

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 27

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 A Telecommunications Tower And Compound To A Height Of 199 Feet.

- 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 constructing a 199 foot telecommunications tower. The site is located on a 115 acre tract of land, zoned RA, Rural Agricultural. Crown Castle International, applicant, and Ladonne M. Bland, owner.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to hold a special use permit hearing for a telecommunications 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 a Telecommunications Tower

SUBJECT: **CASE NO:** 07-08-20-24
PROPERTY RECORD NO: 3263-41-9768-0000
APPLICANT: Crown Castle International
PROPERTY OWNER: Ladonne M. Bland

ACTION REQUESTED: Approval of Special Use Permit to construct a telecommunications tower and compound to a height of 199', operated by a FCC-licensed carrier.

HISTORY/BACKGROUND:

Project Location: The project site is located at 575 Church House Bay Lane in Rocky Point, NC (see location maps attached).

Project Description: The project will consist of the construction of a 199' lattice (free standing) tower, ancillary equipment and antennas. The tower will be located within a fenced and secured compound that will contain FCC-license carrier equipment shelter at the base. The 10,000 sq. ft. area of the tower is of sufficient size and structural integrity to allow three co-locations and their equipment shelters. The facility will be accessed by a 30' wide access easement from Island Creek Rd. The site is located on a 115-acre tract of land. The tower will have a restricted fall area from its base equal to its height of 199'. 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.

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 RA, Rural Agricultural District, and telecommunication towers are permitted via Special Use Permit in the RA 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 Urban Growth Area and the proposal is consistent with the 2005 Land Use Plan.
- E) Existing Land Use In Area:** The proposed parcel is currently a single family lot. The site is surrounded by vacant woodlands.
- F) Site Access Conditions:** The property has access to Island Creek Road via a 30 foot wide access easement.
- G) Tower Checklist & Ordinance Compliance:** The applicant has submitted the basic information required for a 199' tower as permitted under the Telecommunications Tower Ordinance.
- 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. Prior to issuance of a Zoning Permit the applicant shall submit the following in accordance with Pender County Telecommunication Ordinance:

- 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.
7. The tower shall be constructed to provide for 3 antenna arrays or platforms in addition to the one currently proposed by the applicant.
 8. Co-location by other providers will be permitted on the tower under reasonable conditions as long as space is available.
 9. The applicant shall use due diligence in maintaining and developing agreements with other providers for use of this facility through "roaming agreements."
 10. 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.
 11. 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.
 12. 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.
 13. 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.
 14. 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

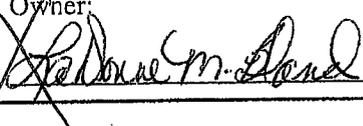
 8/20/07
DATE

**PENDER COUNTY
SPECIAL USE PERMIT APPLICATION FORM
THIS SECTION FOR OFFICE USE**

Application No.	07-07-16-24	Date	6/18/2007
Permit Fee	\$ 500.00	Receipt No.	072153

APPLICANT INFORMATION	
Applicant Name: <u>Crown Castle International</u>	Owner Name: <u>Ladonne M. Bland</u>
Address: <u>9105 Monroe Rd, Suite 150</u> <u>Charlotte, NC 28270</u>	Address: <u>575 Church House Bay Ln</u> <u>Rocky Point, NC 28457</u>
Phone No: <u>(704) 321-5168</u>	Phone No: <u>(910) 270-9349</u>
Legal relationship of applicant to owner: <u>lessee</u>	

PROJECT INFORMATION	
Property tax record No. <u>3263-41-9768-0000</u>	Total acreage In property: <u>115</u>
Zoning Designation: <u>RA</u>	Acreage to be disturbed: <u>0.61 +/-</u>
Acreage to be used for project: <u>0.26 +/-</u>	
Project location and address: <u>575 Church House Bay Lane</u> <u>Rocky Point, NC 28457</u>	
Describe activities to be undertaken on project site: <u>construction of wireless telecommunication facility</u>	

SIGNATURES			
Applicant:	attorney for Crown Castle	Date:	Owner:
		<u>5/30/07</u>	
			Date: <u>6-13-07</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).

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JUN 15 2007
PENDER PLANNING DEPT.

Project Narrative

Special Use Permit for Construction of Wireless Telecommunications Tower

575 Church House Bay Lane
Rocky Point, NC 28457

I. Introduction and Overview

Crown Castle International ("Crown" or "Applicant") is requesting a special use permit to construct a wireless telecommunications tower on a portion of a 115-acre tract owned by Ladonne Bland located in Rocky Point at 575 Church House Bay Lane (the "Site"). This tract is located on the north side of Island Creek Road, approximately 6,000' west of the intersection of Island Creek Road and North Carolina Highway 210.

Crown is a leading independent owner and operator of shared wireless infrastructures, including extensive networks of towers.

Construction on the Site will consist of a 199' multi-user, unmanned, monopole telecommunications tower. The proposed facility will be placed on a 100' x 100' leased space on the 115-acre tract. A 50' x 50' fence will surround the tower and will be a minimum of 8' in height. A substantial wooded buffer will surround the entire Site, creating a natural, opaque screen. A 5' H-frame utility rack, which provides interfacing with local utilities suppliers (electricity and telephone), will also be located on the Site

In connection with the construction of the proposed tower, Crown will obtain a Federal Aviation Administration "no hazard" determination.

Crown certifies that it will allow shared use of the tower consistent with the then current market rates and that the tower can accommodate at least four (4) users. Crown further certifies that, as evidenced by the Affidavit of Jon Chambers provided with this application, the tower will provide a needed service to the residents of Pender County, and this need cannot be met by co-location on existing towers in or adjacent to Pender County. Crown certifies that the tower will comply with FAA criteria and lighting of the tower will not exceed the minimum FAA lighting requirements. Unless required by FAA, strobe lights will not be utilized on the tower for night lighting, and all lighting on the site and tower will be oriented away from surrounding residential property. Finally, Crown identifies FCC-licensed wireless carriers, including, e.g., Verizon Wireless, Sprint Nextel, AT&T, T-Mobile, and Alltel as intended providers for the proposed tower.

This proposed tower will provide a service that will benefit the greater community in Pender County. Over the past several years, wireless devices have experienced exceptional growth and become a standard part of the daily landscape. The specific location for this tower is important because it is intended to provide coverage to homes and travelers along the Island Creek Road corridor and in the vicinity of the intersection of Island Creek Road and NC Highway 210.

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JUN 15 2007

PENDER PLANNING DEPT.

II. Justification

1. The use requested is listed among the special uses in the district for which application is made.

The Site is zoned Residential Agricultural. Telecommunications towers are permitted in Residential Agricultural districts with a special use permit.

2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property.

Wireless communications services have become a vital feature of public safety and serve the general welfare. This has been demonstrated by emergencies both at the national and regional level. When landline telephone service has been interrupted, the public and emergency service providers rely on wireless service to communicate and respond to emergencies.

The proposed 199' tower will be setback approximately 395' from the nearest property line, which is the parcel to the east of the proposed Site. The proposed tower will be located over 500' from Island Creek Road right-of-way.

The Site is located outside of the Camp Lejeune flight path and outside the flood zone. The proposed tower will fully comply with all FCC rules and standards regarding maximum permissible exposure to radio frequency emissions and public safety.

3. The proposed use shall not constitute a nuisance or hazard.

As described above, the proposed tower will not adversely effect the health, safety, or welfare of Pender County in any way. The proposed tower will not emit or create odor, noise, smoke, dust, or glare. The proposed tower will fully comply with all FCC rules and standards regarding maximum permissible exposure to radio frequency emissions and public safety. Further, it will not interfere with normal radio and television reception in the vicinity. Therefore, the proposed tower will not constitute a nuisance or hazard.

4. The requested use will be in conformity with the land use plan.

The Site has been identified on the Future Land Use Map as a Rural Area. Under the Land Use Plan, it is intended that this classification provide protection to agricultural and forestry operations from encroachment by higher density residential development and other activities that may be incompatible with intensive farm activities. The proposed tower is not such a high density residential development and is not incompatible with intensive farm activities. It will not threaten any agricultural or forestry operations, nor jeopardize the rural character of the surrounding area. As a result, the proposed tower conforms with the land use plan.

5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided.

The proposed tower will have access from Church House Bay Lane via a 12' wide gravel access road. The Site is currently served with electricity by 4 County EMC.

6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads.

The proposed tower will have a single access point located on Church House Bay Lane. The proposed facility is unmanned. No traffic congestion will result from the development of the Site.

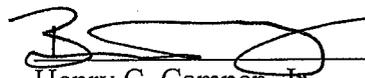
7. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

As indicated by the application and site plan, the proposed tower will conform with all standards applicable to properties zoned Residential Agricultural under the Pender County Zoning Ordinance. The proposed tower will also conform to all standards established in the Pender County Telecommunications Tower Ordinance.

8. The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

Crown is sensitive to the placement of towers and selected this Site in an effort to minimize the visual impact to the surrounding area. All of the property surrounding the Site is zoned Rural Agricultural and is largely undeveloped. A substantial wooded buffer will surround the entire Site, thus creating a natural, opaque screen. At its closest point, the proposed tower will be approximately 395' from the nearest property line and over 500' from the Island Creek Road right-of-way to the south. The proposed tower will have no adverse affect on any surrounding uses. Further, the proposed 199' tower has been designed to accommodate at least four (4) users, thereby eliminating the future need for additional towers in the vicinity.

The Site comprises approximately 100' x 100' of the 115-acre tract and has been designed with adequate buffers and fall zones to meet the needs of the proposed tower and all Pender County regulations.

 6/14/07

Henry C. Campen, Jr.

Brenton W. McConkey

Parker Poe Adams & Bernstein LLP

150 Fayetteville Street, Suite 1400

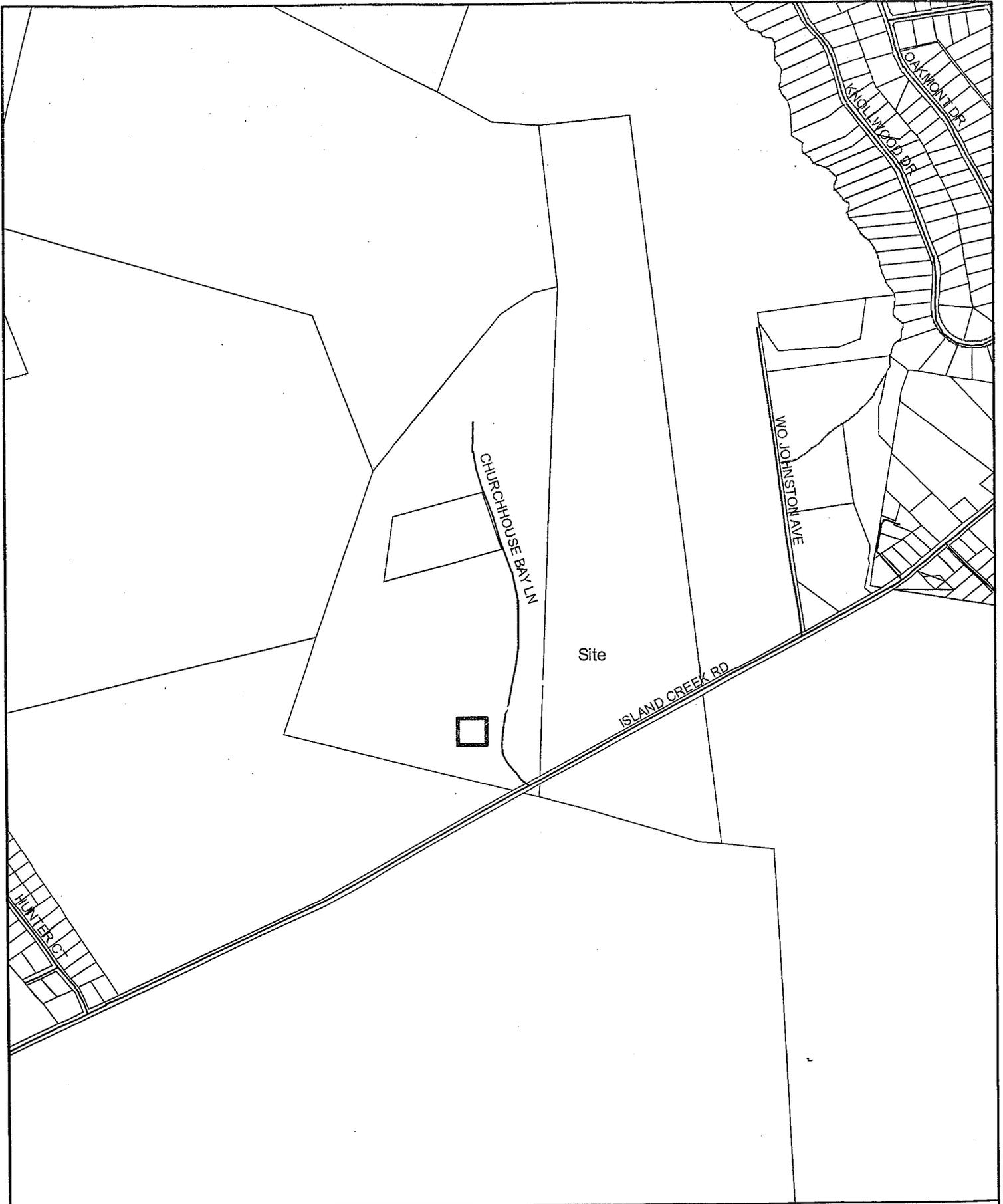
P.O. Box 389

Raleigh, North Carolina 27602

Telephone: (919) 828-0564

Facsimile: (919) 834-4564

Attorneys for Crown Castle International

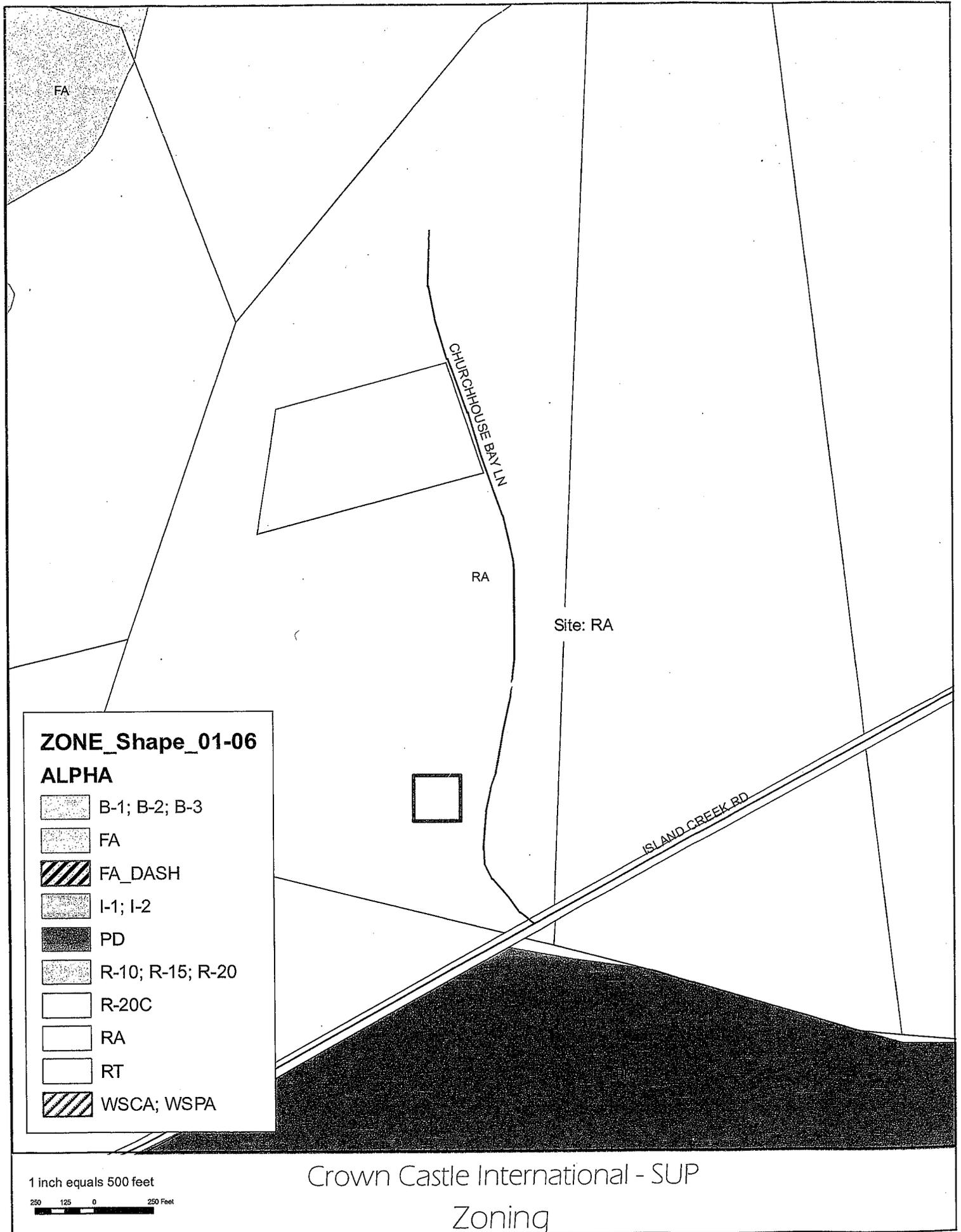


1 inch equals 1,000 feet



Crown Castle International - SUP

Vicinity Map

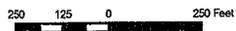


ZONE_Shape_01-06

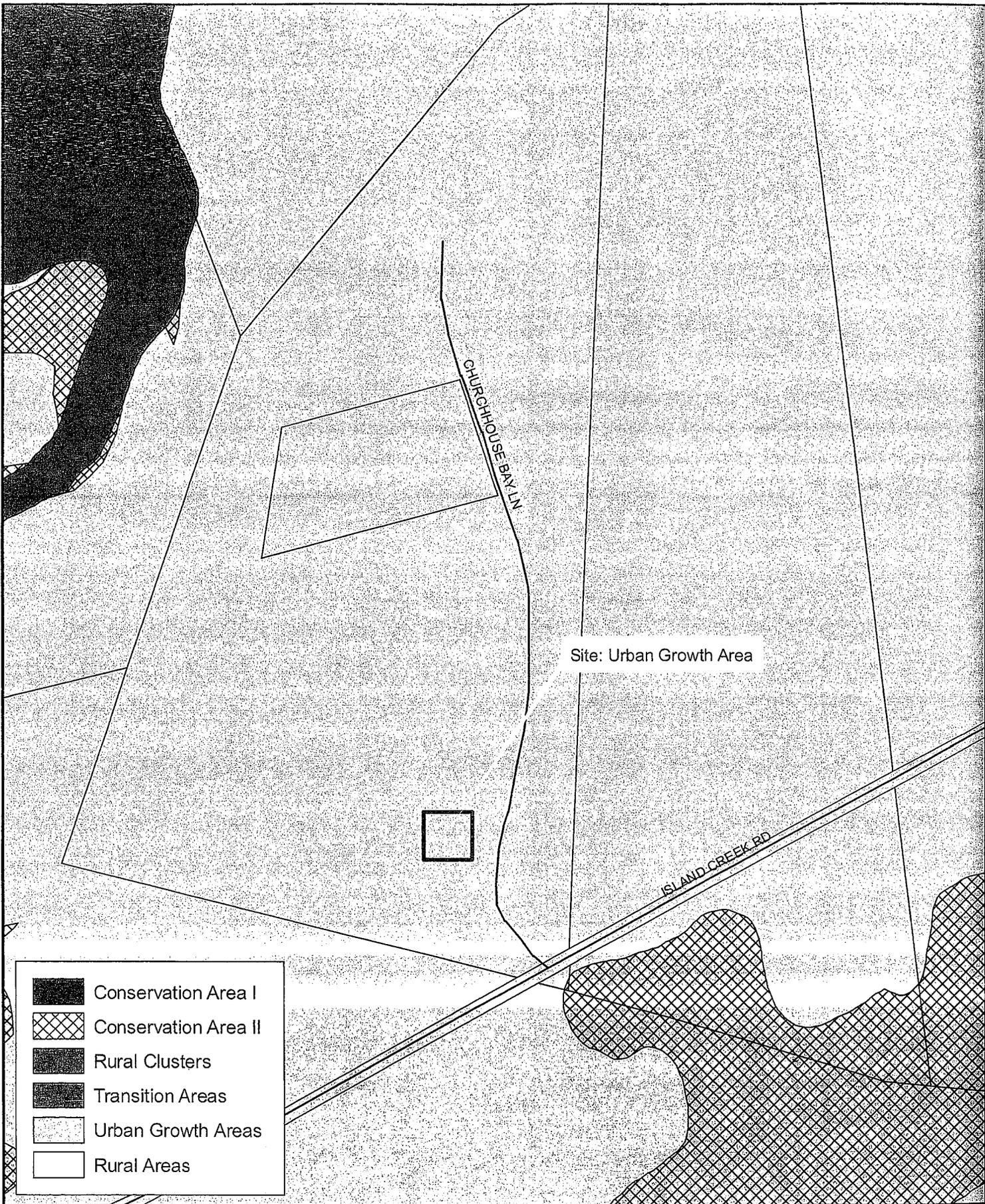
ALPHA

-  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 500 feet



Crown Castle International - SUP
Zoning



Site: Urban Growth Area

CHURCHHOUSE BAY LN

ISLAND CREEK RD

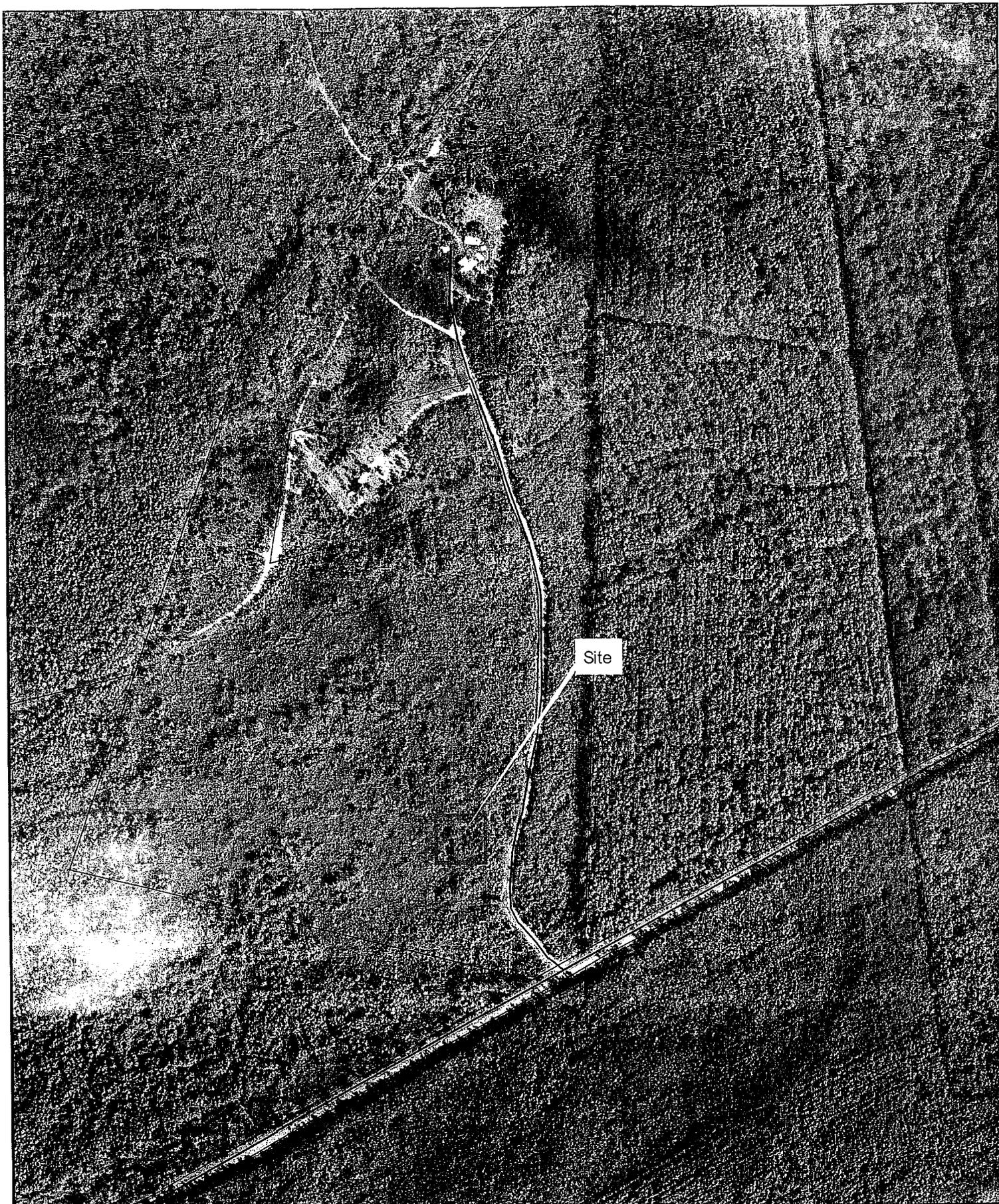


-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas

1 inch equals 500 feet



Crown Castle International - SUP
CAMA Land Use



1 inch equals 500 feet

250 125 0 250 Feet

Crown Castle International - SUP
Orthos (2003)