

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110
Wilmington, North Carolina
Telephone (910) 798-7165
FAX (910) 798-7053
planningdevelopment.nhcgov.com



SPECIAL USE PERMIT Application

REVIEW PROCESS

Step 1: Pre-Application Conference (Optional)

In order to assist applicants through the process of obtaining a Special Use Permit, applicants are highly encouraged to contact staff to schedule a pre-application conference prior to application submittal. Applicants are requested to review the sections of the Zoning Ordinance specific to Special Use Permits prior to submission, and advised to contact Planning Staff with any questions. The following sections of the Zoning Ordinance pertain specifically to Special Use Permits:

- Section 70: *General Information, Applications, Process, Public Notice, Public Hearings, Review and Decision, and Conclusions Required for Approval*
- Section 71: *Validity, Extensions, and Changes for Approved Special Use Permits; Resubmittals of Denied Applications*
- Section 72: *Additional Restrictions Imposed on Certain Special Uses*
- Section 111: *Petition*
- Section 112: *Approval Process*

Step 2: Application Submittal

Applications must be received by the Department of Planning & Land Use by 5:00 PM on the application deadline date. A complete application consists of the items detailed in the submittal checklist provided in this application. Staff will confirm if an application is complete within five business days of submittal. A schedule of application deadlines is available at planningdevelopment.nhcgov.com or in the Department of Planning and Land Use office.

Step 3: Staff Review and Recommendation

Upon receiving a completed application, staff may distribute it to certain departments and agencies for review. Staff will review the application and prepare a staff report.

Step 4: Planning Board Review and Recommendation

The New Hanover County Planning Board will consider the application at a public hearing. The Department of Planning & Land Use will notify the public of this hearing in accordance with standards of the Zoning Ordinance. This includes sending mailed notice to nearby residents, posting a sign on the subject property, and advertising the hearing in a local newspaper.

Public hearings for Special Use Permit applications are conducted in a quasi-judicial manner and include additional standards for the testimony and evidence presented during the hearing. The property owner, or their attorney, must be present for the meeting. The public hearing will allow staff, the applicant, proponents and opponents to testify in regards to the request. The Planning Board will make a recommendation to the County Commissioners, and may propose additional conditions and requirements beyond those listed in the petition/application.

Applications for single-family dwellings, including mobile homes, on individual lots are not considered by the Planning Board.

Step 5: Board of Commissioners Review and Action

The New Hanover County Board of Commissioners will consider the application at a public hearing. The Department of Planning & Land Use will notify the public of this hearing in accordance with standards of the Zoning Ordinance. This includes sending mailed notice to nearby residents, posting a sign on the subject property, and advertising the hearing in a local newspaper.

Public hearings for Special Use Permit applications are conducted in a quasi-judicial manner and include additional standards for the testimony and evidence presented during the hearing. The property owner, or their attorney, must be present for the meeting.

A Special Use Permit shall be approved if the applicant provides substantial evidence that the proposed use will meet the following findings:

1. The use will not materially endanger the public health or safety if located where proposed and approved;
2. The use meets all required conditions and specifications of the Zoning Ordinance;
3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the County's adopted plans for growth and development.

The Commissioners may propose additional conditions or requirements beyond those contained in the petition/application.

- *The applicant should keep this section of the application for reference. It is not required to be included in the completed application that is submitted to the County.*

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SPECIAL USE PERMIT Application

Applicant/Agent Information	Property Owner(s) <i>If different than Applicant/Agent</i>	
Name Jonathan L. Yates for Milestone Communications	Owner Name New Hanover County	
Company Hellman Yates & Tisdale	Owner Name 2 Attn: Leslie Chaney	
Address 105 Broad Street, 3rd Floor	Address 230 Government Center Dr.	
City, State, Zip Charleston, SC 29401	City, State, Zip Wilmington, NC 28403	
Phone (843) 414-9754	Phone 910) 798-7191	
Email jtc@hellmanyates.com	Email	
Subject Property Information		
Address/Location Halyburton Memorial Parkway		
Parcel Identification Number(s) R08100-006-026-000		
Total Parcel(s) Acreage 199.82		
Existing Zoning and Use(s) R-15		
Future Land Use Classification		
Application Tracking Information (Staff Only)		
Case Number S18-03	Date/Time received: 5-7-18	Received by: JWR

CRITERIA REQUIRED FOR APPROVAL OF A SPECIAL USE PERMIT

For each of the four required conclusions listed below, include or attach a statement that explains how any existing conditions, proposed development features, or other relevant facts would allow the Board of County Commissioners to reach the required conclusion, and attach any additional documents or materials that provide supporting factual evidence. The considerations listed under each required conclusion are simply those suggested to help the applicant understand what may be considered in determining whether a required conclusion can be met. You should address any additional considerations potentially raised by the proposed use or development.

1. The use will not materially endanger the public health or safety if located where proposed and approved.

Considerations:

- Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections with curb cuts
- Provision of services and utilities, including sewer, water, electrical, garbage collections, fire protection
- Soil erosion and sedimentation
- Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater
- Anticipated air discharges, including possible adverse effects on air quality

The proposed communications facility will meet all federal and state regulations, and will not in any way endanger the public health and safety with its location on the New Hanover County property. The facility will actually enhance public health and safety by providing effective access to 911 first responders, fire, police, and EMS.

2. The use meets all required conditions and specifications of the Zoning Ordinance.

All requirements of Section 63.5-1: Telecommunication Communication Facilities, Cellular and Related Towers of the New Hanover County Zoning Ordinance are easily met by the proposed placement on the

New Hanover County property.

CRITERIA REQUIRED FOR APPROVAL OF A SPECIAL USE PERMIT

(continued)

3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc)
- Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property

The proposed facility will provide necessary wireless infrastructure, which in the 21st century is deemed a public necessity. Facilities like the one proposed have been shown to actually enhance the value of the surrounding properties.

4. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the New Hanover County Comprehensive Land Use Plan.

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc)
- Consistency with the Comprehensive Plan's goals, objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards

The New Hanover County property presents a perfect location for the facility due to its land classification and configuration. The purpose of the facility is to provide necessary wireless infrastructure to serve the surrounding area. The photographic simulations enclosed with this application clearly show that the will be in harmony with the area in which it is located. The proposed facility is in general conformity with the New Hanover County Comprehensive Land Use Plan.

APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". If an item is not applicable, mark as "N/A". Staff will confirm if an application is complete within five business days of submittal. Applications must be complete in order to process for further review.

Required Information	Applicant Initial or N/A	Staff Initial or N/A
1 Complete Special Use Permit application.	JLY	BA
2 Application fee – (\$500; \$250 if application pertains to a residential use (i.e. mobile home, duplex, family child care home).	JLY	BA
3 Traffic Impact Analysis (for uses that generate more than 100 peak hour trips).	JLY	N/A
4 <u>Site Plan including the following elements:</u> <ul style="list-style-type: none"> • Tract boundaries and total area, location of adjoining parcels and roads. • Proposed use of land, structures and other improvements. For residential uses, this shall include number, height and type of units and area to be occupied by each structure and/or subdivided boundaries. For non-residential structures, this shall include approximate square footage and height of each structure, an outline of the area it will occupy and the specific purpose for which it will be used. • Development schedule including proposed phasing. • Traffic and Parking Plan to include a statement of impact concerning local traffic near the tract, proposed right-of-way dedication, plans for access to and from the tract, location, width and right-of-way for internal streets and location, arrangement and access provision for parking areas. • All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering and signage. • The one hundred (100) year floodplain line, if applicable. • Location and sizing of trees required to be protected under Section 62 of the Zoning Ordinance. • The approximate location of US Army Corps of Engineers Clean Water Act Section 404 and Rivers and Harbors Act Section 10 Wetlands, and wetlands under jurisdiction of the NC Department of Environmental Quality. • Any additional conditions and requirements, which represent greater restrictions on development and use of the tract than the corresponding General Use District regulations or other limitations on land which may be regulated by Federal or State law or Local Ordinance. • Any other information that will facilitate review of the proposed change (Ref. Article VII, as applicable). 	JLY	BA
5 1 hard copy of ALL documents AND 8 hard copies of the site plan. Additional hard copies may be required by staff depending on the size of the document/site plan.	JLY	BA
6 1 PDF digital copy of ALL documents AND plans.	JLY	BA

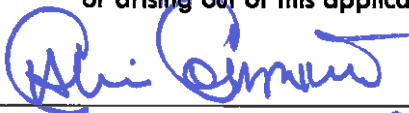
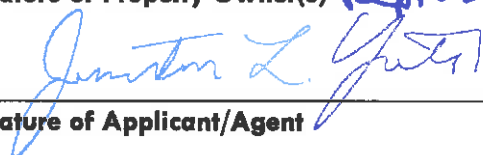
ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the Special Use Permit for which I am applying. I understand that the existing official zoning map is presumed to be correct. I understand that I have the burden of proving that the proposal meets the four required conclusions. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

Authority for Appointment of Agent Form

If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and commitments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

 _____ Signature of Property Owner(s) <i>Representative</i>	Chris Coudriet _____ Print Name(s)
 _____ Signature of Applicant/Agent	Jonathan L. Yates _____ Print Name

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

***The land owner or their attorney must be present for the application at the public hearings.**

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper (approximately 2-3 weeks before the hearing), the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

For Staff Only			
Application Received:	Completeness Determination Required By (date):	Determination Performed on (date):	Planning Board Meeting:
5-7-18	5-14-18	5-8-18	6-7-18