



Walker seconded and the motion carried unanimously.

## **PUBLIC COMMENTS**

There were no public comments.

## **GENERAL GOVERNMENT – SPECIAL USE PERMIT REQUEST #213 – CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS**

### **Public Hearing**

Chairman Inman called to order the Public Hearing for the Special Use Permit Request #213- Cellco Partnership d/b/a Verizon Wireless (150 ft. Telecommunication Tower).

There were no public comments.

Chairman Inman closed the Public Hearing.

### **Presentation**

Planning Director David Sudderth presented the following information regarding Special Use Permit Request #213- Cellco Partnership d/b/a Verizon Wireless (150 ft. Telecommunication Tower).

**REQUEST:** Cellco Partnership d/b/a Verizon Wireless is requesting a Special Use permit for the construction of a 150 ft. telecommunication tower.

**SITE OWNER:** Rolan Lane Lawson

**APPLICANT:** Cellco Partnership d/b/a Verizon Wireless

**INITIAL SERVICE PROVIDER:** Verizon Wireless

**SITE LOCATION:** The property is located on the north side of Pringle Rd. (SR# 1605) approximately .4 mile from the intersection of NC Hwy 8.

**Map:** 6040

**Parcel:** 8481

**PIN #:** 6040-00-01-8481

**Deed Book:** 546

**Page:** 1884

**Township:** Peters Creek

### **SITE INFORMATION:**

**PARCEL SIZE:** Total tract 62.024 acres

**PROPOSED LEASE LOT:** .23 acres, 10,000 sq. ft. (100 ft. x 100 ft.)

**PROPOSED TOWER HEIGHT:** 150 FT.

**PROPOSED TOWER TYPE:** Monopole tower located within an 80 ft. x 80 ft. fenced equipment compound.

**CAPACITY:** (6) Antennae arrays

**ZONING DISTRICT:** RA (Residential Agricultural)

**FLOOD HAZARD AREA:** Not located in flood hazard area.

**FIRM MAP #:** 3710604000J

**FIRM MAP ZONE:** Zone X - Area outside 500-year floodplain.

**WATERSHED DISTRICT:** N/A

**EMERGENCY SERVICES:** Lawsonville VFD, EMS - Station # 102 Lawsonville.

**ACCESS:** Access for the site will be from a proposed 20 ft. access easement beginning at Pringle Rd. (SR# 1605) and terminating at the leased area. The easement is incorporated entirely within the Lawson property.

**STAFF COMMENTS:** The proposed site meets the requirements as set forth in Appendix B of the Zoning Ordinance. The Center for Municipal Solutions has provided the County with a letter of approval stating that the applicants have fulfilled the technical requirements of the ordinance. A staff review of the application and site concurs with this recommendation.

**PLANNING BOARD RECOMMENDATION:** The Planning Board voted 6 to 0 to recommend approval of Special Use Permit Request # 213 for a 150 ft. monopole telecommunication tower to be located on Pringle Rd.

The Planning Board recommended the requested waivers by Verizon Wireless be granted, which Director Sudderth reviewed with the Board:

**Recommended Waivers:**

- 1) The Applicant has requested relief from the requirements to camouflage the tower and to flush-mount the antennas.
- 2) Structural Report - The applicant is requesting a timing waiver to provide sealed manufacturer's engineering drawings and calculations of this structural capacity (Structural Design Report) as a condition of the Special Use Permit, to be provided both to the County and CMS prior to the issuance of the Building Permit.

The Planning Board requested that the following recommended conditions by the Center for Municipal Solutions (CMS), the county's telecommunication consultant, be attached to the positive recommendation of the Special Use Permit to the County Commissioners, which Director Sudderth reviewed with the Board.

**Recommended Conditions:**

1. Structural Design Report: Prior to the issuance of a Building Permit, the Structural Design Report shall be provided to the County Planning Department and reviewed by CMS to determine/verify the structural adequacy.
2. Completion Deadline/ Permit Expiration: The monopole with the wireless facility attached thereto shall be completely constructed and ready for use no later than 24 months from the date of the Special Use Permit or the Permit shall be deemed to have expired and of no use or effect.

3. Contractor Sign-Off Report: At the completion of construction and *prior to the final inspection* being conducted, Verizon Wireless shall provide to CMS a non-redacted, signed copy of the contractor's final (sign-off) report provided to its client showing in detail all work performed.

4. Inspections: Once Verizon Wireless has met all the conditions of the permit and any other requirements of the County, and a Building Permit has been issued, it must notify the County's consultant if an inspection is required which is not performed by the County so that it may be performed by CMS for the County.

5. Final Inspection: At the completion of construction the Applicant must notify the County's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection by providing a copy of the inspection report(s) to the Planning Department and CMS, as well as the aforementioned Contractor Sign-Off Report. Upon passing the final inspection a recommendation to issue a Certificate of Completion shall be made.

6. Sufficient Funds to pay all Expenses: The Applicant shall have sufficient funds in the escrow account with the County to pay all expenses related to the application review and the issuance of permits, including any inspections. The facility shall not be allowed to be used to provide service commercially, nor will the Certificate of Completion be issued, unless there is a sufficient balance in the escrow account to pay all costs incurred by the County, including amounts owed to the County's Consultant after receipt of the Consultant's final invoice.

7. Provision of Commercial Service: Verizon Wireless shall not be permitted to actually provide service commercially until the Certificate of Completion or its functional equivalent is issued or risk forfeiting its Permit.

## **Discussion**

Planning Director David Sudderth reiterated The Center for Municipal Solutions (county's telecommunication consultant) has provided the County with a letter of approval stating that the applicants have fulfilled the technical requirements of the ordinance.

The Board discussed the Special Use Permit Request.

The Board had no issues with the Special Permit Request, requested waivers/conditions by Verizon Wireless.

Mr. Monroe noted that the following:

- Application was complete and timely
- Very comfortable with the site

- The company is very responsible and did not request for more height than they needed

Director Sudderth noted that there was no opposition to the Special Use Permit.

Director Sudderth noted the following information included in their Agenda regarding the issuance of a Special Use Permit:

#### 136.9 Conditions and Guarantees

Prior to the granting of any special use, the Planning Board may recommend, and the responsible body may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as it deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection 136.5 above. In all cases in which special uses are granted, the responsible body shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. Conditions may include, but not limited to, the following:

- (a) Conditions may be imposed to abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.
- (b) Establish setback, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (c) Provide adjoining property with a buffer or shield from view of the proposed use if necessary.
- (d) Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal.

Director Sudderth noted the zoning requirements for issuing a Special Use Permit are:

#### **136.1 Intent of Special Use District**

The development and execution of this Ordinance is based upon the division of the County's jurisdiction into districts where the use of the land and buildings and structures in relation to the land are substantially uniform. It is understood that certain uses which because of their unique characteristics, are not easily classified into any particular zoning district or districts. In this situation, individual consideration for each case must be taken to determine the impact of those uses upon surrounding land and the public need for that particular use in that specific location. In these situations, a special use permit must be obtained.

#### **136.8 Action by the Responsible Body**

Director Sudderth noted that in approving a Special Use Permit, the Board should follow these guidelines, respond and vote on each of the following items concerning the

issuance of a Special Use Permit:

The responsible body shall approve, modify, or deny the application for special use following the public hearing. In granting a Special Use Permit, the responsible body shall insure:

- (a) The requested use is listed among the special uses in the district for which application is made. (yes/5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. (yes/5-0)
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. (yes/5-0)
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. (yes/5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. (yes/5-0)
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. (yes/5-0)

### **Action**

Chairman Inman entertained a motion.

Commissioner Lankford moved to approve Special Use Permit Request #213 – Cellco Partnership (150 ft telecommunication tower) d/b/a Verizon Wireless and recommended waivers/conditions for Verizon. Vice Chairman Walker seconded and the motion carried unanimously.

Vice Chairman Walker requested information from Mr. Monroe regarding possible space on towers being placed in the County for future county usage. Mr. Monroe suggested negotiating with the carriers rather than including this type of provision in the County's ordinance. Mr. Monroe stated that he felt that it would not be an issue with carriers. Director Sudderth noted that with the new towers being placed in the County by the North Carolina Highway Patrol Department, additional tower space should not be needed.

## **Adjournment**

There being no further business to come before the Board, Chairman Inman entertained a motion to adjourn the meeting.

Commissioner Smith moved to adjourn the meeting. Vice Chairman Walker seconded and the motion carried unanimously.

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**Darlene M. Bullins**  
**Clerk to the Board**

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**J. Leon Inman**  
**Chairman**