

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 16.

Date of Request: June 2, 2008

Date Request Received:

Board Meeting Date Requested: June 16, 2008

Board Meeting Date Assigned: June 16, 2008

**Short Title:** Special Use Permit- Cellco Partnership D/B/A Verizon Wireless, Applicant, On Behalf Of David Murray Howard And Sherry Ruegner Howard, Owner, Is Requesting Approval Of A Special Use Permit For A Wireless Telecommunications Tower. The Property Is Zoned R-20, Residential District. The Project Is Located At 131 Bear Creek Drive In Hampstead, Nc.

- 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 site consists of 28.75 acres and Zoned R-20, Residential District. The proposed development will consist of the building and operation of Wireless Telecommunications Tower.

(Administrative Use Only)

**Specific Action Requested:** The Board of Commissioners is requested to hear a Special Use Permit for a wireless telecommunications tower. The Project Is Located At 131 Bear Creek Drive In Hampstead, NC.

## CONTRACT TYPE

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

Requested by: Planning Staff  
Department: Planning Department  
Title: Planning  
Contact Phone: 910.259.1202  
Contact Fax: 910.259.1295

**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: June 16, 2008

ITEM NO: 16.

**Special Use Permit for a Communications Tower (75' or higher)**

**SUBJECT:** CASE NO: 08-06-16-15

**PROPERTY RECORD NO:** 3292-58-2667-0000

**APPLICANT:** Cellco Partnership d/b/a Verizon Wireless

**PROPERTY OWNER:** David Murray Howard & Sherry Ruegner Howard

**ACTION REQUESTED:** Approval of Special Use Permit to construct a one hundred ninety nine (199') feet monopole telecommunications tower and related ancillary structures, to be owned and operated by a Cellco Partnership d/b/a Verizon Wireless.

**HISTORY/BACKGROUND:**

**Project Location:** The project site is located at 131 Bear Creek Dr, Hampstead, NC (see location maps attached).

**Project Description:** The project will consist of the construction of a one hundred ninety nine (199') foot monopole tower, and ancillary structures. The tower will be light grey in color and the tower, equipment shelter and meter rack will be located behind a 75' x 75' opaque fence with three strands of barbed wire. The lease area will be cleared and the tower will be erected along with a twelve foot by thirty foot (12' x 30') equipment shelter. The 10,000 sq. ft. area of the tower is of sufficient size and structural integrity to allow four (4) co-locations, additional antenna and equipment shelters will be added for the collocating carriers. Ingress and egress will be provided via a 30' access easement to Bear Creek Road, the nearest public right-of-way. The site is located on a 28.75-acre tract of land. The tower will have a restricted fall area from its base equal to the tower's height of one hundred ninety nine (199') feet. There will not be any other towers or tower support structures within the fall zone. The Federal Aviation Administration (FAA) has been notified of the proposed tower. Tower lighting shall not exceed FAA minimum if lighting is required by the FAA. The tower will be in operation twenty four (24) hours a day, seven (7) days a week. The site will be unmanned and will require visits as needed for routine inspections and any emergency repairs.

**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 R-20, Residential Zoning District, and telecommunication towers are permitted via Special Use Permit in the R-20 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:** The proposed site of the tower and ancillary structures is currently vacant. A barn and small pasture housing a few horses exists on the property but are out of the towers 199' fall zone. Bordering the parcel to the Northeast and the Southwest are single family residences. These residences are buffered by the tower's fall zone by over 300 ft of vacant land.

- F) Site Access Conditions:** The property has access to Bear Creek Road via a 30 foot wide access easement.
- G) Tower Checklist & Ordinance Compliance:** The applicant has submitted the required information 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. Perimeter wall and security fencing shall be installed on site.
  3. No junk, debris, trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building.
  4. No permanent personnel occupancy on-site will be allowed.
  5. 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.
  6. The tower shall be constructed to provide for a minimum of 4 antenna arrays or platforms in addition to the one currently proposed by the applicant.
  7. Co-location by other providers will be permitted on the tower under reasonable conditions as long as space is available.
  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 Pender County Zoning Ordinance prior to final zoning permit being issued.
  10. 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.
  11. 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.
  12. Project will be require commercial site review per the Pender County Zoning Ordinance Sect. 9.14

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on June 16, 2008, the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit for Cellco Partnership d/b/a Verizon Wireless as described herein and James David Williams, 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** \_\_\_\_\_

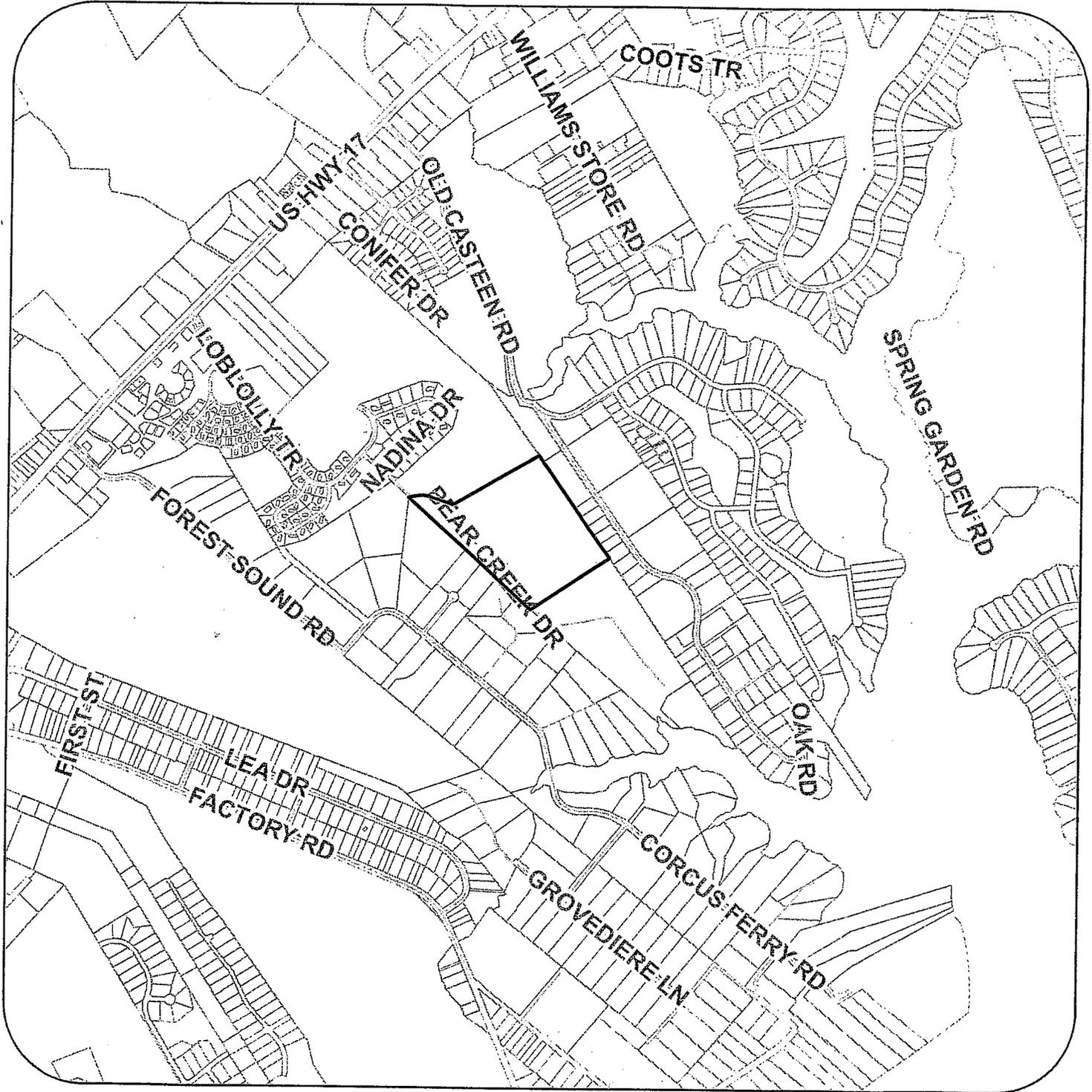
**YEA VOTES: Williams** \_\_\_\_\_ **Tate** \_\_\_\_\_ **Blanchard** \_\_\_\_\_ **Brown** \_\_\_\_\_ **Rivenbark** \_\_\_\_\_

\_\_\_\_\_  
**James David Williams Jr., Chairman**

06/16/08  
**Date**

\_\_\_\_\_  
**ATTEST**

06/16/08  
**Date**



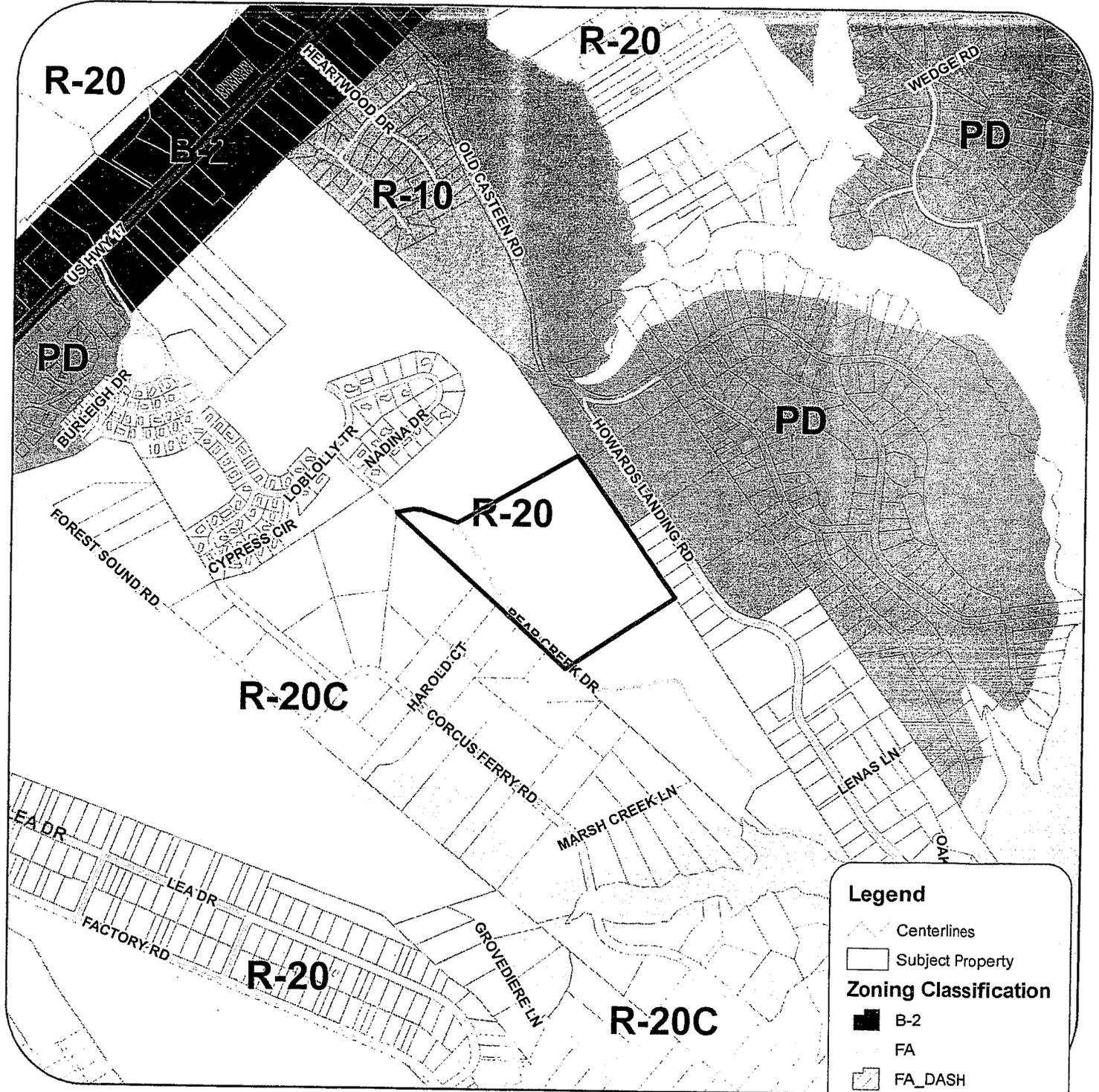
1 inch equals 1,250 feet

**Legend**

-  Centerlines
-  Subject Property



**Special Use Permit**  
**Communications Tower (75' or higher)**  
*Vicinity Map*



**Legend**

- Centerlines
- Subject Property
- Zoning Classification**
- B-2
- FA
- FA\_DASH
- PD
- R-10
- R-15
- R-20
- R-20C
- RA
- RT



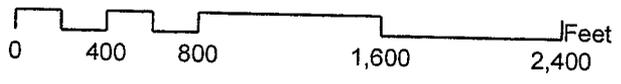
1 inch equals 900 feet



**Special Use Permit  
Communications Tower (75' or higher)**

*Zoning Map*





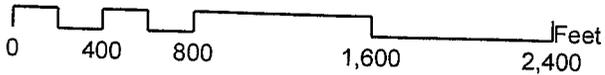
1 inch equals 800 feet



**Special Use Permit  
Communications Tower (75' or higher)**  
*(2005) CAMA Land Use*

**Legend**

- Centerlines
- Subject Property
- Conservation Area I
- Conservation Area II
- Urban Growth Areas
- Transition Areas
- Rural Clusters
- Rural Areas



1 inch equals 800 feet



**Legend**

-  Centerlines
-  Subject Property

**Special Use Permit  
Communications Tower (75' or higher)**

*Ortho Map (2003)*