



## REQUEST FOR BOARD ACTION

ITEM NO. 25

**DATE OF MEETING:** December 9, 2013

**REQUESTED BY:** Planning & Community Development

**SHORT TITLE:** Resolution to Approve a Special Use Permit (SUP) for the Construction and Operation of a Telecommunication Tower.

**BACKGROUND:** American Towers, LLC, applicant, on behalf of Slocum Trail Farms, LLC, owner, is requesting approval of a Special Use Permit for the construction and operation of a 300 foot freestanding telecommunication tower with a 6 foot grounded lightening rod. The subject property is located on Slocum Trail and Atkinson Cemetery Road, near the intersection of Atkinson Cemetery Road and Highway 53, in Atkinson, NC and may be identified by Pender County PIN 2248-30-4826-0000. The property is zoned RA, Rural Agricultural, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; telecommunication towers are permitted via Special Use Permit in the RA zoning district.

**SPECIFIC ACTION REQUESTED:** To Hold a Public Hearing and Consider the Approval of a Special Use Permit for a Telecommunication Tower.

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

The Board hereby (approved, modified, denied) a special use permit for a telecommunication tower, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Brown \_\_\_ McCoy \_\_\_ Tate \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_  
Chairman 12/9/2013

Date

\_\_\_\_\_  
ATTEST 12/9/2013  
Date

**PLANNING STAFF REPORT**  
**Special Use Permit**

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**SUMMARY:**

**Hearing Date:** December 9, 2013  
**Applicant:** American Towers, LLC  
**Property Owner:** Slocum Trail Farms, LLC  
**Case Number:** 11057

**Land Use Proposed:** The applicant is requesting the approval of a Special Use Permit (SUP) for the construction and operation of a telecommunication tower, as defined in the Pender County Unified Development Ordinance:

*TELECOMMUNICATION TOWER: A structure, including the tower, antennas, panels, microwave dishes, receiving dishes, equipment building, other transmitting and receiving components and other accessory structures, used for the wireless electromagnetic transmission of information, excluding structures utilized as satellite earth stations and structures utilized for amateur or recreational purposes such as ham radio or citizen band radio.*

**Property Record Number and Location:** The subject property is located on Slocum Trail and Atkinson Cemetery Road, near the intersection of Atkinson Cemetery Road and Highway 53, in Atkinson NC 28421. It may be identified by Pender County PIN 2248-30-4826-0000. There is one tract associated with this request totaling 324 acres.

**Zoning District of Property:** The property is currently zoned RA, Rural Agricultural; according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; telecommunication towers are permitted via Special Use Permit in the RA, Rural Agricultural zoning districts.

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**PROJECT DESCRIPTION:**

American Towers, LLC, applicant, on behalf of Slocum Trail Farms, LLC, owner, is requesting approval of a Special Use Permit for the construction and operation of a freestanding telecommunication tower on a 324 acre vacant tract of land located on Slocum Trail and Atkinson Cemetery Road, near the intersection of Atkinson Cemetery Road and Highway 53, in Atkinson, NC 28421 (Exhibit 1). The proposed site is known as "Slocum Trl NC" and may be identified by American Tower No. 280917, and AT&T Site No. 478-148. Per the applicant's narrative, the project will consist of the construction of a 300-foot self-support wireless telecommunication tower with a 6 foot grounded lightning rod (Exhibit 2). The proposed 324 acre tract is vacant and almost entirely forested, with a portion of the property on the east side having been cleared. The tower site will be located on a 100 foot by 100 foot section on the eastern side of the property. A full site development plan has been submitted along with this application (Exhibit 3).

Section 5.3.12.Q of the Pender County Unified Development Ordinance sets forth specific use standards for Telecommunication Towers.

### *Telecommunication Facilities*

- 1) *Co-located - Telecommunication antenna units that are attached to structures constructed for purposes other than supporting telecommunication equipment may be no taller than 30 feet or 30% of the structure's height. Co-located towers must comply with all relevant standards of this Article.*
- 2) *Freestanding - Freestanding telecommunication towers must comply with the following standards:*
  - a) *The minimum distance between the tower and an adjoining parcel of land that is residentially developed or is vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional, or from an adjoining local road separating the tower site from such a parcel, must be equal to the tower's height, but not less than 50 feet, nor less than the minimum setback depth applicable in the zoning district. This provision does not apply in relationship to any nonconforming residential use or the residence of a caretaker or watchman accessory to a permitted non-residential use.*
  - b) *The Board of Commissioners, through the Special Use Permit public hearing, may reduce the minimum distance required above on finding that a lesser distance will not be injurious to properties or improvements in the affected area, but in no case may the minimum distance be reduced to less than that equal to 50% of the tower's height, or 50 feet, nor less than the minimum required setback depth applicable in the zoning district in which the tower is located.*
  - c) *The minimum distance between the tower and any other adjoining parcel of land or road must be equal to the minimum setback depth applicable in the zoning district, plus any additional distance necessary to ensure that the tower, as designed, will fall within the tower site.*
  - d) *The distances referred to above must be measured from the outside dimensions of the tower, not from the guy anchors.*
  - e) *If the tower is more than 100 feet high, but less than 180 feet high, it must be engineered and constructed to accommodate at least one additional telecommunication user. If the tower is at least 180 feet high, it must be engineered and constructed to accommodate at least 2 additional telecommunication users. Provision of co-location sites on other towers is encouraged wherever feasible.*
  - f) *The base of the tower and each guy anchor must be surrounded by a fence or wall at least 8 feet high, unless the tower and all guy anchors are mounted entirely on a structure over 8 feet high. Except for its entrances, the fence or wall must be screened with plant material so that no more than two-thirds of its surface is visible, within 3 years after its installation, from a public street or from any adjoining parcel of land that is residentially developed or is vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional.*
  - g) *A buffer yard must be provided around the perimeter of the lease lot as in accordance with the requirements of Article 8, Landscaping & Buffering. A 40-foot-type C buffer yard is required along the inside perimeter of a leased lot or parcel for the utilization of telecommunication towers.*
  - h) *Radio, television, or other electromagnetic transmission or reception on other properties may not be disturbed or diminished.*

- i) *The tower must meet the standards of the Federal Aviation Administration (FAA) for avoiding obstruction of navigable airspace and approaches to public airports (see Federal Aviation Regulations Part 77, as amended), and for marking and lighting structures to promote aviation safety (see FAA Advisory Circular 70/7460, as amended). Specifically, tower lighting must meet applicable FAA standards for either red obstruction lighting systems or dual lighting systems (red lighting for nighttime and medium-intensity flashing white lighting for daytime). If a tower is proposed to be located within 1,000 feet of a private use airport, the application must so indicate.*
- j) *Output from the tower's antennas must meet the minimum standards of the Federal Communications Commission (FCC) relating to the environmental effects of radio frequency emissions.*
- 3) *Standards for Specific Zoning Districts*
  - b) *Non-residential Districts - If the tower is more than 100 feet high, it must be located at least 1,000 feet from any other telecommunications tower greater than 100 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower was made, or that co-location on the tower will not technically satisfy the applicant's specific needs.*

This Special Use Permit request has been evaluated for compliance with standards outlined in Section 5.3.12.Q, Telecommunication Towers. Based on the applicant's submittal, the request is in conformance with all items.

Setbacks (2.a and 2.c): Based on the height of the proposed telecommunication tower, the facility is required to provide a 300 foot setback from adjoining parcels of land that are residentially developed or are vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional, or from an adjoining local road separating the tower site from such a parcel. Similarly, the minimum distance between the tower and any other adjoining parcel or road must be equal to the minimum setback depth applicable in the zoning district, plus any additional distance necessary to ensure that the tower, as designed, will fall within the tower site.

As proposed, the tower is in compliance with setback standards (Exhibit 3). In this case, the tower is proposed to be set back 300 feet from both the southern and eastern property lines. It proposes a 1,434 foot setback from the northern property line and a 3,588 foot setback from the western property line.

Telecommunication Users (2.e): Being over 180 feet high, the tower is required to be engineered and constructed to accommodate at least three telecommunication users. As proposed, the tower shows one proposed user (AT&T) with space for up to four additional users.

Fencing (2.f): The application proposes installing an eight foot wooden security fence, with a 16 foot access gate, thereby meeting the eight foot UDO requirement for telecommunication towers (Exhibit 4).

Buffer Yard (2g): The application meets and exceeds the C1 buffer requirement, proposing eight canopy trees surrounded by mulch, with the remaining lease area covered with grass (Exhibit 4).

State and Federal Regulations (2.h.i., and j): As stated in their application, the tower site will meet all FAA and FCC standards for illumination and environmental impacts, and the applicant will comply with all federal standards for radio frequency emissions (Exhibit 1). All applicable State and Federal permits will be obtained, including inspections and health department regulation compliance (Exhibit 1).

Tower Separation Requirements (3.b): In residential districts, towers over 75 feet in height must be located at least 1,500 feet from any other tower greater than 75 feet. The applicant submitted evidence that there is not another tower, of any size, within a one mile radius of the proposed tower, thus satisfying this requirement (Exhibit 5).

Prior to the issuance of final zoning approval, a site development plan must be submitted and approved in accordance with applicable provisions of the Pender County Unified Development Ordinance. In addition, all other applicable permits and approvals must be obtained including inspections and health department regulation compliance.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	PO	OF	IT	GI	EC
<b>MISCELLANEOUS USES</b>											
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	

**EVALUATION:**

- A. **Public Notifications:** Advertisements for the proposal have been placed in the *Pender-Topsail Post & Voice*. Adjacent property owners were notified by first class mail; as well as a sign advertising the public hearing was placed on the subject property.
- B. **Basis for Granting SUP:** See attachment A for approval procedures (§3.12.3 of Unified Development Ordinance) and revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. **Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural, and telecommunication facilities are permitted in the RA zoning district by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses.
- D. **2010 Comprehensive Land Use Plan Compliance:** On this tract, the land use classification is divided into two classifications. The vast majority of the subject property, particularly to the south and west, is designated “Rural Growth.” The north and eastern portions of the property are designated “Suburban Growth.” While the Rural Growth Classification in the Land Use Plan defines areas where urban services are not expected to be extended, the Suburban Growth Classification identifies areas of Pender County where significant residential growth is expected. The proposed tower site is located on the eastern portion of the property. The SUP request may be supported by a policy within the *2010 Comprehensive Land Use Plan*:
  - a. **Policy 1A.1.5 –** *The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.*

- E. Existing Land Use in Area:** The proposed tract is 324 acres and almost entirely forested, with a portion of the property on the east side (the side with the proposed tower) having been cleared. The property is surrounded by more forests, with a small cluster of residential structures to the south east of the property on various parcels.
- F. Site Access Conditions:** Access to the proposed tower site will be on a 12 foot wide access road, within a proposed 30 feet access/utility easement off Atkinson Cemetery Road (SR-1402).
- G. Conditions To Consider In Issuing the Special Use Permit For This Project:**
1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance, specifically use standards outlined in Section 5.3.12.Q, Telecommunication Facilities.
  2. 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.
  3. The applicant shall meet all other local, state and federal regulations.
  4. 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.

## **Attachment A**

### **3.12.3 Procedures for Reviewing Applications**

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.
- C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.
- D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:
  1. The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
  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;
  3. The proposed use shall not constitute a nuisance or hazard;
  4. The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;

5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
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.

#### **3.12.4 General Provisions Concerning Special Use Permits**

- B. Revocation - In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Administrator may initiate a notice of violation for the provisions of this ordinance and the conditions of the Special Use Permit not in compliance or the Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified.

## APPLICATION FOR SPECIAL USE PERMIT

### THIS SECTION FOR OFFICE USE

Application No.	SUP	Date	10-23-13
Application Fee	\$ 500.00	Receipt No.	
Pre-Application Conference		Hearing Date	12-9-2013

### SECTION 1: APPLICANT INFORMATION

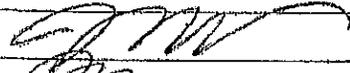
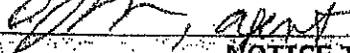
Applicant's Name:	American Towers, LLC	Owner's Name:	Slocum Trail Farms, LLC
Applicant's Address:	c/o Nexsen Pruet, 4141 Parklake Ave., Suite 200	Owner's Address:	c/o M&K, 210 Oxbow Landing
City, State, & Zip	Raleigh, NC 27612	City, State, & Zip	Burgaw, NC 28425
Phone Number:	919-755-1800	Phone Number:	910-279-0570

Legal relationship of applicant to land owner: Proposed lessee of tower site from land owner.

### SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	2248-30-4826-0000	Total property acreage:	324 +/-
Zoning Classification:	RA	Acreage to be disturbed:	See Enclosed.
Project Address :	Off Atkinson Cemetary Road, Atkinson, NC 28421	NAICS Code:	237130
Description of Project Location:	Construction of Wireless SST, per the enclosed. Site Name: "Slocum Trail" Nearest Intersection: Hwy. 53 and Atkinson Cemetary Road.		
Describe activities to be undertaken on project site:	Construction of Wireless SST, per the enclosed. AT&T Site Number: 478-148		

### SECTION 3: SIGNATURES

Applicant's Signature		Agent	Date: 10/18/2013
Owner's Signature		Agent	Date: 10/18/2013

### NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Special Use Checklist.
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 found on page 1 of this application
5. Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing.

Exhibit 1

Office Use Only			
<input type="checkbox"/> General Fees \$300 + \$10 per acre over 5 acres, Max. of \$5,000	Total Fee Calculation: \$		
<input checked="" type="checkbox"/> Tower over 75 Feet Fees \$500	Application #:		
<input type="checkbox"/> Minor Revisions Fees \$100	Date of Hearing:		
<input type="checkbox"/> Mining Fees \$750			
Attachments Included with Application: (Please include # of copies)			
CD/other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan sets	<input type="checkbox"/> Y <input type="checkbox"/> N
		% of large	<input type="checkbox"/> Y <input type="checkbox"/> N
		# for 11x17	
		Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash: <input type="checkbox"/> \$	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input type="checkbox"/> Check #
Application received by:			Date:
Application completeness approved by:	<i>[Signature]</i>		Date: 10-23-13

### Special Use Permit Checklist

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete)
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input checked="" type="checkbox"/>	Project Narrative--Written description of the project (max of 3 pages) including the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Location of the project and type of access to project site</li> <li><input type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc.</li> <li><input type="checkbox"/> Description of all construction activities to be undertaken on the site</li> <li><input type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers</li> <li><input type="checkbox"/> List of all state and federal permits that will be required for the project</li> <li><input type="checkbox"/> Applicant must specifically address the 8 written findings for Special Use Permit approval which are identified on page 1 of this application and in the Pender County Unified Development Ordinance (Section 3.12.3.G.). Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts. The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.</li> </ul>
<input checked="" type="checkbox"/>	Project Map(s)--Map or maps of the special use project site with boundaries of the project if less than the parcel boundaries. This map or maps shall be drawn to a readable scale. The scale shall be not more than 200' to the inch. The map shall display an accurate bar graph scale, date prepared, north arrow and the author of the map. This map(s) shall show the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Boundaries of the property upon which the special use will be located, the acreage in the property and project site, with a north arrow and bar graph.</li> <li><input type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road.</li> <li><input type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property.</li> <li><input type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries.</li> <li><input type="checkbox"/> Existing and proposed structures, other on-site improvements, and location of all activities associated with the use, location of well, septic tank, and/or other utilities.</li> <li><input type="checkbox"/> Boundary of all clearing, grading, and/or land disturbing activities on the site and the calculated acreage of all land disturbing activities on the site.</li> <li><input type="checkbox"/> Parking, loading areas, and access to the project (See Article 7, Pender County UDO)</li> <li><input type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO)</li> <li><input type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO)</li> <li><input type="checkbox"/> Pedestrian walks, area lighting and flood lighting.</li> <li><input type="checkbox"/> Existing natural features of the site including, wooded areas, tree lines, ponds, streams, other water bodies or ditches on or adjacent to the site, designated flood hazard areas &amp; known or designated wetlands on the site.</li> <li><input type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site.</li> <li><input type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted.</li> <li><input type="checkbox"/> Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.</li> </ul>

RETURN COMPLETED APPLICATION TO:  
Pender County Planning & Community Development  
P.O. Box 1519  
Burgaw, NC 28425

# NEXSEN | PRUET

**David S. Robinson**  
Special Counsel  
Admitted In NC

October 18, 2013

**VIA UPS**

Ed F. McCarthy  
Planner II  
Pender County Planning and Community Development  
805 S. Walker Street  
Burgaw, NC 28425

Re: Application for Special Use Permit "Slocum Trail"  
American Towers, LLC

Dear Mr. McCarthy:

Please find enclosed an Application for Special Use Permit by American Towers, LLC for AT&T Site Number: 478-148. This application is accompanied by a check in the amount of \$500, a list of adjacent property owner addresses (and pre-addressed, pre-paid envelopes), an Assignment of Agent, an FCC Compliance Assessment, RF Justification for this particular site, and the requisite number of copies of the Final Construction Drawings and Site Plans.

These Construction Drawings reflect the county setback measurement standard that we have discussed. A Significant Tree Survey is in the works and will supplement this filing in the near future. An FAA letter should be forthcoming as well. Please do not hesitate to contact me at any time with any questions or comments you may have.

Very truly yours,



David S. Robinson

4141 Parklake Avenue T 919.863.7809  
Suite 200 F 919.890.4558  
Raleigh, NC 27612 E DRobinson@nexsenpruet.com  
www.nexsenpruet.com Nexsen Pruet, PLLC  
Attorneys and Counselors at Law

Distance From Tower (Feet)	Power Density (mw/cm <sup>2</sup> )	% FCC Standard
1	0.0000345	0.013803
25	0.0000342	0.013700
50	0.0000248	0.009933
75	0.0000178	0.007103
100	0.0000488	0.019522

**Table 1: Power Density Summary for Site 478-148 for 1900 Band**

Distance From Tower (Feet)	Power Density (mw/cm <sup>2</sup> )	% FCC Standard
1	0.0000043	0.0035066
25	0.0000071	0.0057743
50	0.0000112	0.0091594
75	0.0000149	0.0121974
100	0.0000175	0.0142997

**Table 2: Power Density Summary for Site 478-148 for 700 Band**

As shown in Table 1, the maximum power density will not exceed 0.0000488mW/cm<sup>2</sup> at ground level in 1900 Band and as shown in Table 2, the maximum power density will not exceed 0.0000175mW/cm<sup>2</sup> at ground level in 700 Band. Moreover, the average energy expected near ground level is less than 1% of the MPE level. This level does not exceed the MPE limit set by the Federal Communications Commission or the American National Standards Institute.

Based upon the ANSI/FCC standard and the predicted levels of electromagnetic energy emitted by site 478-148, this installation will be of no safety concern to the general public.

Sincerely



David J. LaCava  
Senior Radio Access Network Specialist  
AT&T Mobility, LLC  
Raleigh, NC

Appointment of Agent

The undersigned Slocum Trail Farm LLC ("Owner") hereby appoints Nexsen Pruet, PLLC as Owner's exclusive agent for the purpose of petitioning Pender County for all necessary zoning, site plan, building permit and other local governmental approvals required for the location of a wireless telecommunications tower on the property located at off of Atkinson Cemetery Road/Closest physical address found on adjacent parcel-15820 NC HWY 53 W2248-30-4826-0000 (address and Parcel ID) including, without limitation, the following:

1. To submit the proper applications and the required supplemental materials.
2. To appear at public meetings to give representation and commitments on behalf of the Owner.
3. To act on the Owner's behalf without limitation with regard to any and all things directly or indirectly connected with or arising out of the applications for zoning, site plan, building permit and other local governmental approvals required for the wireless telecommunications tower.

This agency agreement shall continue in effect until written notice of revocation by the Owner is delivered to Pender County.

This the 10 day of October 2013

Agent's Name, Address & Telephone

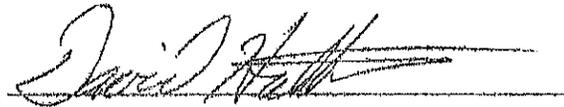
Nexsen Pruet, PLLC

4141 Parklake Avenue, Ste. 200

Raleigh, NC 27612

919-786-2764

Signature of Owner(s)



Print Name: David A. Pruet

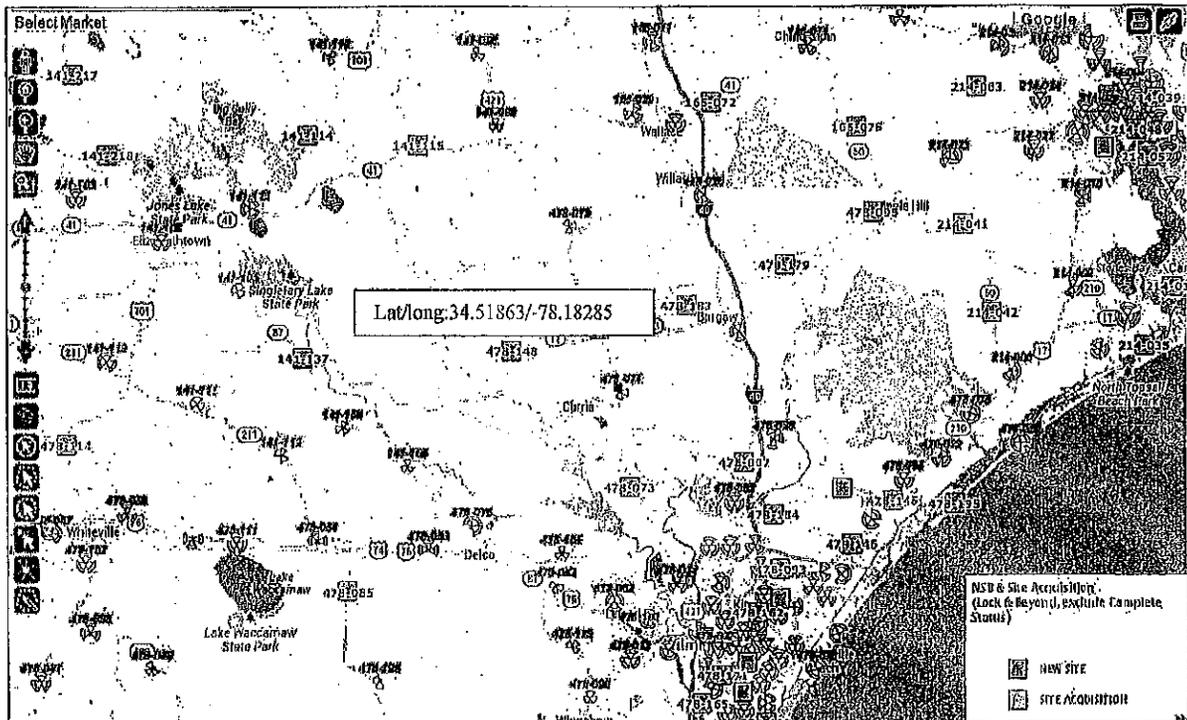


David J. LaCava  
Senior Radio Access Network Specialist  
AT&T Mobility, LLC  
Raleigh, NC

DATE: September 26, 2013  
SUBJECT: RF Justification for AT&T Wireless Site 478-148

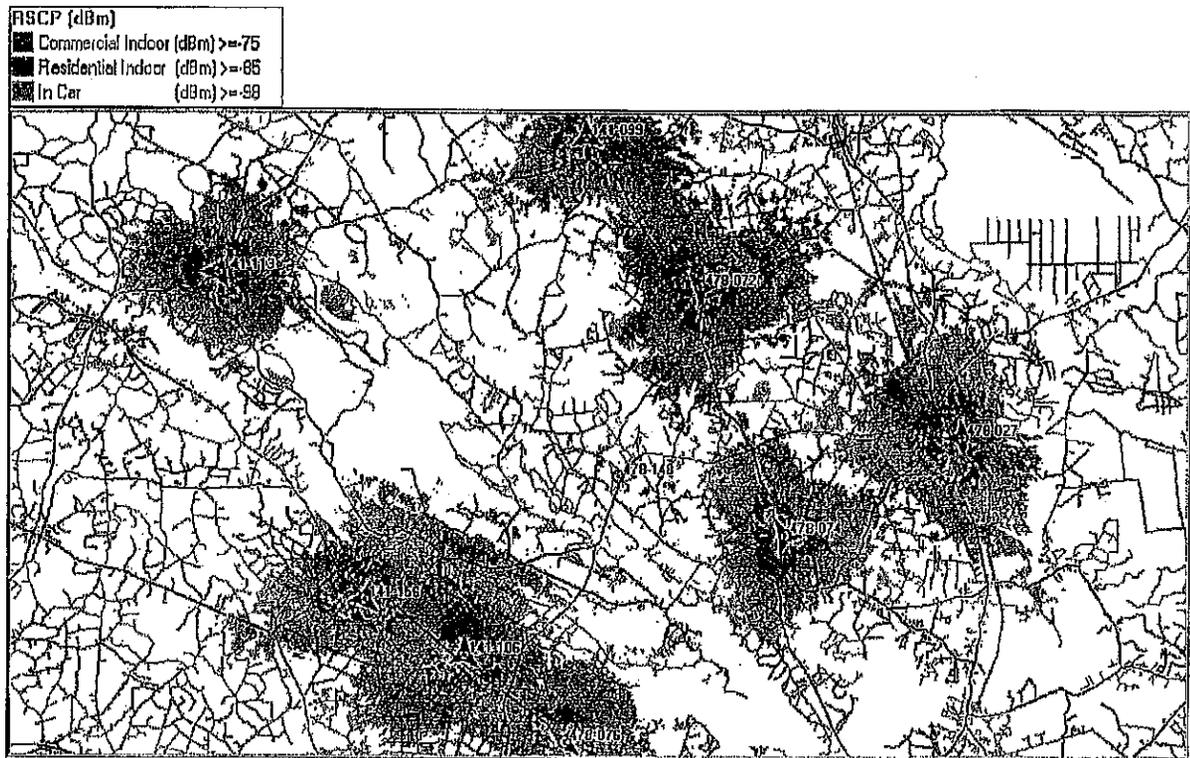
AT&T Mobility has been requested to provide justification for our proposed site 478-148. AT&T Mobility is currently in the process of enhancing/expanding our existing coverage in Pender County. The proposed site will provide coverage to Atkinson City, Highway 53, Highway 11, Beattys Bridge Rd. and surrounding areas. Existing structures have been utilized whenever possible. **Figure 1** shows the general area within Pender County that the new site will be located. In **Figure 1** blue text and corresponding icons indicate the location of all existing sites and the white text box indicates the location of the proposed site.

**Figure 1: Map of AT&T Wireless' Existing and Proposed Sites**



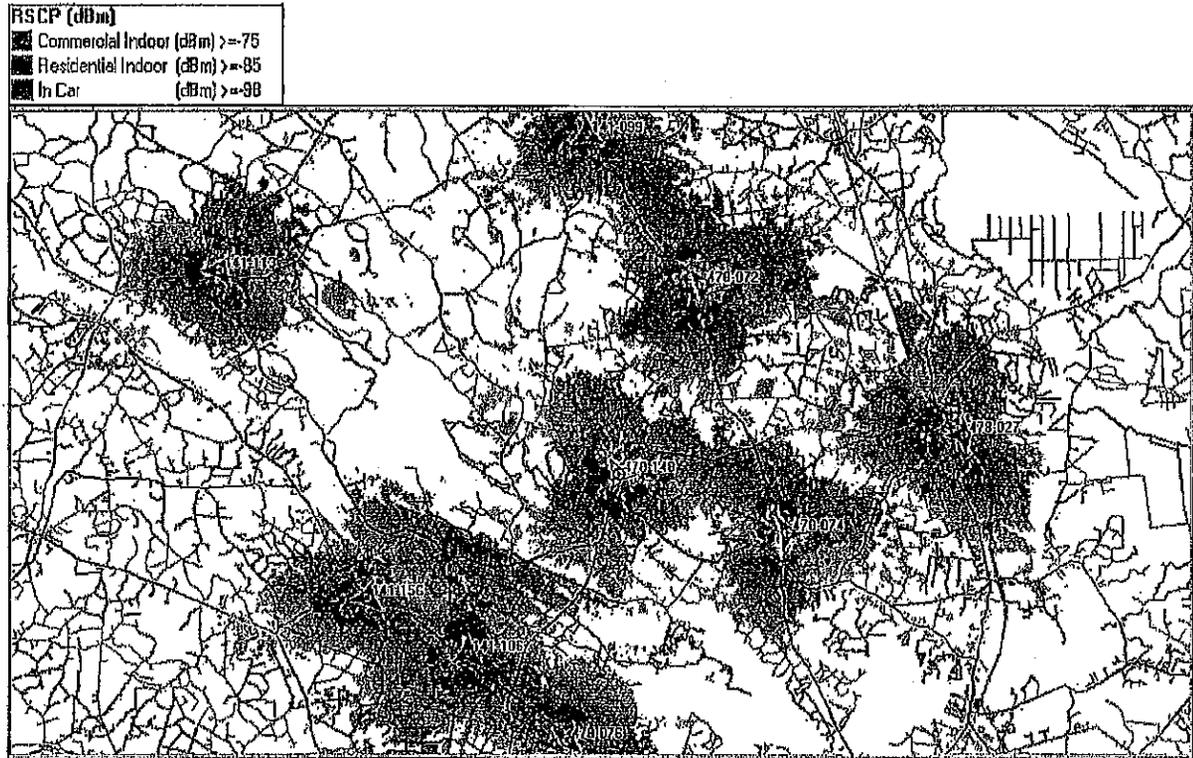
Currently AT&T Mobility does not have adequate coverage in the concerning area. Refer to Figure 2, which shows coverage without the proposed site 478-148.

**Figure 2: Map of AT&T Wireless' Coverage without 478-148**



With the addition of proposed site 478-148 AT&T Mobility will provide improved coverage to Atkinson City, Highway 53, Highway 11, Beattys Bridge Rd. and surrounding areas. Refer to Figure 3 which shows coverage with proposed site 478-148.

**Figure 3: Map of AT&T Wireless' Coverage with 478-148**



David J. LaCava  
Senior Radio Access Network Specialist  
AT&T Mobility, LLC  
Raleigh, NC



AT&T Mobility, LLC  
Raleigh, NC

DATE: September 26, 2013  
SUBJECT: FCC Compliance Assessment for Proposed AT&T Mobility Site 478-148

AT&T Mobility has been requested to evaluate the radio frequency emissions of our proposed site 478-148. In addition, AT&T Mobility has been requested to address other RF related topics such as transmitter operation and maximum permissible output power levels. The remainder of this report will address all RF related items requested by Pender County Zoning/Planning for proposed site 478-148.

#### **Transmitter Operation**

AT&T Mobility owns the C LTE Bands and B PCS Band PCS licenses in Pender County. The transmitters being used on the proposed site are authorized to operate in the 740-746 and 1950-1965 Megahertz (MHz) frequency range. The Ericsson Node B base station transmitters AT&T Mobility utilizes have a maximum output level of 60 watts. AT&T Mobility utilizes the GSM, LTE and UMTS digital technology. As a result our transmitters utilize Gaussian Minimum Shift Keying (GMSK), 16-State Quadrature Amplitude (16QAM), 64-State Quadrature Amplitude (64 QAM) and Quadrature Phase Shift Keying (QPSK) modulation. Precision filters limit unwanted and spurious emissions to levels below the FCC specification. The signals being transmitted will not interfere with the operation of commercial radio, cellular radio, television, telephone or other FCC approved communication equipment. For our proposed site 478-148, GSM technology will not be deployed.

#### **Maximum Permissible Output Power**

The maximum permissible output power for 1900 band per sector is 1640 Watts of effective radiated power (ERP) from the antennas in Pender County. The proposed site 478-148 is only transmitting 764 total watts ERP.

The maximum permissible output power for 700 band per sector is 1000 Watts of effective radiated power (ERP) from the antennas in Pender County. The proposed site 478-148 is only transmitting 248 total watts ERP.

#### **RF Exposure (NIER levels)**

The FCC states in 47 CFR 1.1310 that the maximum permissible exposure (MPE) level from non-ionizing electromagnetic radiation (NIER) to the general population at cellular and PCS frequencies is 1.0 milliwatt per centimeter squared ( $mW/cm^2$ ). MPE is a measure of the RF power density at or below which there are no potential harmful effects from the exposure.

Power density calculations are based on guidelines given by the ANSI Standard C95.1-1992 and are based on a worst case scenario. For analysis purposes, worst case conditions were chosen for all output power levels based on the deployment of LTE and UMTS technologies. The site is being deployed initially with 6 transmitters. For analysis purposes, 15 transmitters were used. A summary of the results of the power density calculations for site 478-148 is listed below in Table 1 and Table 2.

October 28, 2013

VIA EMAIL

Ed F. McCarthy  
Planner II  
Pender County Planning and Community Development  
805 S. Walker Street  
Burgaw, NC 28425

Re: Submission Supplement -- Project Narrative

Dear Mr. McCarthy:

As you know, I represent American Towers LLC ("American Tower") in connection with an Application for Special Use Permit, pending with your Planning Division. This Project Narrative will summarize the application package previously submitted.

Charleston  
Charlotte  
Columbia  
Greensboro  
Greenville  
Hilton Head  
Myrtle Beach  
Raleigh

The proposed tower site ("Tower Site") shall be located and identified as follows:

Address: Atkinson Cemetery Rd, Atkinson, NC 28421  
Site Name: "Slocum Trl NC"  
American Tower No: 280917  
AT&T Site No: 478-148

The proposed Tower Site will include a 300' tall self-support tower with a 6' grounded lightening rod ("Tower") on +/- 324 acre site that is adequately sized for such a project. The proposed lease area will be 100 feet by 100 feet in size. The proposed Tower Site will be cleared only as necessary to construct the Tower; a landscape buffer is detailed, although the project proposes to maintain existing surrounding natural landscaping as much as possible. The Proposed Tower Site is zoned Agricultural Residential (AR). The Pender County UDO (the "Ordinance") allows Telecommunication Facilities, subject to certain standards, in Article 5,

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Attorneys and Counselors at Law

Mr. Ed F. McCarthy  
October 28, 2013  
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Permitted Uses. Access to the Proposed Tower Site will be on a 12' wide access road, within a proposed 30' access/utility easement.

The site plan as required by the Ordinance has been previously submitted. The construction drawings have been sealed by a North Carolina professional engineer and provide that the Tower will be designed to have the structural integrity and/or capacity to support or accommodate more than one user and will be structurally sound. The drawings show one proposed user, AT&T, and space for up to four (4) additional users (Sheet A-2).

The Tower Site is an unmanned radio telecommunications facility. There will be no traffic congestion as a result of this project. In addition to the Tower structure, the site will contain a generator, and one or more equipment shelters. The enclosed Construction Drawings include:

- Title and Project Information
- Detailed site plan for the proposed lease area, the proposed compound, the proposed tower structure and proposed shelter, equipment and antenna details.
- Grading and Landscaping Plans
- Utility and Compound Grounding Plans
- Electrical Details
- Transducer Output Specifications

Utility service to the project is detailed on pages E-1 through E-17 of the Construction Drawings.

The proposed Tower Site complies with applicable set-back requirements and the compound will be enclosed by a gated fence at least 8' high.

The Tower Site will meet all Federal Aviation Administration (FAA) standards for avoiding obstruction of navigable airspace and approaches to public airports. The Tower will be illuminated only as required by the Federal Communications Commission (FCC), or other State or Federal Agency of competent jurisdiction. The Tower will be constructed of galvanized steel. Only signage required by the FCC and Federal or State regulations for emergency and cautionary purposes will be required at the Proposed Tower Site. No advertising shall be attached to the Tower.

The Tower will not emit a continuous or frequent noise. American Tower will comply with federal standards for radio frequency emissions and the antennas on the Tower will not cause localized interference with the reception of area television or radio broadcasts. The applicant will procure any and all applicable State and Federal permits required for this Tower Site.

Mr. Ed F. McCarthy  
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In compliance with FCC rules and regulations, the proposed Tower Site will not materially endanger the public health or safety. The power density levels are much lower than Federal and ANSI standards. The Tower is designed and set back from existing structures such that if it were to fail, the public will not be harmed. The Tower will benefit public safety by providing better wireless coverage in the area. Many depend on their wireless devices to call public safety officials in the event of an emergency. In fact, wireless phones are often, and increasingly, used in the home instead of traditional landline phones. Wireless service is many times considered a public necessity, because it is often the sole access that citizens have to emergency services. In the event of a power outage, the Tower should have self-supporting generator power for several days.

The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located. The proposed tower will meet the infrastructure needs of this area of the County and will provide much needed access to emergency services, thereby enhancing the quality of life of the community. The proposed tower should facilitate the business recruitment efforts of the county by providing an improved infrastructure in the area in which the tower is to be located. As per the application materials, adequate utilities, access roads, drainage and other necessary facilities are being provided.

If you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,



David S. Robinson, Esq.



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