

\* P18-30F \*

## Special Use Permit Application Form

433 Hay Street, Fayetteville, North Carolina 28301  
910-433-1612 Fax # 910-433-1776

Submittal Date: 8-3-18 Approval/Denial Date: \_\_\_\_\_

Fee: \$700.00 (Cell Tower Fee \$2500) Received By: K. Estep

### Notes:

1. A pre-application conference is mandatory prior to submission of an application for a special use permit.
2. Applications for special use permits shall include the sketch plan from the pre-application conference or may include a site plan depicting the proposed special use.
3. Unless specified otherwise by the City Council, a Special Use Permit shall automatically expire if a Building Permit for the development authorized by the Special Use Permit is not obtained within one year after the date of issuance of the Special Use Permit, or if the development authorized by the Special Use Permit is discontinued and not resumed for a period of one year.
4. *Extension* - Upon written request submitted at least 30 days before expiration of the time period provided in accordance with Section 30-2.C.7.d.8.a above, and upon a showing of good cause, the City Manager may grant one extension not to exceed six months. Failure to submit a written request for an extension within the time limits established by this section shall result in the expiration of the Special Use Permit.

### 1. General Project Information

Project Address: 1876 Bureau Drive, Fayetteville NC 28312

Tax Parcel Identification Number: 0455-17-6410

Zoning District: CC - Community Commercial

Overlay zoning district(s): N/A

### 2. Written Description of Special Use

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.

The proposed special use is a free standing broadcasting tower, with three (3) supporting legs, and with a total height of 195 feet above grade. The proposed tower structure consists of galvanized steel frame (gray in color) with a triangular shaped base, anchored to the ground with a concrete pier below each leg. The tower will support radio broadcasting equipment (microwave dishes, antennas, cabling, etc). The tower is proposed to be adjacent to an existing building on the same parcel which is proposed to be used for a relocated radio broadcasting facility, including radio studios and supporting offices. The proposed radio facility which is a permitted use in the CC zone, will be a 24/7 operation. Office support staff will observe normal business hours with radio technical staff and supporting staff utilizing the studios and technical spaces throughout the day and week.

B) Please provide a description of the zoning district designations and existing uses on adjacent properties, including across the street. (attach additional sheets if necessary)

The existing parcel is located in the Community Commercial (CC) District. The proposed use of the existing building is a radio broadcasting service. The proposed tower will maximize the range of listeners and provide the highest quality signal available. The location of the existing parcel is on the city limit line and adjoins un-incorporated Cumberland County. The existing property to the north is also zoned Community Commercial (CC) and is an existing restaurant 'Ruby Tuesday'. The existing property to the south is currently an un-developed wooded lot that is outside the city limits of Fayetteville. The existing property to the west is currently and un-developed wooded lot that is outside the city limits of Fayetteville. The existing property to the east is across the street 'Bureau Drive' and is currently and un-developed wooded lot that is outside the city limits of Fayetteville.

**3. Special Use Permit Justification. Answer all questions in this section (attach additional sheets as necessary).**

A) Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.

See attached sheet for use specific standard compliance.

B) Describe how the special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands.

The surrounding land consists of un-developed wooded lots, outside of the City of Fayetteville's boundary, and similar CC - Community Commercial district properties. See section B above. The proposed site is away from residential districts and the city center, consistent with surrounding commercial uses.

C) Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.

The proposed special use will not affect service delivery, parking or loading of any adjacent property, or the proposed broadcasting facility use of the existing site. Since the proposed tower is to be located within the existing site and adjacent to the existing building (proposed for broadcasting use), surrounding roads and parking access is not affected. The proposed tower will not generate odors, noise or vibration that will affect adjacent properties or the property the proposed tower will sit. The proposed tower and accessory component (antennas, cabling) will not have reflective materials, or finishes, that would cause glare or visual distraction to surrounding properties. This towers primary use is a microwave relay tower and it will not generate any significant amounts of RF radiation that could cause interference to other communications. Everything antenna on the tower will meet the current FCC rules and standards.

D) Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.

The proposed tower will certainly be visible from surrounding properties due to the height of 195'-0". The use of open steel framing, with minimal steel section sizes (to reduce weight and cost), will provide as open a frame as possible to minimize visual obstruction. Additionally, the galvanized finish of the framing, and non-reflected materials/finishes for the frame and accessory components (microwave dishes, antennas, cabling, etc) will also help minimize the visibility from surrounding properties.

E) Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The proposed tower will be contained within an existing developed site, thus not disturbing any additional natural areas. The proposed tower location and security fencing will only affect existing paving within the existing property. The tower and telecommunication use will not affect any water sources, air quality, wild life habitats or other natural resources as a function of broadcasting radio transmissions. Regarding scenic resources, the tower will be visible due to it's height of 195'-0", but construction type and materials/finishes will be utilized in a manner to minimize the visual impact as much as possible (see section D above).

F) Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.

The proposed tower structure is to be located within an existing developed site, adjacent to an existing building which is intended to be used as a broadcasting facility. The existing surrounding roads and on site parking is not proposed to be affected by this tower. A security fence is proposed to be placed around the tower and a portion of existing parking, in an effort to control access to the tower as well as create a secure and safe parking area for the broadcast facilities vehicles.

G) Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.

The proposed tower will support the adjacent proposed broadcasting facility. This facility is intended to be the new home of relocated radio stations, which are currently located in the center of the city. The investment of this technical facility and the importance of radio broadcasting as a communication connection to the community will complement the character and commercial nature of the area CC district. All the stations in this proposed facility are a part of the National EAS (Emergency Alert System) and serve the public in times of severe weather and other times of disaster. The proposed tower will be a visual connector to the location of this community resource of information and entertainment. The proposed facility and tower will provide a high quality and state of the art broadcasting transmission for the use of the community. The location of this proposed facility, which is away from residential uses and outside of the city center, adjoins un-developed wooded lots that are outside of the city limits.

H) The special use complies with all other relevant City, State and Federal laws and regulations

The proposed tower structure will be designed by a licensed state structural engineer, and drawings will be provided to all authorities having jurisdiction for permitting. Likewise, the adjacent existing building will be designed by a state licensed architect and engineers for a separate building permit upon approval of the tower. Statements that the tower will meet all applicable local, State and Federal building codes, as well as structural standards will be provided.

#### 4. Submittal Requirement Checklist

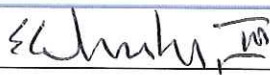
(Submittals should include 2 copies of listed items, unless otherwise stated.)

|                          |                                                                                                                                                            |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Pre-application Conference completed                                                                                                                       |
| <input type="checkbox"/> | Application fee                                                                                                                                            |
| <input type="checkbox"/> | Completed site plan (information required includes parking, ingress, egress, fencing, play areas, setbacks, square footage of building, landscaping, etc.) |
| <input type="checkbox"/> | Special Use Permit Application Form                                                                                                                        |
| <input type="checkbox"/> | Vested Rights Certificate (if requested)                                                                                                                   |
| <input type="checkbox"/> | Copy of recorded deed                                                                                                                                      |
| <input type="checkbox"/> | Copy of an approved Certificate of Appropriateness (COA) if located within the HLO                                                                         |
| <input type="checkbox"/> | Proposed or existing development name (if different from project name)                                                                                     |
| <input type="checkbox"/> | Traffic impact analysis (if required)                                                                                                                      |
| <input type="checkbox"/> | Any additional information determined to be necessary by the Development Services Department                                                               |

#### 5. Primary Point of Contact Information for the Pre-application Conference

|                                |                                      |          |                         |
|--------------------------------|--------------------------------------|----------|-------------------------|
| Primary Point of Contact Name: | Ned Garber, PE                       |          |                         |
| Mailing Address:               | P.O. Box 188, Fayetteville, NC 28302 | Fax No.: | 910.323.9228            |
| Phone No.:                     | 910.323.1101                         | Email:   | nedgarber@rubiconnc.com |

#### 6. Owner Information

|                  |                                                                                         |          |                      |
|------------------|-----------------------------------------------------------------------------------------|----------|----------------------|
| Owner Name:      | Beasley Media Group - Mike Cooney, VP Engineering, CTO                                  |          |                      |
| Mailing Address: | 508 Person Street, Fayetteville NC 28301                                                | Fax No.: | 239.434.8950         |
| Phone No.:       | 239.263.5000                                                                            | Email:   | mike.cooney@bbgi.com |
| Signature:       |  POC |          | Date: 8/3/18         |

## Continuation Sheet - Special Use Permit Application Form

RE: 1876 Bureau Drive - Proposed Freestanding Communications Tower

### 3. Special Use Permit Justification.

- A. Indicate How the special use complies with all applicable use-specific standards in the City Code of Ordinances.

***Reference Article 30-4 Use Standards; 30-4c Use Specific Standards  
Telecommunication Facilities - Free Standing Towers:***

**A. Safety**

1. *Building Permit - A full set of signed and sealed engineering drawings will be provided for design of the proposed tower structure, including a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards. This submittal will be provided with the building permit application.*
2. *Every two years, the owner shall submit a structural report, from a state licensed structural engineer, indicating the structural condition of the tower. This report shall be submitted to the City Manager.*

**B. Height**

1. *The proposed tower height is set at 195'-0" above surrounding grade. This proposed height is less than the maximum allowable height of 450'-0".*

**C. Aesthetics**

1. *The proposed tower will be a free standing, triangular shaped lattice tower with three (3) supporting legs, and lattice type steel framing. The proposed tower is not a 'monopole' type structure.*
2. *The proposed tower is to be constructed of galvanized steel framing members, which will have a grey color finish. The proposed height does not require a painted finish by the FAA.*
3. *The proposed tower will have a galvanized finish, and no painting is proposed for this structure.*
4. *The proposed location of this tower is directly adjacent to an existing building structure (proposed broadcasting facility) and will not require any accessory structures. The proposed tower is also not located in a residential district.*

5. *Photo imagery is included with the special use permit application and includes images of the existing building with the addition of graphic overlay depicting the proposed tower placement and appearance.*

**D. Lighting**

1. *The proposed tower height does not require additional lighting by the FAA.*

**E. Setbacks**

1. *The proposed 195 foot tower does not meet the standards set forth in Table 30-4.C.3. The proposed tower would be located approximately 50'-6" from it's closest edge to the south property line, 75'-0" from the closest edge to the west property line, 155'-0" from the closest edge to the east property line and 132'-0" from the closest edge to the north property line.*
2. *The existing building which is adjacent to the proposed tower, would be used as the broadcasting facility. The proposed use of this existing building is allowable in the zoning district and meets the setback requirements for this district.*
3. *This standard is not applicable, as there are no existing telecommunication towers or facilities on the site.*

**F. Separation from Other Towers**

1. *There are no other existing telecommunication towers located within 1,500 feet (in any direction) of the proposed tower.*

**G. Collocation**

1. *Unless the studio and transmission facilities are collocated, every radio studio needs a tower to relay the signal out to the main transmission facilities. The new proposed broadcast facility will house 6 radio station studios and support staff. Because the studio requires a relay tower very close to its building to keep cable lengths short, the only option is to build an adjacent tower. There are no existing tower and building combinations that would work for this purpose.*
2. *While the new tower may not accommodate another AM / FM broadcaster, it will be built with extra capacity to hold two cellular carriers and possibly some two- way communications antennas. Beasley owns dozens of towers around the country and we would welcome tenants to our new tower.*

**H. Buffer and Screening**

1. *The proposed tower location on the existing site is in the rear of the lot behind an existing building proposed for the broadcasting facility. The tower base will not be visible from Bureau Drive or any adjoining city properties. The two sides of the property that the tower will be visible from, are outside the city limits and currently un-developed wooded lots. The proposed security fence that will enclose the tower and a portion of the existing parking lot (see site plan) will meet the requirements of the fencing regulations.*

**I. Security Fencing**

1. *A security fence, 10'-0" in height, is proposed around the tower and portions of existing site, to create a secure area of the proposed broadcasting facility. See site plan.*

**J. Interference**

1. *The proposed tower and broadcasting frequencies will not create interference with affect telecommunication reception on adjacent properties. The adjoining properties do not include residential zoned districts.*

**K. Use of Associated Buildings**

1. *The proposed tower and existing adjacent building, will not be utilized as an employment center. The intent of the existing building is to be used as the broadcasting facility that is supported by the proposed tower.*

**L. No Outdoor Storage**

1. *There will be no outdoor storage on the proposed site.*

**M. Compliance with State and Federal Laws and Regulations**

1. *The proposed tower will be designed in accordance with State and Federal (Including FAA and FCC) standards.*

**N. Replacement of Existing Towers**

1. *This section is not applicable, as there are no existing towers on the proposed site.*

**O. Nonconforming Telecommunications Towers**

- 1. This section if not applicable, as there are no existing towers on the proposed site.**

**P. Discontinued Use**

- 1. The intent of the proposed tower is to have continued use. In the event of non-use, the owner will conform with the municipal code.**