STAFF SUMMARY OF S18-06
SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY

Case Number: S18-06

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

Applicant: Tom Johnson of Williams Mullen
Property Owner(s): Arab Shrine Club H Corp

Location: 4510 S College Road
Acreage: 4.36

PID(s): R07110-001-024-000
Comp Plan Place Type: Community Mixed Use/General Residential

Existing Land Use: Social/Fraternal Organization
Proposed Land Use: Telecommunications Tower

Current Zoning:
R-15

SURROUNDING AREA

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>South</td>
<td>Religious Institution</td>
</tr>
<tr>
<td>West</td>
<td>Single-Family Residential</td>
</tr>
</tbody>
</table>
**ZONING HISTORY**

October 5, 1969 | Initially zoned R-15 (Masonboro Area)

**COMMUNITY SERVICES**

<table>
<thead>
<tr>
<th>Service</th>
<th>Details</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>College Road Early Childhood, Bellamy Elementary, Myrtle Grove Middle, and Ashley High Schools</td>
</tr>
<tr>
<td>Recreation</td>
<td>Myrtle Grove School Park, Halyburton Park</td>
</tr>
</tbody>
</table>

**CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES**

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</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 154' tall monopole style telecommunications tower and associated equipment storage and carrier lease areas to the south of the existing Arab Shrine Club building. Currently, the site has existing carports which will be relocated further south on the parcel to accommodate the tower site.

Proposed Site Plan

TRANSPORTATION

- Access will be provided via a new access easement to the tower site from Jasmine Cove Way over the existing entrance drive and parking lot. A new asphalt driveway will be constructed on the southern portion of the parcel to provide access to the relocated carports.

<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.
• The proposed tower use will have virtually no impact on traffic on the nearby road network due to the very low trip generation. A revised NCDOT Driveway Permit to connect to Jasmine Cove Way for this additional use will be required.

ENVIRONMENTAL

• The site does not contain any Special Flood Hazard Areas, wetlands, or Natural Heritage Areas.
• The subject property is split between two drainage basins. The proposed tower site lies in an area that drains to Barnard’s Creek and the Cape Fear River, while the northern and eastern portions of the site drain to Whiskey Creek and the Atlantic Intracoastal Waterway.
• Soils at the site are Lynn Haven Fine Sand, according to the Soil Survey for New Hanover County.

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. Specific goals of the comprehensive plan are designated to be promoted in each place type, and other goals may be relevant for particular properties.

Future Land Use Map Place Type

Community Mixed Use and General Residential

The subject property is split between two place types. The location of the tower site and existing building is located within Community Mixed Use on the east side of the site closest to College Road, while the western, vacant portion of the property is within General Residential.
Community Mixed Use focuses on small-scale, compact, mixed use development patterns that serve all modes of travel and act as an attractor for county residents and visitors. Types of appropriate uses include office, retail, mixed use, recreational, commercial, institutional, and multi-family and single-family residential.

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.

The Comprehensive Plan does not specifically address the location of telecommunications towers and other infrastructure, and the place type descriptions for General Residential or Community Mixed Use do 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—placed to best serve the needs of surrounding residents and the adjacent schools—can help to advance those goals.

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 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 not necessary for the proposed use.
- B. The subject property is located in the New Hanover County South Fire Service District.
- C. Access to the tower site will be provided by a new access easement and will utilize an existing asphalt driveway from Jasmine Cove Way, which is an NCDOT maintained street.
- 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 provided by the applicant 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 154’ tall tower is 158’ 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 the application packet 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 existing Arab Shrine Club building is anticipated to adequately shield the northern side of the tower site and equipment area; therefore, a landscaped buffer is not proposed to be installed on this side. The applicant and owner have submitted a Landscape Buffer Certification stating that in the event the building is demolished or no longer provides adequate buffering for the tower base and equipment area, that the required buffer will be installed and maintained by the applicant. The proposed landscape buffer and Landscape Buffer Certification document meet this requirement.

F. Section 63.5-1(D) 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 in the application package meets these requirements.

I. Section 63.5-1(I) 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.

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 this 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 and indicates that the site and proposal are 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 on an existing commercially developed site adjacent to a residential area along a major thoroughfare.

B. The nearest residential structures range from approximately 320’ - 350’ to the north of the proposed tower location. To the west, the tower is approximately 380’ - 400’ feet from the existing residential structures, and over 600’ across S College Road to the residential structures to the east of the proposed tower location.

C. Predominant land uses in the immediate vicinity of the subject site are residential, vacant or open space, and institutional and commercial to the south.

D. A 25’ wide buffer surrounding the west, south, and east sides of the tower base will provide visual screening. The existing Shrine Club building will provide visual screening for the north side. The applicant and owner have submitted a Landscape Buffer Certification that in the event the building is demolished or no longer provides an adequate opaque buffer, the landscaping requirements will be met with installation and maintenance by the applicant.

E. Evidence has been submitted in the form of an impact analysis by David Smith, MAI, SRA, that the proposal will not adversely affect the value of adjoining and abutting properties.

F. Evidence has been submitted in the form of an impact study by Michael Berkowitz that the proposal will not substantially injure the value of adjacent or abutting properties.

G. No contradictory evidence has been submitted that this project will substantially injure the value of adjoining or abutting properties.

**Staff Suggestion:** Evidence in the record provided by the applicant 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 currently developed as a social/fraternal organization building with associated parking, landscaping, and buffering.
B. The tower site is located adjacent to a residential area, with the nearest residential properties located approximately 320’ north of the proposed tower location. The tower site is adjacent to an institutional use to the south, approximately 390’ from this structure.
C. Evidence has been submitted in the form of an impact study by Michael Berkowitz that the proposal will not substantially detract from the aesthetics or character of the neighborhood because of its location and existing above ground infrastructure and location adjacent to a site improved with a lodge for the Shriner’s Club.
D. The site is classified as Community Mixed Use and General Residential by the 2016 Comprehensive Land Use Plan. The Community Mixed Use placetype focuses on small-scale, compact, mixed use development patterns that serve all modes of travel and act as an attractor for county residents and visitors. The General Residential placetype focuses on lower-density housing and associated civic and commercial services. The Comprehensive Plan does not specifically address the location of telecommunications towers and other infrastructure. However, the Comprehensive Plan’s implementation guidelines do aim to support business success, workforce development, and economic prosperity. Thus, infrastructure including telecommunications towers are appropriate within these placetypes when located appropriately.
E. The proposed telecommunications tower is generally CONSISTENT with the Community Mixed Use and General Residential place types from the 2016 Comprehensive Land Use Plan.

**Staff Suggestion:** Evidence in the record at this time supports a finding that the use is generally consistent with the Comprehensive Plan and the Community Mixed Use and General Residential placetypes.