



Legislation Details (With Text)

File #: 18-005 **Version:** 1 **Name:** P17-29F The issuing of a Special Use Permit to allow a free standing cellular communications tower

Type: Public Hearing (Public & Legislative) **Status:** Agenda Ready

File created: 1/3/2018 **In control:** City Council Regular Meeting

On agenda: 2/26/2018 **Final action:**

Title: P17-29F The issuing of a Special Use Permit to allow a free standing cellular communications tower to be located in an LC Commercial district, the structure will be located at 6491 Ramsey Street near the intersection with McCloskey Road, containing 10.74 acres and being the property of SOUTH RIVER ELECTRIC.

Sponsors:

Indexes:

Code sections:

Attachments: 1. P17-29F zoning map, 2. P17-29F Landuse Plan Map, 3. P17-29F Current Landuse Map, 4. Special Use Permit Application, 5. Zoning Drawings, 6. Determination of NO Hazard to Air Navigation, 7. Site Photo 1, 8. Site Photo 2, 9. Site Photo 3

Date	Ver.	Action By	Action	Result
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TO: Mayor and Members of City Council

THRU: Jay Reinstein, Assistant City Manager

FROM: Craig M. Harmon, AICP, CZO - Senior Planner

DATE: February 26, 2018

RE:
P17-29F The issuing of a Special Use Permit to allow a free standing cellular communications tower to be located in an LC Commercial district, the structure will be located at 6491 Ramsey Street near the intersection with McCloskey Road, containing 10.74 acres and being the property of SOUTH RIVER ELECTRIC.

COUNCIL DISTRICT(S):

1

Relationship To Strategic Plan:

Growth and Development

Executive Summary:

South River Electric Membership Corporation (SREMC) looks to install a 190 foot communications tower behind their main office on Ramsey Street.

Background:

Owner: SOUTH RIVER ELECTRIC
Applicant: SOUTH RIVER ELECTRIC
Requested Action: SUP for a Communications Tower
Property Address: 6491 Ramsey Street
Council District: 1
Status of Property: SREMC Offices
Size: 10.74 acres +/-
Adjoining Land Use & Zoning:
North - McCloskey Rd & MR-5 apartments
South - SF-10 Townhomes
West - PND & SF-10 Undeveloped and Townhomes
East - R10 & OI Undeveloped
Letters Mailed: 28

Land Use Plan: Heavy Commercial

2030 Growth Management Plan: Policy 3.2: ADVANCED PLANNING FOR ALL INFRASTRUCTURE facilities shall be supported and routinely updated on a countywide basis. Facilities benefited by advanced planning shall include, at a minimum, schools, roads, water, sewer, stormwater management, parks, and greenways.

Additional Reviews:

Technical Review Committee (TRC) - A preliminary review was conducted on this site plan. As a result, the proposed plan was given preliminary approval.

RLUAC/Fort Bragg - Following an examination of the special use permit request by the RLUAC staff and Board of Directors for the property listed above, and recognizing that our findings are non-binding on the City of Fayetteville, the RLUAC Board of Directors finds that:

- The case involves property that is identified as suitable for URBAN development on the 2003 and 2008 Joint Land Use Study maps.
- However, it is located within a Fort Bragg designated military aircraft “flight buffer” area.

Since additional telecom towers within this corridor could pose a flight hazard for military pilots, the fort prefers that no new towers be constructed within the flight buffer areas. RLUAC encourages South River and the City of Fayetteville to ask for a Fort Bragg review of the proposed telecom tower before proceeding.

Note: After RLUAC voiced concerns over this location, SREMC has since cleared it with Fort Bragg since this site does pose any major flight risks.

A determination of no hazard to air navigation has been approved by the Federal Aviation Administration (FAA).

Issues/Analysis:

South River Electric Membership Corporation (SREMC) looks to install a 190-foot communications

tower behind their main office on north Ramsey Street. The applicant proposes a lattice style tower to accommodate specialized equipment that will allow the different offices of SREMC to communicate more effectively under normal conditions and allow continued communications during emergency situations. This tower will be used by SREMC only, and no other companies will have communications equipment attached to this tower.

Requirements for:

(4) Freestanding Towers [Please see the attached application and site details that show how the applicant will comply with City ordinances.]

Freestanding telecommunications towers, whether as a principal or accessory use, shall comply with the following standards:

a. Safety

- i. Before obtaining a Building Permit, the applicant shall submit to the City Manager engineering drawings for the tower, sealed by a licensed engineer, that include a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards.
- ii. Every two years after construction of a tower, the owner shall submit to the City Manager a statement on the tower's structural soundness that is signed and sealed by an engineer. Every sixth year, the statement shall be signed and sealed by an independent, registered, and a licensed engineer.

b. Height

The height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 450 feet. *[Proposed tower is 190']*

c. Aesthetics

- i. A monopole shall be used unless a different structure is explicitly approved by City Council. *[A lattice-style tower is proposed, due to the specialized antennas that will be used]*
- ii. Towers shall either maintain a galvanized steel finish or be painted.
- iii. Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
- iv. The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).
- v. Photo imagery shall be used to illustrate the appearance of the facility and its visual impact on the area. *[Application complies with this requirement.]*

d. Lighting

If lighting is required by the Federal Aviation Administration (FAA), it shall comply with FAA standards. To the extent allowed by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto any surrounding residentially-zoned property. Documentation from the FAA that the lighting is the minimum lighting it requires shall be submitted to the City Manager before issuance of any building permit for the tower. *[A determination of no hazard to air navigation has been approved by the Federal Aviation Administration (FAA). This document dictates the lighting requirements for the tower.]*

e. Setbacks

- i. Except as provided in subsection iii., telecommunications towers shall be set back from abutting property lines the distance equal to or exceeding that in Table 30-4.C.3, Freestanding Telecommunications Tower Setback Standards. *[The proposed tower location exceeds the required setback of half the tower height in a commercial district.]*
- ii. Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located. *[Associated buildings meet all required setbacks.]*

iii. When a tower, building or other structure is being added to an existing telecommunications tower site that was in existence prior to the adoption of the setback requirements under subsection b.i. and ii. Above, and the existing site does not comply with the setback requirements of subsection b.i. and ii., the Council, upon good cause shown by the applicant and evidence provided by a North Carolina registered professional engineer regarding the safety of the proposed setback, may reduce the setback requirements for the tower, building or other structure to be added to the existing site.

f. Separation from Other Towers

New telecommunication towers shall not be located within 1,500 feet of an existing telecommunications tower. This standard shall not apply to a telecommunications tower placed out of view in a building or other structure. The 1,500-foot standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics.

g. Collocation

i. No freestanding telecommunications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas. *[This application is for specialized communications equipment which is not compatible with existing towers in this area.]*

ii. New freestanding telecommunications towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users. Unused space on an existing telecommunications tower shall be made available to other users at a fair market rental unless mechanical, structural, or regulatory factors prevent collocation. In determining fair market rental, the rent paid by a current co-locator under a swapping agreement need not be considered.

h. Buffer and Screening

A Type D buffer (see Section 30-5.B.4.d, Property Perimeter Landscape,) shall be provided around the perimeter of a freestanding telecommunications tower facility (including equipment structures and guy anchor supports). *[The proposed tower meets this requirement.]*

i. Security Fencing

Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than ten feet in height. *[Complies with the UDO as shown in the site drawings.]*

j. Interference

No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio or television or similar reception on adjoining residentially zoned land.

k. Use of Associated Buildings

Building and structures associated with a telecommunications tower shall not be used as an employment center for any worker. This does not prevent the periodic maintenance, inspection, and monitoring of equipment and instruments, or renovation of the facility. *[Application complies with this requirement.]*

l. No Outdoor Storage

No outdoor storage shall be allowed on a telecommunications tower site.

m. Compliance with State or Federal Laws and Regulations

Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the State or Federal government that regulates telecommunications towers and antennas. *[Application complies with this requirement.]*

n. Replacement of Existing Towers

Existing freestanding towers may be replaced with a new tower that increases the number of collocation opportunities, subject to the following standards:

i. The height of the replacement tower shall not exceed 110 percent of the height of the replaced

tower.

ii. The replacement tower shall be located within 100 feet of the replaced tower, unless the City Manager determines that a farther distance furthers the purpose and intent of this Ordinance.

iii. The replacement tower shall comply with all the standards of this section.

o. Nonconforming Telecommunications Towers

Nonconforming telecommunications towers shall be allowed to remain and be maintained in accordance with the standards in Article 30-7: Nonconformities. Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.

p. Discontinued Use

If a telecommunications tower is not used for a period of six consecutive months, the City Manager may send the tower owner notice indicating that the tower must be removed within 90 days from the date of notice.

The SUP must meet the following findings of fact.

(1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards; [Yes, see the attached site plan and application.]

(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [Yes, this property is large enough to separate this tower from many of its surrounding uses.]

(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [Yes, the tower meets the City's requirements.]

(4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [Yes the proposed tower's separation from other uses helps protect the visual impacts on adjacent lands.]

(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [Yes, the tower meets the City's requirements and the area where the tower will be located is already cleared and graveled.]

(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [Yes, the tower meets the City's requirements and will have access from McCloskey Rd.]

(7) 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; and [Yes, no documentation has been submitted showing that property values would be negatively affected.]

(8) The Special use complies with all other relevant City, State, and Federal laws and regulations. [Yes, the applicant will be required to meet all applicable standards.]

Conditions recommended by the Zoning Commission and staff.

1. Compliance with the attached site plan, with final review and approval by the TRC.
2. Retain the existing tree-lined buffer along the south and west portion of this property, which separates this property from the adjoining townhomes.

On January 9, 2018, the Zoning Commission held a public hearing regarding this case. There was one speaker in favor and none in opposition. The Commission voted 5-0 to recommend approval.

The Zoning Commission and City staff recommend Approval of the proposed SUP based on:

1. The tower would be located on a 10-acre parcel in an area that is away from other development. The tower is setback more than double the required amount from all property lines.
2. This proposal meets all of the applicable standards of the City.

3. The conditions listed above.
4. The proposal meets all of the use specific standards listed above.
5. The proposal meets all eight findings of fact.

Budget Impact:

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

Options:

- 1) Approval of the SUP with the conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

Recommended Action:

OPTION 1

I move to APPROVE the Special Use Permit (SUP) to allow a communications tower in a commercial zoning district, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Limited Commercial District and (2) that this use complies with the findings listed below and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is March 8, 2018. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

*For a motion to approve, all eight findings below must be met. For a motion to deny only one of the findings shown below needs to not apply.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) 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; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

[insert supporting facts]

OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) to allow a communications tower in a commercial zoning district, as presented by staff, based on the standards of the City's development code and the evidence presented during this public hearing. And that the application is inconsistent with applicable plans because: (1) the development is located in a commercial zoning district which is mostly surrounded by residential zoning and uses and (2) that this use does not comply with the findings listed below and (3) the proposed permit is not in the public interest because the proposed SUP does not fit with the character of the area. [List any of the eight findings below that have not been met.]

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is March 8, 2018.

* For a motion to deny only one of the findings shown below needs to not apply.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) 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; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

Attachments:

Zoning Map
Current Land Use Map
Land Use Plan Map
Application
Site Plan & Equipment Details
Site Photos