> <u>across from Murraytown Rd.</u>	
Describe activities to be undertaken on project site: <u>Construction of a 480' tall emergency services</u> <u>communications tower,</u>	

SIGNATURES			
Applicant: 	Date: <u>7-16-07</u>	Owner: 	Date: <u>7/16/07</u>

NOTICE TO APPLICANT
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on page two of this form. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing. 4. Applicant may wish to review the required findings for approval of a Special Use Permit (p. 3).



OFFICE OF THE SHERIFF PENDER COUNTY

Carson H. Smith Jr., Sheriff

June 14, 2007

Board of Commissioners
County of Pender
Burgaw, NC 28425

Dear Sirs:

The County is proposing to lease and use a site located off of N.C. Highway 53 approximately three miles east of Burgaw to construct a 480 foot emergency service telecommunications tower. The tower will be used to provide law enforcement, fire, EMS, and emergency management communication capabilities which current towers do not provide. This tower and the radio equipment installed will complete the new VIPER network within the county helping assure interoperable communications between in-county resources on a daily basis as well as out-of-county resources as they respond to events in Pender County. This tower will also help cover radio dead spots in the County as well as improving the ability of first responders to communicate and coordinate during times of emergency. Because of the need to provide coverage, the areas in which the tower may be located are limited and the tower needs to be 480 feet tall. This height will provide the needed coverage while avoiding additional requirements which would be imposed on a tower over 500 feet tall.

The first site selected did not have suitable soils, but the Board of Education has agreed to cooperate by permitting the use of their property on Highway 53 East. The site is undeveloped, and the BOE does not anticipate using the site for construction of a school during the lease period. There will be no construction of any prohibited structures with the fall zone (see below). Because of the needed height for coverage purposes, none of the available towers in Pender County are viable as a colocation site. The tower will be grey in color and will meet, but not exceed the minimum FAA standards with regard to lighting, and will not interfere with air traffic, including military air traffic.

The tower will be built using federal and state funds administered by the State of North Carolina. These funds have already been appropriated through grant awards in the amount of \$860,000.

In order to construct the tower, the county is requesting the following variances:

1. A variance from the 199 foot height limit because the tower needs to be 480 feet tall in order to provide the coverage desired. The tower will meet all FAA guidelines, including lighting.
2. A variance from the requirement of a fall zone equal to the height of the tower. The tower is designed and constructed so that the tower and any ice or debris will be contained within the 300 foot fall zone provided. Given the height required in order to meet coverage needs, there is no location on the site where the tower could be constructed in order to meet the 100% fall zone. It is requested that the Board find that the fall zone is 300 feet in order to avoid imposing restrictions on property off the BOE site.

3. A variance is requested from the colocation requirement because the terms of the grant being used to construct the tower forbids commercial colocation. If permission is ever given to use the tower for other users, colocation will be explored, but the grant currently forbids such and is beyond the control of the County.

4. A variance from the requirement of a bond to cover the cost of demolishing the tower. The purpose of this is to ensure that money will be available to remove the tower at the end of its useful life. Because there are no concerns regarding the financial viability or continuing presence of the County, there is no need to require this bond and doing so would increase the cost without benefit.

5. A variance from the requirement to show other towers owned by the applicant or other nearby towers because no tower in the area is high enough to provide the required coverage.

This tower will provide much needed improvements in our emergency communication network. Every emergency service agency in Pender County, and through them, every citizen of the county will benefit from its construction and use.

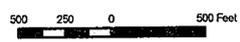
Sincerely,

A handwritten signature in black ink, appearing to read 'C. Smith Jr.', written over a horizontal line.

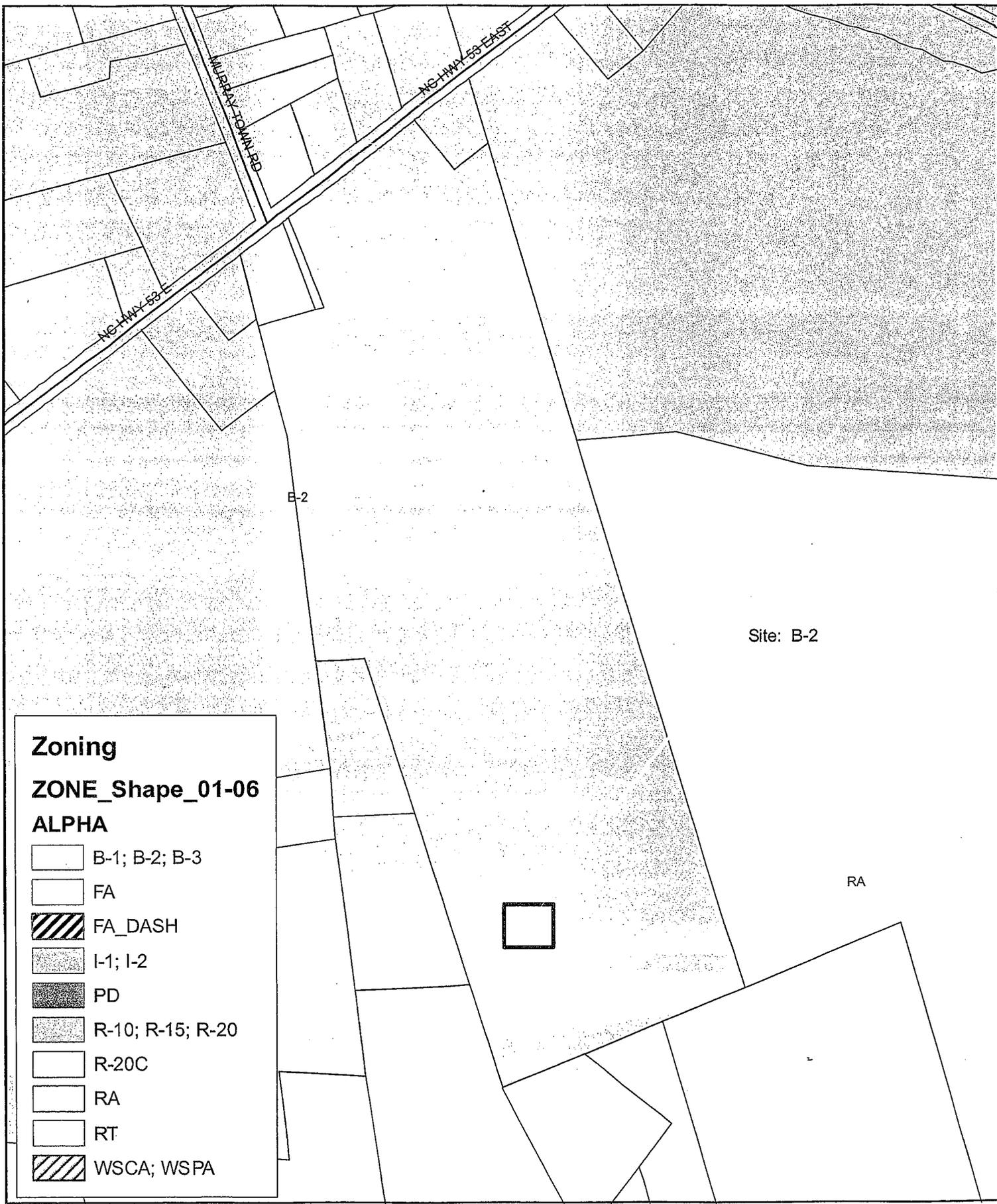
Carson H. Smith Jr.,
Sheriff



1 inch equals 1,000 feet



Pender County Sheriff's Dept. - SUP
Vicinity Map



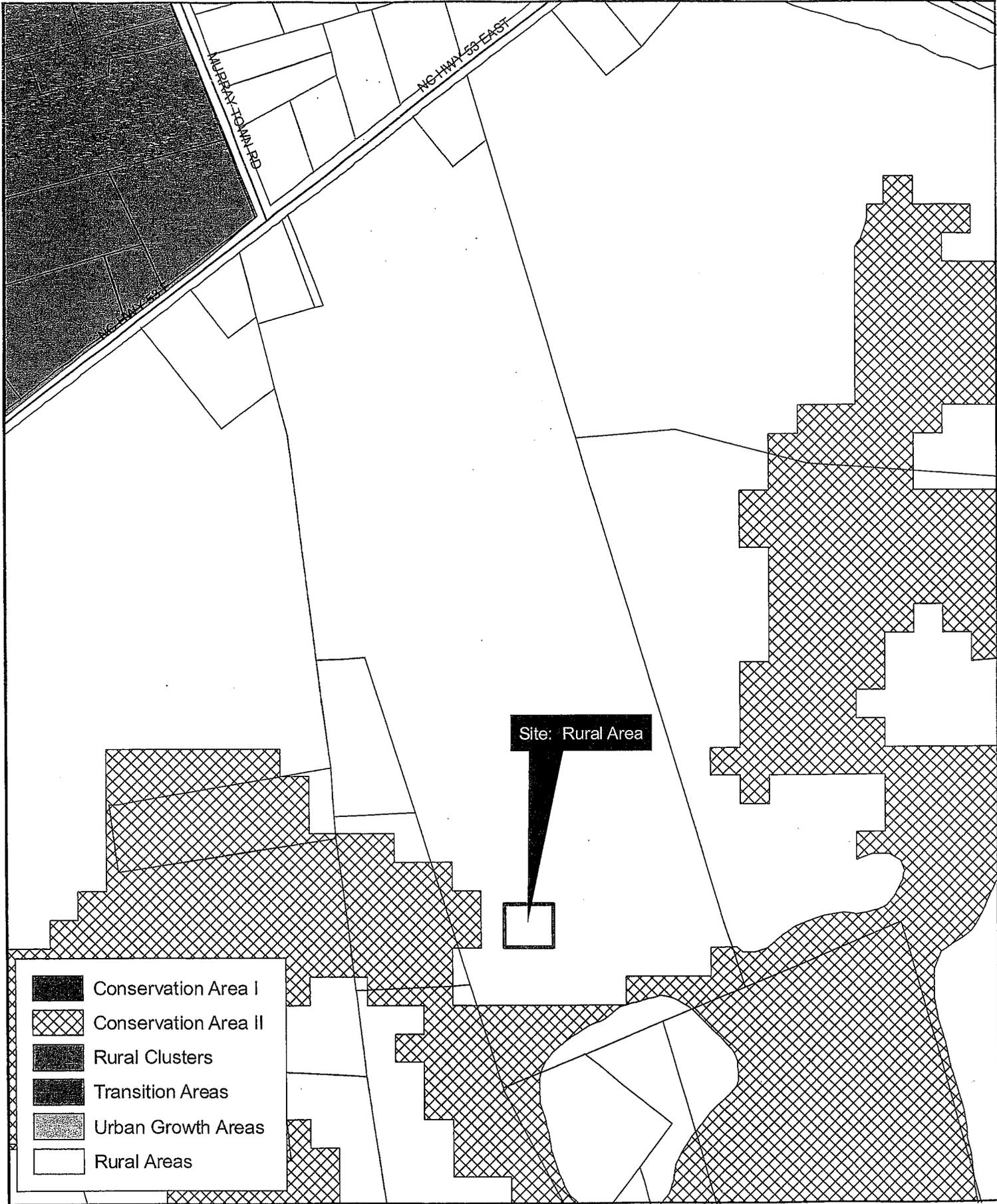
Zoning

ZONE_Shape_01-06

ALPHA

-  B-1; B-2; B-3
-  FA
-  FA_DASH
-  I-1; I-2
-  PD
-  R-10; R-15; R-20
-  R-20C
-  RA
-  RT
-  WSCA; WSPA

1 inch equals 400 feet
 200 100 0 200 Feet



Site: Rural Area



-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas

1 inch equals 400 feet
 200 100 0 200 Feet

Pender County Sheriff's Dept. - SUP
 CAMA Land Use



1 inch equals 400 feet

200 100 0 200 Feet

Pender County Sheriff's Dept. - SUP
Orthos (2003)