



## REQUEST FOR BOARD ACTION

ITEM NO. 6.

**DATE OF MEETING:** May, 19, 2014

**REQUESTED BY:** Ed McCarthy, Planner II, Planning & Community Development

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

**BACKGROUND:** Pender County, applicant, on behalf of the Pender County Board of Education, owner, is requesting approval of a Special Use Permit (SUP) for the construction and operation of a Public Safety Telecommunication Facility. The property is currently zoned RP, Residential Performance District, and Public Safety Telecommunication Facilities are permitted via SUP in the RP zoning district. The subject property is located at 997 Hoover Road in Hampstead, NC 28443 and may be identified as Pender County PIN 3283-83-2003-0000.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a Special Use Permit for a Telecommunication Facility.

**RESOLUTION**

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

The Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the construction and operation of a Telecommunication Facility as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

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

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

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

\_\_\_\_\_  
Chairman 5/19/2014  
Date

\_\_\_\_\_  
ATTEST 05/19/2014  
Date

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

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**SUMMARY:**

**Hearing Date:** May 19, 2014  
**Applicant:** Pender County  
**Property Owner:** Pender County  
**Case Number:** 11171

**Land Use Proposed:** The applicant is requesting the approval of a Special Use Permit (SUP) for the construction and operation of a telecommunication facility for public safety, 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 at 997 Hoover Road in Hampstead, NC 28443 and may be identified as Pender County PIN 3283-83-2003-0000. There is one tract associated with this request totaling approximately 40.25 acres.

**Zoning District of Property:** The property zoned RP, Residential Performance, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; telecommunication facilities for public safety are permitted via Special Use Permit in the RP zoning district.

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**Project Description:**

Pender County, applicant, on behalf of the Pender County Board of Education, owner, is requesting approval of a Special Use Permit (SUP) for the construction and operation of a Public Safety Telecommunication Facility on a 40.25 acre tract of land occupied by South Topsail Elementary School.

The proposal consists of the construction of a 380' emergency services tower, within a 75' X 100' (7,500 sq.ft.) site as detailed on Exhibit 3. Specifically, the tower is proposed to be located as follows:

Front Setback (Hoover Road): 340' (60' reduction request)  
Southern Side Yard: 90.4' (289.6' reduction request)  
Rear Yard: + 970' (to Topsail Elementary School)

Relief Requested:

1) 5.3.11 P a) - Based on the height of the proposed telecommunication facility, the applicant is required to provide a 380' 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 based on Section 5.3.11.P of the Unified Development Ordinance.

Similarly, per the UDO, through the Special Use Permit process, the Board of Commissioners shall have the authority to waive setback requirements (for Telecommunication Towers –Public Safety) provided that a survey prepared by a licensed professional showing that the designated fall zone associated with the tower is sufficient to accommodate the designed fall radius of the proposed tower.

As such, the applicant is requesting the following: A 60' reduction in the front setback requirement and a 289.6' reduction in the side setback requirement. The applicant is proposing that a 191' fall zone be accepted in lieu that will include the recordation of a deeded easement on the Southern, Thornebrooke Holdings LLC, parcel. Under this proposal, the tower as engineered will collapse within the parent tract at all angles, with the exception of the southernmost portion, which would fall into a deeded easement area on the neighboring parcel (Exhibit 4)

2) The applicant is requesting relief from 5.3.11 P 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.

Accordingly, the applicant is requesting relief from the provision of co-location.

Section 5.3.11.P of the Pender County Unified Development Ordinance sets forth specific use standards for Telecommunication Towers.

### *Telecommunication Facilities*

#### *1. Telecommunication Facilities*

- a. 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.*
- b. Freestanding - Freestanding telecommunication towers must comply with the following standards:*
  - i. 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.*

- ii. *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.*
- iii. *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.*
- iv. *The distances referred to above must be measured from the outside dimensions of the tower, not from the guy anchors.*
- v. *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.*
- vi. *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.*
- vii. *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.*
- viii. *Radio, television, or other electromagnetic transmission or reception on other properties may not be disturbed or diminished.*
- ix. *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.

x. 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.

c. Standards for Specific Zoning Districts

i. Residential Districts - Telecommunication towers in residential districts must comply with the following standards:

1. If the tower is more than 75 feet high, it must be located at least 1,500 feet from any other telecommunications tower greater than 75 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 has been made, or that co-location on the tower will not technically satisfy the applicant's specific needs.
2. Buildings associated with the tower may not be used as an employment center for any worker (This provision does not prohibit the periodic maintenance or monitoring of equipment and instruments).

ii. 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.

R. Telecommunication Facilities – Public Safety

1)Public Safety Telecommunication Facilities must meet the development standards for Telecommunication Facilities as outlined in Section 5.3.12.Q. Through the Special Use Permit process, the Board of Commissioners shall have the authority to waive setback requirements provided that a survey prepared by a licensed professional showing that the designated fall zone associated with the tower is sufficient to accommodate the designed fall radius of the proposed tower.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MU	PD	GD	CI	IT	GH	CC
MISCELLANEOUS USES											
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	

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**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).
- D. **Unified Development Ordinance Compliance:** The property is currently zoned RP, Residential Performance and telecommunication facilities for public safety are permitted in the RP zoning district by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance.
- E. **2010 Comprehensive Land Use Plan Compliance:** This property is located within Conservation Land Use Classification. Conservation areas are areas that are owned in fee simple or have protective easements. These areas represent areas of special significance and unique characteristics that make them worthy of preservation. Current conservation areas are typically owned by Federal or State agencies or private conservation groups and are often designated as Areas of Environmental Concern (AECs). Currently, conservation areas comprise approximately 131,393 acres (24.7%) of the land area within the Pender County zoning jurisdiction.

Based on a preliminary analysis the tower site, as proposed is not located with any areas of environmental concern and is owned by the Pender county Board of Education, home to South Topsail Elementary School.

At the time of the adoption of the 2010 Pender County Comprehensive Plan; all county owned property was classified as conservation. It would be staff's recommendation to carefully examine the conservation as a viable future land use classification for specific County owned property. All adjacent land is classified as Suburban Growth Area.

The following proposal is not in conflict with any policies or goals of the Comprehensive Land Use Plan.

- F. **Existing Land Use in Area:** The applicant's proposal is on the same tract as South Topsail Elementary. The subject parcel is bordered primarily by single family residential parcels and a large vacant parcel to the south.
- G. **Site Access Conditions:** Access to the proposed tower site will be via a 15' wide driveway directly onto Hoover Road. Review and approval will be subject to NCDOT review.
- H. **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 5.3.11.P, 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.
5. The applicant/owner shall be responsible for the removal of said telecommunications tower, if the aforementioned structure is abandoned for a period of 120 consecutive days. Costs incurred for removal of the structure shall be the responsibility of the applicant/owner.
6. The applicant shall submit and record documentation with the Register of Deeds securing an easement within the southern property demonstrating the approximately 191' fall zone. The easement shall ensure that no structures shall be permitted to be constructed within the fall zone inside the southern property boundary. An exception would be granted in the event that a structure(s) dedicated to the Telecommunication Facility use would be permitted within the fall zone.

## **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.

# Pender County Planning and Community Development

## Planning Division

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

## **SPECIAL USE PERMIT APPLICATION**

### **GENERAL**

1. An applicant shall be required to schedule a pre-submittal meeting with the Administrator at least thirty (30) days prior to submission of an application.
2. Any information the applicant wishes to submit to assist in making the above findings may be included as part of the Project Narrative or as a supplement labeled "Support Information-Required Findings" (max. 1 page).
3. Where construction, location or relocation is proposed to be done upon a residence, place of business or place of public assembly, no permit required for electrical, plumbing, heating, air conditioning or other construction, location or relocation activity under any provision of general or special law shall be issued until an authorization for wastewater system construction has been issued under G.S. 130A-336 or authorization has been obtained under G.S. 130A-337(c).

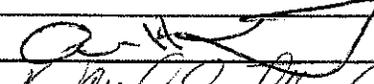
### **APPROVAL STANDARDS**

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:

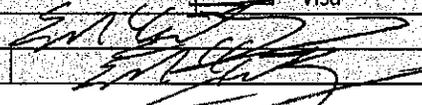
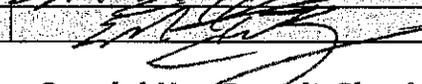
1. The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, 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.

Conditions and Guarantees - Prior to the granting of any special use, the Board of Commissioners may stipulate such conditions and restrictions upon the establishment, location, or construction, maintenance, and operation of the special use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary to assure that conditions stipulated in connection therewith are being and will be complied with.

## APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP	Date	
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	County of Pender	Owner's Name:	Pender County Board of Education
Applicant's Address:	P.O. Box 5	Owner's Address:	925 Pender Lea Hwy
City, State, & Zip	Burgaw, NC 28425	City, State, & Zip	Burgaw, NC 28425
Phone Number:	910 - 259-1200	Phone Number:	
Legal relationship of applicant to land owner: Tenant			
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	3283-83-2003-0000	Total property acreage:	40.25
Zoning Classification:	R-20	Acreage to be disturbed:	Less than 1 Acre
Project Address:	997 - Hoover Rd, Hampstead, NC 28443	NAICS Code:	
Description of Project Location:	Construction of 380' Emergency Services Tower for Radio Communications		
Describe activities to be undertaken on project site:	Gravel road constructed, 100'x100' Area cleared of trees		
	380' standalone tower Erected, 20x40 tower house set on concrete pad		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature		Date:	4-8-2014
Owner's Signature	 PENDER Co. Board of Education	Date:	
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Special Use Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>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.</li> <li>4. Applicant may wish to review the required findings for approval of a Special Use Permit found on page 1 of this application</li> <li>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.</li> </ol>			

**Office Use Only**

<input type="checkbox"/> <b>General/</b> Fees: \$300 + \$10 per acre over 5 acres, Max. of \$5,000 <input type="checkbox"/> <b>Tower over 75 Feet/</b> Fees \$500 <input type="checkbox"/> <b>Minor Revisions /</b> Fees \$100 <input type="checkbox"/> <b>Mining Fees</b> \$750	<b>Total Fee Calculation: \$</b>	
	<b>Application#:</b>	
	<b>Date of Hearing:</b>	
<b>Attachments Included with Application: (Please include # of copies)</b>		
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets # of large # of 11X17 Other documents/Reports <input type="checkbox"/> Y <input type="checkbox"/> N
<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____	<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa
		<b>Check:</b> <input type="checkbox"/> Check # _____
Application received by:		Date:
Application completeness approved by:		Date:

**Special Use Permit Checklist**

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input 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"/>	<b>Project Narrative</b> --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 <u>must specifically address the 8 written findings</u> 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"/>	<b>Project Map(s)</b> --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 <u>readable</u> 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



# OFFICE OF THE SHERIFF PENDER COUNTY

Carson H. Smith Jr., Sheriff

April 4, 2014

Board Of Commissioners  
County of Pender  
Burgaw, NC 28425

Dear Sirs,

The County is proposing to lease and use a site located off of Hoover Rd at the very south end of the South Topsail Elementary School site for the construction of a 380 foot emergency services communication tower. The site is approximately 1 mile from the intersection of US Hwy 17 and Hoover Rd in Hampstead. The actual tower will sit approximately 500 feet off of Hoover Rd. The tower will be used to provide law enforcement, fire, EMS and Emergency Management communication capabilities. The tower and radio equipment installed will fill a dead spot that was created when the VIPER Tower at 1 Station Rd in New Hanover County was removed due to the land being for sale. Since then, Pender County has struggled to communicate in the southern end of the US 17 Corridor. Because of their need to provide coverage in a particular area, the proposed locations where this tower can be constructed are limited and the tower needs to be 380 feet tall to meet the coverage requirements. The Construction on this site meets all FAA and FCC requirements for height and lighting. The tower will be will be gray in color.

Pender County Sheriff's Office has worked with the Pender County Board of Education to locate a suitable location for this construction. The BOE does not anticipate using any land at this sites tower location for school construction during the lease period.

The Fall Zone for this tower will be close enough to an undeveloped, low lying area owned by Thornbrooke Holdings LLC. Pender County Sheriff's Office has obtained permission from Thornbrooke Holdings LLC to peruse a fall easement in the affected area, and Thronbrooke Holdings LLC has acknowledged that they have no plans for construction in the area in question.

Prior to construction, all applicable State and Federal permits will be pulled by the North Carolina VIPER Construction Group for the Construction Contractor.

The following construction activities will include:

- the construction of a new entrance at the most southern end of the property (as detailed in the attached site plans)
- A gravel road will be constructed at the end of the construction period for access to the tower house location land will be cleared as indicated in the Site plans.
- Erosion control measures will be put in for the life of the construction project.



# OFFICE OF THE SHERIFF PENDER COUNTY

Carson H. Smith Jr., Sheriff

- Land will be cleared for a 75'X100' area to accommodate the tower house and the tower itself. No extra land will need to be cleared for construction.
- Electrical Utilities will be brought to the site location from Hoover Rd by power pole. Currently this will be the only scheduled utilities that will be brought permanently to the site.
- A Concrete footer for the tower, a 20'X12' concrete pad for the Tower House, and a 5'X10' concrete pad for the generator.
- A tower house and generator will be set on their pads
- Construction of the tower itself
- A fence will be constructed around the entire 75'X100' site at the end of the project.

At any time there should not be more than 10 people working at this site. Their hours of operation will be during daylight hours only with the exception of the concrete. They may start early in the morning 1 day of the construction process.

The Tower will be built using funds allocated by the State of North Carolina. The funds have already been appropriated and total approximately \$420,000.00

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 380 feet in order to provide the coverage desired. The tower will meet all FAA guidelines, including lighting.
2. A variance from the requirement that the fall zone equal the height of the tower. The tower is designed and constructed so that the tower and any ice or debris will be contained within 191 feet of the fall zone. Given the height required, 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 a fall zone of 200 feet be sufficient, based on engineers standards.
3. A variance is requested from the colocation requirement because the terms of the appropriation of funds forbids commercial colocation. If permission is ever given to use the tower for other users, colocation will be explored.
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 of the project 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.



# OFFICE OF THE SHERIFF PENDER COUNTY

Carson H. Smith Jr., Sheriff

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

Below are the 8 finding for Special Use Per

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;

The use requested is listed as communications tower site and is very similar to other sites that have just been approved and constructed in the same area.

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;

The tower and support structures are very far from the road and pose not health hazard or appearance integrity of the surrounding land owners. We have been in touch with the neighbor this most closely affects and they are in agreement we have done all we can to accommodate his concerns.

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

The proposed site has no offending sound, light, or smells that would affect the surrounding neighbors. There will be a generator onsite that will run during power loss times but should be faintly heard from the Hoover Rd property corner. The amount of sound will be less than the traffic passing in the same area. The only lighting will be the required FCC lighting on the tower. This will be about 190' up on the tower and will be an LED that should have no effect on the ground or neighbors around.

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;

To the best of our knowledge, we conform with all Pender County Land Use Plans as well as other plans and 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;



# OFFICE OF THE SHERIFF PENDER COUNTY

Carson H. Smith Jr., Sheriff

We will be providing a 15' wide stone access road at the corner of the Hoover Rd property (see Plans). We will provide full electric service from Progress Energy from Hoover Rd to the tower house site. There may be a need in the future for a Fiber Line from the tower house to Hoover Rd that would be buried. At this time there are no plans to do so. No other utilities will be needed.

Drainage and Storm water runoff have been built into the site plans. The grading work will make a natural flow off to the lowest part of the property, where it naturally flows away from the location. During construction silt fencing and stone filters will be put in place to limit any erosion of sand or stone from leaving the property.

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;

There will be very little Ingress and Egress traffic flowing to Hoover Rd from this site. We are putting in a temporary drive as noted on the plans to address the earth moving equipment that will have to come and go from the site. It is designed as to impact the traffic at the school in no way whatsoever.

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

The Special Use shall follow all State and Federal regulations, State inspections, FCC and FAA Guidelines, as well as FCC impact studies.

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.

We feel that the lot we are placing this on will have no impact on the surrounding areas. We have taken into account an easement suggested by engineers for the fall area. Other than that, no one should be affected at all

Sincerely,



# OFFICE OF THE SHERIFF PENDER COUNTY

**Carson H. Smith Jr., Sheriff**

Carson H. Smith Jr.