STAFF SUMMARY OF S18-03
SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY

Case Number: S18-03

Request:
Special Use Permit in order to develop a telecommunications tower

Applicant: Johnathan Yates for Milestone Communications

Property Owner(s): New Hanover County

Location: Veterans Park, Halyburton Memorial Parkway

Acreage: 199.82

PID(s): R08100-006-026-000

Comp Plan Place Type: General Residential

Existing Land Use: Public Schools and Parks/Recreation Facility

Proposed Land Use: Telecommunications Tower

Current Zoning:
R-15

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ZONING HISTORY

April 7, 1971 | Initially zoned R-15 (Area 4)

COMMUNITY SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water/Sewer</td>
<td>Water and Sewer is available through CFPUA but not necessary for this use</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>New Hanover County Fire Services, New Hanover County Southern Fire District, New Hanover County Myrtle Grove Station</td>
</tr>
<tr>
<td>Schools</td>
<td>Anderson Elementary, Codington Elementary, Murray Middle, and Ashley High Schools</td>
</tr>
<tr>
<td>Recreation</td>
<td>Veterans Park</td>
</tr>
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</table>

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Type</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation</td>
<td>No known conservation resources</td>
</tr>
<tr>
<td>Historic</td>
<td>No known historic resources</td>
</tr>
<tr>
<td>Archaeological</td>
<td>No known archaeological resources</td>
</tr>
</tbody>
</table>
Proposed Site Plan

- The application proposes a 140' tall monopole style telecommunications tower:

TRANSPORTATION

- Access will be provided via a new access easement to the tower site from Halyburton Memorial Parkway over the existing entrance drive and parking lot.

Trip Generation

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>INTENSITY</th>
<th>AM PEAK</th>
<th>PM PEAK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wireless Communication Facility</td>
<td>N/A</td>
<td>≤ 1</td>
<td>≤ 1</td>
</tr>
</tbody>
</table>

- Traffic Impact Analyses are required to be completed for proposals that will generate more than 100 peak hour trips in either the AM or PM peak hours.
- This project will have virtually no impact on traffic on the nearby road network.

ENVIRONMENTAL

- The site does not contain any Special Flood Hazard Areas, wetlands, or Natural Heritage Areas.
- The subject property drains to the Cape Fear River.
- Soils at the site are Kureb Sand according to the Soil Survey for New Hanover County.
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. Specific goals of the Comprehensive Plan are designated to be promoted in each place type, and other goals may be relevant for particular properties.

### Place Types

**General Residential**

- 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.

### Analysis

The Comprehensive Plan does not specifically address the location of telecommunications towers and other infrastructure, and the place type description for General Residential does not provide substantive guidance for evaluating the applicant’s petition. However, the Comprehensive Plan’s implementation guidelines do aim to support business success, workforce development, and economic prosperity, and telecommunications infrastructure can help to advance those goals when placed to best serve the needs of surrounding residents and the adjacent schools.

### Consistency Recommendation

The proposed telecommunications tower is generally **CONSISTENT** with the goals of the 2016 Comprehensive Plan because it will provide for the communications infrastructure necessary to support the educational and economic activities of nearby residents, businesses, and students.
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 not necessary for the proposed use.
B. The subject property is located in the New Hanover County South Service District.
C. Access to the tower site will be provided by a new access easement to the tower site from Halyburton Memorial Parkway over the existing entrance drive and parking lot.
D. The subject site does not host any known cultural, archaeological, or environmental resources.
E. The proposed use will have virtually no traffic impact on the surrounding transportation network.

Staff Suggestion: Evidence in the record at this time supports a finding that the use will not materially endanger the public health or safety where proposed.

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

A. Telecommunication Communication Facilities, Cellular, and Related Towers are allowed by Special Use Permit in the R-15, Residential zoning district provided that the project meets the standards of Section 63.5-1 of the Zoning Ordinance.
B. Section 63.5-1(A) requires that the setback from any existing residential property line or residential zoning district boundary for any tower, antenna, or related structure in any zoning district be a distance equal to the height of the tower as measured from the base of the tower. The location of the proposed 140' tall tower is approximately 422' from the nearest property line, meeting the setback requirement of Section 63.5-1(A).
C. Section 63.5-1(B)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 of 50’ described in Section 63.5-1(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.
D. Section 63.5-1(B)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 Tab 8 of the application binder meets this requirement.
E. Section 63.5-1(C) 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 plans meet this requirement.
F. Section 63.5-1(D) requires that all applicants seeking approval for the construction of any new towers, antennas, and related structures shall submit written evidence in the form of a report to demonstrate that collocation on any existing tower, antenna or usable structure in the search area for the new tower is not reasonable or possible. Technical data in the report
shall include certification by a Registered Professional Engineer licensed in the State of North Carolina or other qualified professional, whose qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed telecommunication tower and accompanying maps and calculations demonstrating the need for the proposed tower. A map showing the search ring and an inventory of all structures investigated for co-location shall be included as well as a radio frequency analysis indicating the coverage of existing wireless communications sites, coverage prediction, and design radius, together with a certification from the applicant’s radio frequency (RF) engineer that the proposed network design is intended to improve coverage or capacity potential or reduce interference and the proposed facility cannot be achieved by any higher ranked alternative such as a concealed (stealth) facility, attached facility, replacement facility, co-location, or new antenna support structure. An analysis and report provided in Tab 9 of the application package meets these requirements.

G. Section 63.5-1(E) requires that towers over 150’ tall be engineered to accommodate a minimum of two additional providers. The proposed tower is 140’ tall and not required to meet this provision; however, the tower has been designed to co-locate four additional providers’ equipment in addition to the Verizon antennas as depicted on Sheet Z2 in Tab 1 of the application package.

H. Section 63.5-1(F) 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 Telecommunications Act of 1996, the National Environmental Policy Act of 1969, FCC Rules Sections 1.1311, 1.1312, 1.1307 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 from EBI Consulting in Tab 11 of the application package meets these requirements.

I. Section 63.5-1(I) regulates the signage allowed on the tower and related equipment. The signage proposed is compliant with this ordinance provision.

J. Section 63.5-1(J) 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 the compound area. The applicant’s proposal complies with this ordinance section.

K. Section 63.5-1(L) 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 Aeronautical Evaluation was included with the application (Tab 10) and indicates that the site and proposal is in compliance with FAA regulations.

Staff Suggestion: Evidence in the record at this time supports a finding that the use meets all of the required conditions and specifications of the Zoning Ordinance.

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 telecommunications tower is located in an area with other nonresidential uses including active parks facilities, a water tower, and public schools.

B. The nearest residential properties are 421.6’ south of the proposed tower location.
C. Predominant land uses in the immediate vicinity of the subject site are light industrial uses as well as Olsen Park, a public recreation area.
D. A 25’ wide buffer surrounding the tower base will provide visual screening.
E. No evidence has been submitted that this project will decrease the property values of adjacent or nearby properties.

Staff Suggestion: Evidence in the record at this time supports a finding that the use will not substantially injure the value of adjoining or abutting property.

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 plan of development for New Hanover County.

A. The subject site is in a county-owned public park facility that is primarily used for active recreation, with facilities including baseball and softball fields, soccer fields, and associated lighting, parking, and amenities.
B. The nearest residential properties are 421.6’ south of the proposed tower location.
C. The site is classified as General Residential by the 2016 Comprehensive Land Use Plan; these areas focus on lower-density housing and associated civic and commercial services. Infrastructure including telecommunications infrastructure are appropriate within this placetype when located appropriately.
D. The proposed telecommunications tower is generally CONSISTENT with the General Residential place type from the 2016 Comprehensive Land Use Plan.

Staff Suggestion: Evidence in the record at this time supports a finding that the use is in general conformity with the plan of development for New Hanover County.