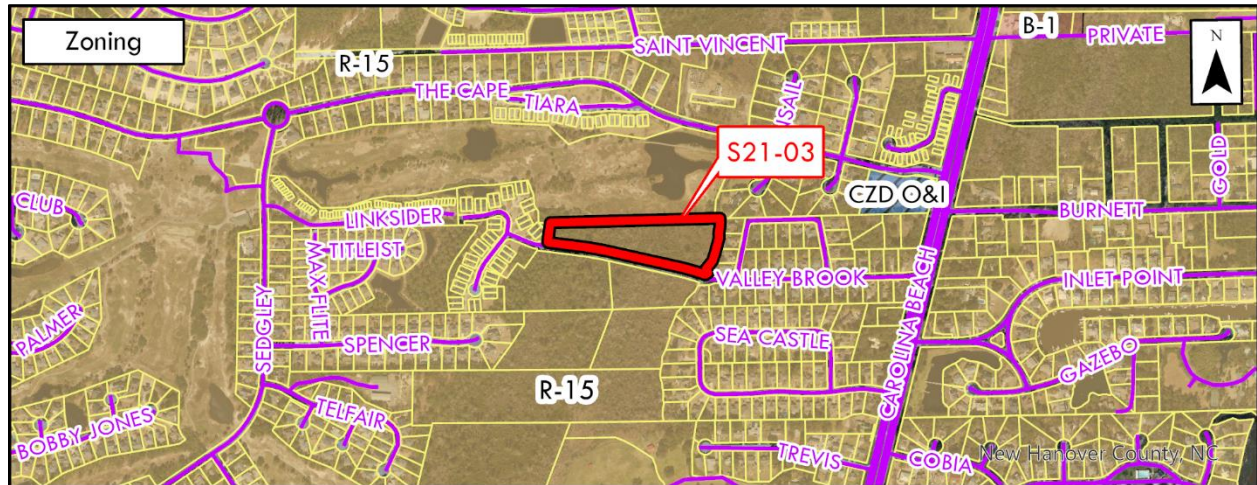
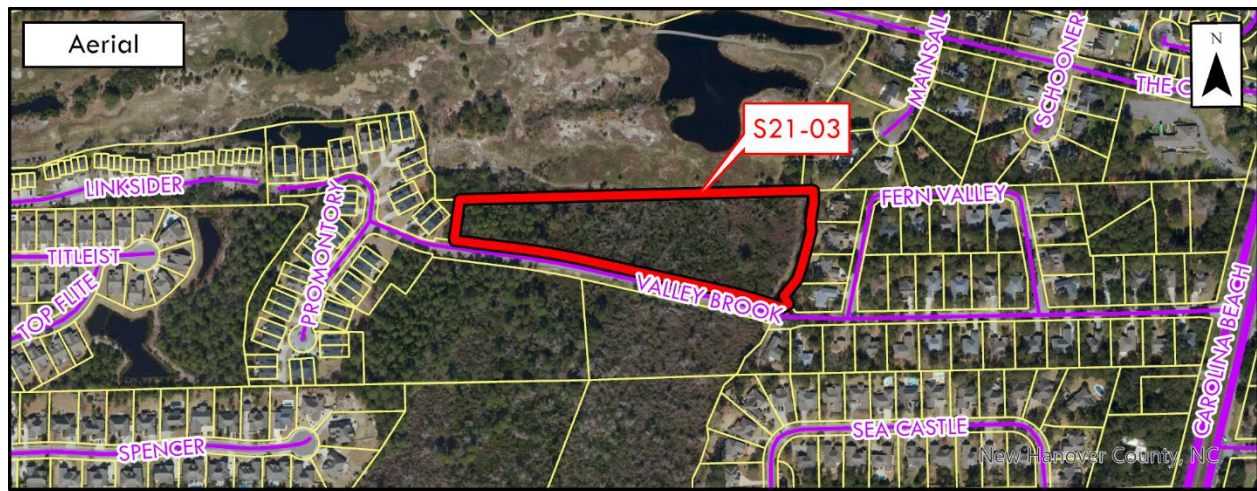


# STAFF REPORT FOR **S21-03** SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> S21-03	
<b>Request:</b> Special Use Permit in order to develop a Wireless Support Structure	
<b>Applicant:</b> Thomas H. Johnson, Jr. Communications Tower Group, LLC	<b>Property Owner(s):</b> Southeastern Enterprises, Inc.
<b>Location:</b> Valley Brook Road	<b>Acreage:</b> 5.95
<b>PID(s):</b> R08500-002-070-000	<b>Comp Plan Place Type:</b> General Residential
<b>Existing Land Use:</b> Undeveloped Property	<b>Proposed Land Use:</b> Wireless Support Structure
<b>Current Zoning:</b> R-15	



SURROUNDING AREA		
	LAND USE	ZONING
<b>North</b>	Undeveloped (Platted Lots for Windsor Pines Subdivision), Single-Family Residential (The Cape)	R-15
<b>East</b>	Single-Family Residential (Telfair Forest)	R-15
<b>South</b>	Undeveloped Open Space (Telfair Summit)	R-15
<b>West</b>	Single-Family Residential (Telfair Summit)	R-15



## ZONING HISTORY

<b>April 7, 1971</b>	Initially zoned R-15 (Area 4)
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## COMMUNITY SERVICES

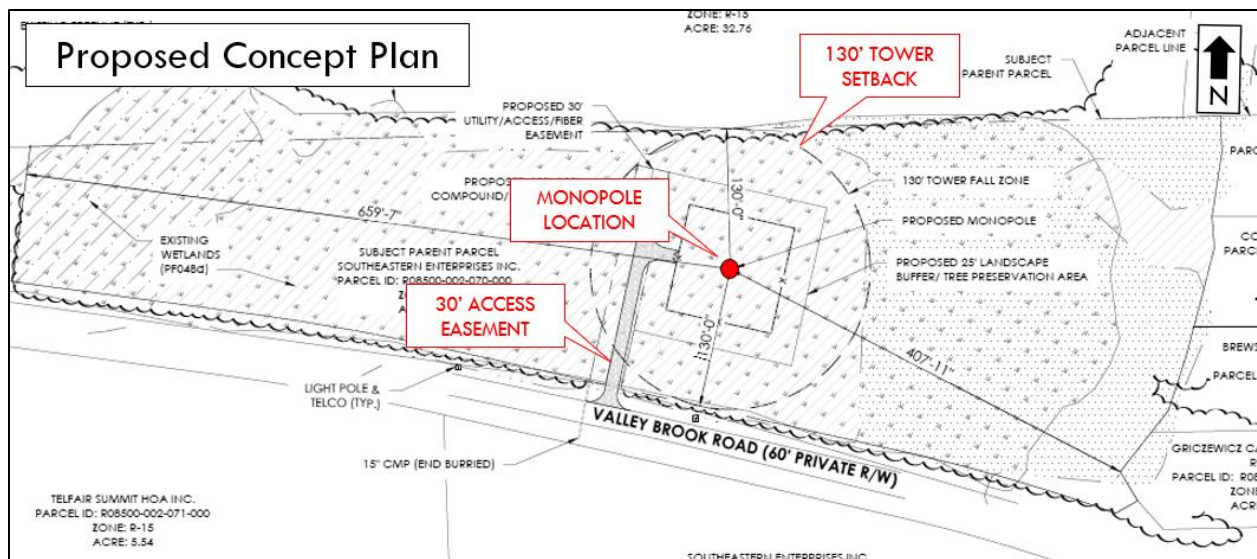
<b>Water/Sewer</b>	Water and Sewer is not available through CFPUA but is not necessary for this use
<b>Fire Protection</b>	New Hanover County Fire Services, New Hanover County Southern Fire District, Federal Point Station
<b>Schools</b>	Carolina Beach Elementary, Murray Middle, and Ashley High Schools
<b>Recreation</b>	Veterans Park

## CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

<b>Conservation</b>	The County's Conservation Resources Map indicates that pocosin wetlands are present on the site. Conservation space is required for pocosin wetlands when at least five (5) acres of the resource exists on the property. Verification of regulated pocosin wetlands will be required during the site plan review process.
<b>Historic</b>	No known historic resources
<b>Archaeological</b>	No known archaeological resources

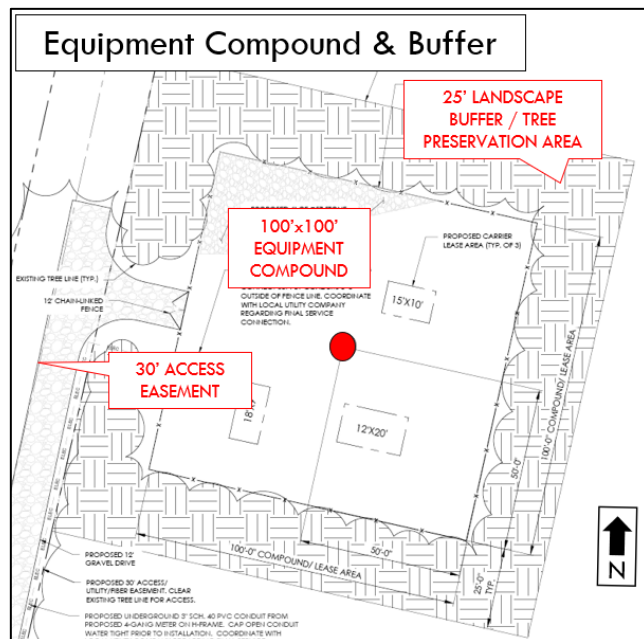
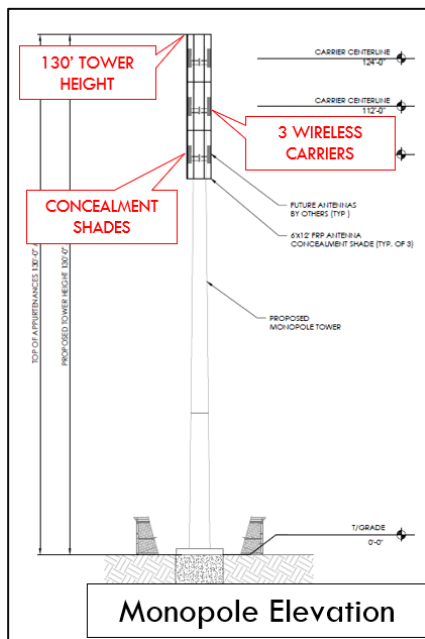
## EXISTING CONDITIONS AND PROPOSED SITE PLAN

- The applicant is requesting a special use permit to construct and operate a new monopole wireless support structure.
- The subject site is located on approximately 5.95 acres located along Valley Brook Road, between The Cape and Telfair Summit subdivisions and the Telfair Forrest subdivision.



*Proposed Site Plan with Staff Markups*

- The total height of the tower will be 130'. A 4'-tall lightning rod appurtenance was originally proposed that would have brought the tower height to a total of 134' but was removed during the review of the application to better reflect setbacks required for towers adjacent to residential districts.
- Cellular antenna will be placed at heights of 124' and 112', with space for an additional carrier to collocate on the tower at a height of 100'.
- As a condition of approval, the applicant proposes that the antennae will be designed to utilize concealment shades to reduce the tower's impact on surrounding properties.
- The tower will be situated within a 100' x 100' (10,000 sf) fenced-in area with required buffers and landscaping meeting UDO requirements. Three carrier lease storage areas will be included within this area.



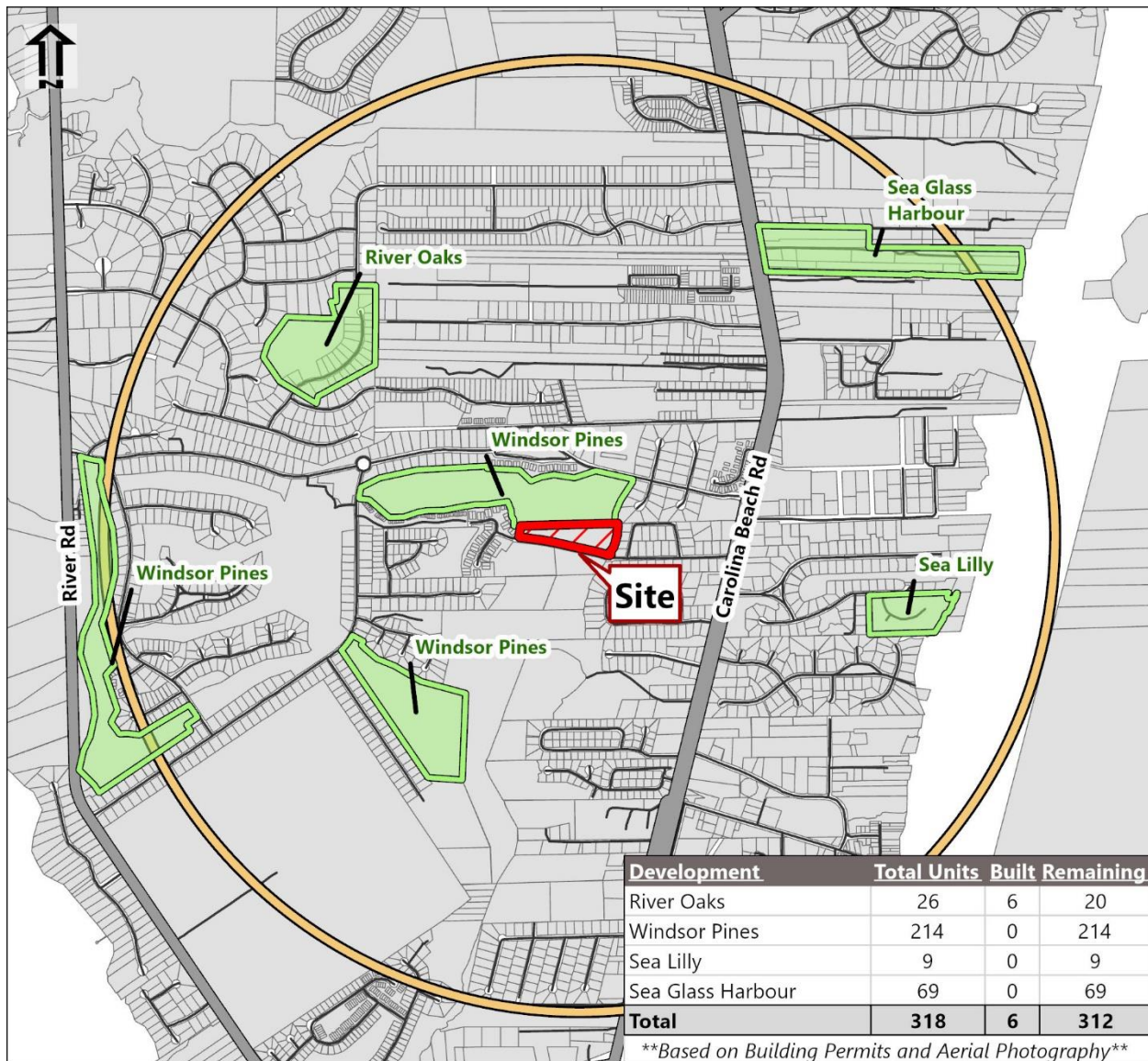
*Monopole Elevation and Equipment Compound & Required Buffer*



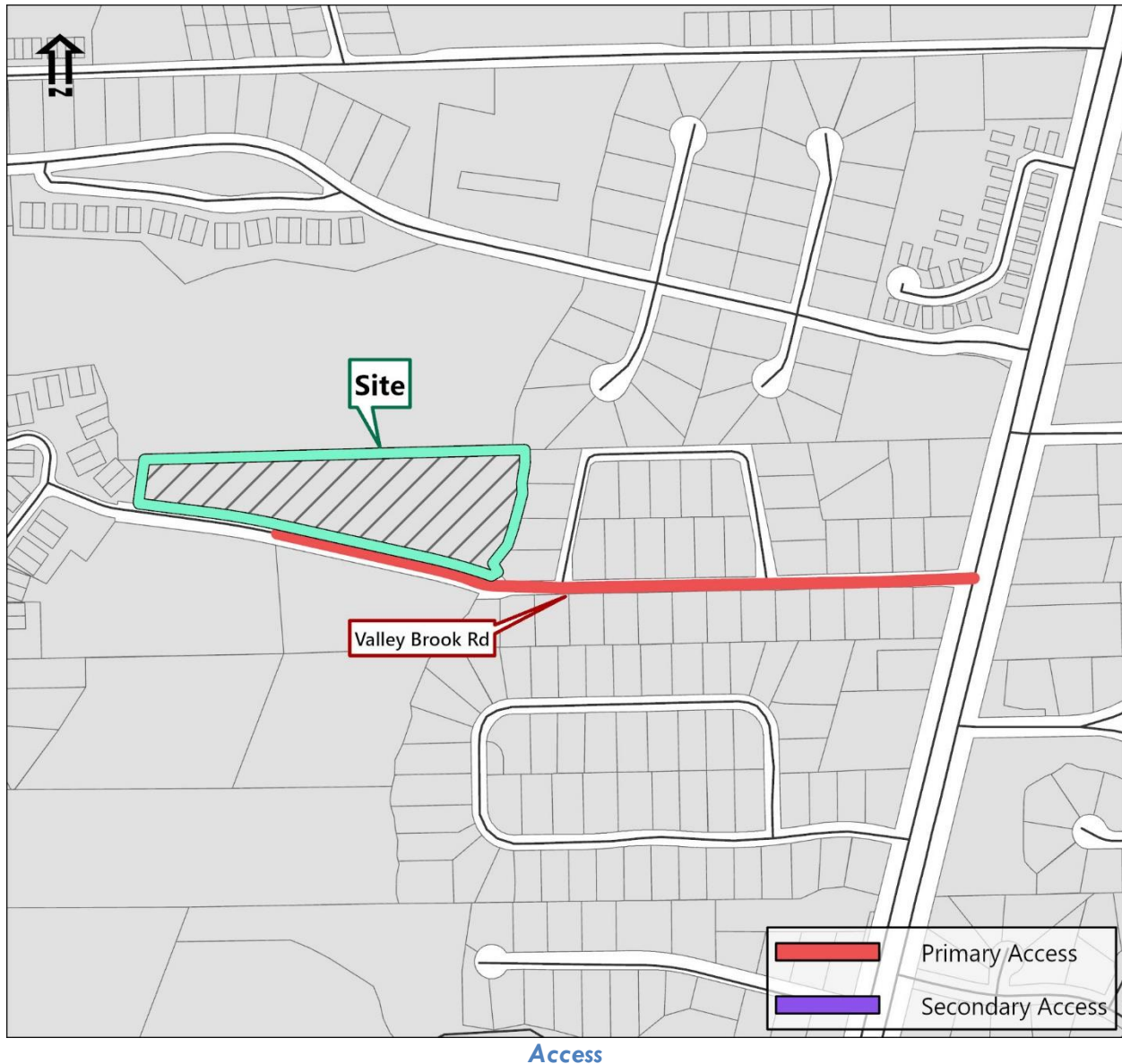
## ZONING CONSIDERATIONS

- New wireless support structures are permitted in the R-15 district with the approval of a Special Use Permit and are subject to supplemental standards in Section 4.3.3.C of the Unified Development Ordinance (UDO). These standards generally address setbacks, outside agency certifications, signage, landscaping, aesthetic appearance, and collocation.
- As proposed, the site plan meets the specifications of Section 4.3.3.C of the UDO.

## AREA SUBDIVISIONS UNDER DEVELOPMENT



## TRANSPORTATION



- Access to the tower site will be provided via a new 30' wide access easement from Valley Brook Road, a privately maintained roadway. The easement is approximately 170' in length to the tower site.
- Maintenance at the proposed tower is estimated to generate approximately 4 trips per month in the AM peak hours, having virtually no impact on traffic on the nearby road network. The estimated trip generation from this request is under the 100 peak hour threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA).
- Due to the estimated low trip generation, a full analysis of pending or approved Traffic Impact Analyses within the proximity of the subject property was not conducted as they are not anticipated to affect this request. In addition, there are no major NCDOT projects planned within the proximity of the subject property that are anticipated to affect this request.

## **ENVIRONMENTAL**

- The subject property contains Special Flood Hazard Areas (AE), though the proposed 10,000 square foot tower lease area and access easement are not located within a Special Flood Hard Area. The site does not contain Natural Heritage Areas.
- The subject site appears to contain wetlands, which may be impacted by the proposal. Full wetland delineation would be required if the special use permit request is approved and could result in federal or state permitting and/or mitigation. Any required outside agency approval would be verified prior to Technical Review Committee site plan approval.
- The subject property is located within the Telfair Creek Watershed.
- Soils at the site are Dorovan soils (DO), according to the Soil Survey for New Hanover County. These soils have severe limitations on septic suitability; however, it is not anticipated that use of a septic system will be necessary for this use.

## **OTHER CONSIDERATIONS**

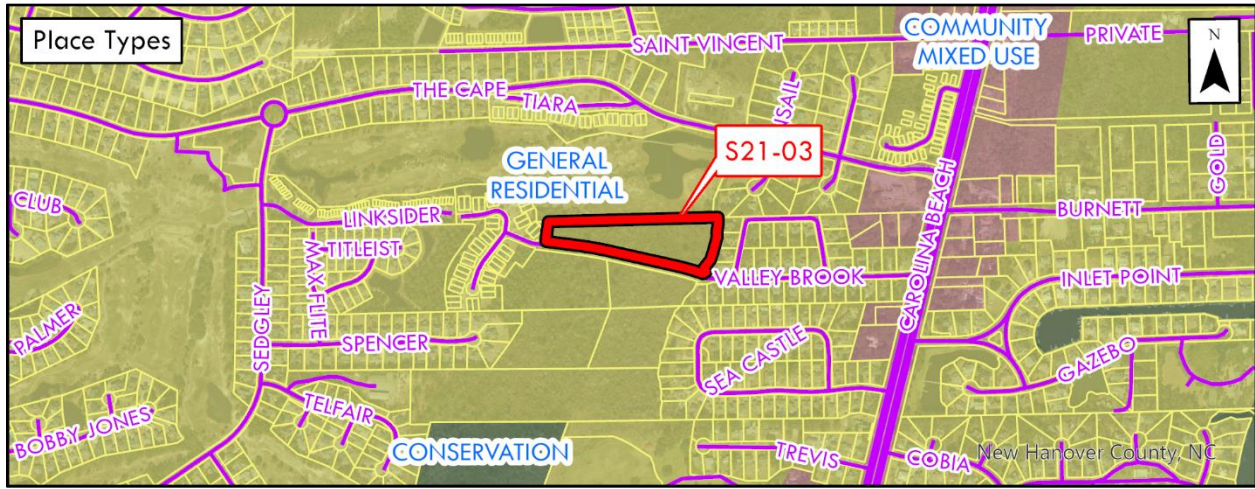
### **Context and Compatibility**

- Photographic simulations from various vantage points in the immediate vicinity provided with the application show the tower's anticipated visual impact.
- As a condition of approval, the applicant is proposing that the antennae will be designed to utilize concealment shades to reduce the tower's impact on surrounding properties.
- The subject parcel contains a significant amount of mature vegetation, which is proposed to remain except for areas to be cleared for the tower equipment area and access easement.
- The applicant has supplied an affidavit certifying that radio frequency emissions will comply with Federal Communications Commission (FCC) standards and a determination from the Federal Aviation Administration (FAA) that the facility will not be a hazard to air navigation. Also included with the application is an impact analysis conducted by a North Carolina certified general real estate appraiser, which concludes that neighboring property values will not be adversely impacted by the monopole.



## 2016 COMPREHENSIVE LAND USE PLAN

The New Hanover County Future Land Use Map provides a general representation of the vision for New Hanover County's future land use, as designated by place types describing the character and function of the different types of development that make up the community. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.



<b>Future Land Use Map Place Type</b>	General Residential
<b>Place Type Description</b>	Focuses on lower-density housing and associated civic and commercial services. Typically, housing is single-family or duplexes. Commercial uses should be limited to strategically located office and retail spaces, while recreation and school facilities are encouraged throughout. Types of uses include single-family residential, low-density multi-family residential, light commercial, civic, and recreational.
<b>Analysis</b>	The intent of this place type is to provide opportunities for lower density residential development and supportive commercial, civic, and recreational development. While wireless support structures and other infrastructure are common in contemporary land development patterns, the Comprehensive Plan does not specifically address their location. However, the Comprehensive Plan's implementation guidelines do aim to support business success, workforce development, and economic prosperity, and telecommunications infrastructure, when placed to best serve the needs of surrounding residents, business, and institutional uses, can help to advance those goals.

## STAFF PRELIMINARY CONCLUSIONS AND FINDINGS OF FACT:

Staff has conducted an analysis of the proposed use and the information provided as part of the application package and has created preliminary findings of fact for each of the conclusions required to be reached to approve the special use permit request. These preliminary findings of fact and conclusions are based solely on the information provided to date, prior to any information or testimony in support or opposition to the request that may be presented at the upcoming public hearing at the Board meeting.

**Conclusion 1: The Board must find that the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.**

- A. Water and sewer infrastructure and capacity are available to serve the site but are not necessary for the proposed use.
- B. The subject property is located in the New Hanover County Southern Fire Service District.
- C. Access to the tower site will be provided by a new access easement from Valley Brook Road Road, which is a privately maintained street.
- D. The subject site does not host any known cultural or archaeological resources.
- E. The National Wetlands Inventory and the New Hanover County Conservation Resources Map indicate that pocosin wetlands may be present on the site, which may be impacted by this request.
- F. The proposed use will have virtually no traffic impact on the surrounding transportation network.

**Conclusion 2: The Board must find that the use meets all required conditions and specifications of the Unified Development Ordinance.**

- A. Wireless Communication Facilities, including Wireless Support Structures, are allowed by Special Use Permit in the R-15, Residential zoning district provided that the project meets the standards of Section 4.3.3.C of the Unified Development Ordinance.
- B. Section 4.3.3.C(1)(a) requires that the setback for any wireless support structure in any zoning district shall be setback from any existing residential property line or residential zoning district boundary a distance equal to the height of the tower as measured from the base of the tower. The location of the proposed 130'-tall tower will be 130' from the nearest property line to the north and south, meeting the setback requirement of Section 4.3.3.C(1)(a).
- C. Section 4.3.3.C(1)(b) requires that all applicants seeking approval shall also submit a written affidavit from a qualified person or persons, including evidence of their qualifications, certifying that the construction or placement of such structures meets the provisions of the Federal Communications Act, 47 U.S.C. 322, as amended, section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455(a), in accordance with the rules promulgated by the Federal Communications Commission (FCC), and all other applicable federal, state and local laws. The statement must certify that radio frequency emissions from the antenna array(s) comply with the FCC standards. The statement shall also certify that both individually and cumulatively the proposed facilities located on or adjacent to the proposed facility will comply with current FCC standards. Documentation in the application package meets these requirements.
- D. Section 4.3.3.C(1)(d) regulates the signage allowed on the tower and related equipment. Signage proposed on the site consists of identification, registration, and safety signs which are compliant with this ordinance provision.
- E. Section 4.3.3.C(6)(a)(1) requires that the minimum distance between the tower and any other adjoining parcel of land or road must be equal to the minimum setback described in Section 4.3.3.C(1)(a), plus any additional distance necessary to ensure that the tower, as designed, will fall within the tower site. The proposed location complies with this provision, and no evidence has been submitted suggesting that additional distance is necessary.
- F. Section 4.3.3.C(6)(a)(2) requires the applicant to submit photographs and statements as to the potential visual and aesthetic impacts on all adjacent residential zoning districts. Information provided in the application packet meets this requirement.



- G. Section 4.3.3.C(6)(b) requires a landscaped buffer with a base width not less than 25 feet and providing 100% opacity, in addition to a minimum 8 ft. tall fence surrounding the tower base. The proposed landscape buffer shown on the applicant's submitted site plan meets this requirement.
- H. Section 4.3.3.C(6)(c) requires that wireless support structures 150' in height or less shall be engineered to accommodate a minimum of one additional provider. The proposed tower is 130' tall and has been designed to accommodate a total of three providers' antennae and equipment, meeting this ordinance requirement.
- I. Section 4.3.3.C(6)(d) prohibits the storage of equipment, hazardous waste, or materials not needed for the operation, prohibits outdoor storage yards in a tower equipment compound, and prohibits habitable space within this area. The applicant's proposal complies with this ordinance section.
- J. Section 4.3.3.C(6)(e) requires that, when the proposed tower site is within 10,000 feet of an airport or within any runway approach zone, the applicant submit Form 7460 to the Federal Aviation Administration (FAA) to assure compliance with all FAA standards. An FAA Determination of No Hazard to Air Navigation has been provided by the applicant and indicates that the site and proposal are in compliance with FAA regulations.

**Conclusion 3: The Board must find that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.**

- A. The location of the proposed wireless support structure is on a vacant property in the Telfair Forest subdivision. The tower site and associated equipment storage area will be on a 100' x 100' (10,000 sf) leased area within this parcel.
- B. The National Wetlands Inventory and the New Hanover County Conservation Resources Map indicate that pocosin wetlands may be present on the site, which may be impacted by this request.
- C. The nearest residential structures range from approximately 450' to the east and 700' to the west of the proposed tower location.
- D. The predominant land use in the immediate vicinity of the subject site is residential, with undeveloped open space located to the south.
- E. A 25' wide buffer surrounding the tower base and equipment compound will provide visual screening.
- F. Evidence has been submitted in the form of an impact analysis by Michael P. Berkowitz, a North Carolina Certified General Real Estate Appraiser, that the proposal will not have significant adverse impact on adjoining and abutting properties.
- G. No contradictory evidence has been submitted that this project will substantially injure the value of adjoining or abutting properties.

**Conclusion 4: The Board must find that 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 Comprehensive Land Use Plan for New Hanover County.**

- A. The subject site is currently undeveloped.
- B. The National Wetlands Inventory and the New Hanover County Conservation Resources Map indicate that pocosin wetlands may be present on the site, which may be impacted by this request.

- C. The tower site is located adjacent to existing residential areas to the east and west, with the nearest residential properties located approximately 450' to the east and 700' to the west of the proposed tower location.
- D. The predominant land use in the immediate vicinity of the subject site is residential, with undeveloped open space located to the south.
- E. The 2016 Comprehensive Land Use Plan classifies the subject property as General Residential. The intent of this place type is to provide opportunities for lower density residential development and supportive commercial, civic, and recreational development. While wireless support structures and other infrastructure are common in contemporary land development patterns, the Comprehensive Plan does not specifically address their location. However, the Comprehensive Plan's implementation guidelines do aim to support business success, workforce development, and economic prosperity, and telecommunications infrastructure, when placed to best serve the needs of surrounding residents, business, and institutional uses, can help to advance those goals.

## EXAMPLE MOTIONS

### Example Motion for Approval:

Motion to approve, as the Board finds that this application for a Special Use Permit meets the four required conclusions based on the findings of fact included in the Staff Report.

[OPTIONAL] Note any additional findings of fact related to the four required conclusions

[OPTIONAL] Note any conditions be added to the development:

*[List Conditions]*

### Suggested Condition:

1. *The wireless support structure will utilize concealment shades over the antennae and will meet the design conditions indicated in the construction drawings submitted with the application.*

### Example Motion for Denial:

Motion to deny, as the Board **cannot** find that this proposal:

1. Will not materially endanger the public health or safety;
2. Meets all required conditions and specifications of the Unified Development Ordinance;
3. Will not substantially injure the value of adjoining or abutting property;
4. Will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan for New Hanover County.

*[State the finding(s) that the application does not meet and include reasons why it is not being met]*