



## Legislation Text

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File #: 17-251, Version: 1

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**TO:** Mayor and Members of City Council

**THRU:** Kristoff Bauer, ICMA - CM, Deputy City Manager

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

**DATE:** June 26, 2017

**RE:**  
**P17-12F The issuing of a Special Use Permit to allow two small cell antennas in an SF-6 - Single Family Residential and CC - Community Commercial Zoning District, located at 600 Carol and 339 Devers roads near the intersections of Carol & Bragg roads and Devers & the FTCC access road being the property of NCDOT Right of Way.**

**COUNCIL DISTRICT(S):**  
4 and 9

**Relationship To Strategic Plan:**  
Growth and Development

**Executive Summary:**  
Fibertech Networks wishes to locate two small cell antennas on top of existing wooden telephone poles located at 600 Carol and 339 Devers roads. Both of these proposed sites are within the public right-of-way.

**Background:**  
Small cell antennas are a new cellular technology that allows small, three foot tall, antennas to be located atop existing wooden telephone poles. Photo simulations of these polls are shown in the Site Plan & Antenna Details included in the applicant's packet.

Owner: Fibertech Networks (public right-of-way)  
Applicant: DeAnna Scarfone  
Requested Action: SUP for Small Cell Antennas  
Property Address: 600 Carol and 339 Devers roads  
Council District: 4 and 9  
Status of Property: Wood Telephone Pole in public right-of-way  
Size: 2 Telephone Poles  
Adjoining Land Use and Zoning:  
600 Carol

North - CC - Commercial  
South - CC - Commercial and LC - Commercial  
West - CC - Commercial  
East - CC - Commercial

**339 Devers**

North - OI - FTCC  
South - SF-6 - FTCC  
West - SF-6 - FTCC  
East - SF-6 - City Park

Letters Mailed: 75

Land Use Plan: Heavy Commercial & Office and Institutional

**Strategic Plan:**

Goals 2020: The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for all residents.

**Additional Reviews:**

Technical Review Committee (TRC) - A preliminary review was conducted on this site. The TRC had no comments since these are antennas on top of existing utility poles..

**Issues/Analysis:**

The purpose of locating these small cell antennas is to advance mobile broadband services. The use of existing wooden utility poles allows these antennas to blend more readily into their surroundings. No lighting is required for poles of this height.

The utility poles in question are currently 38 feet 10 inches tall and 38 feet 11 inches tall. The antennas will be an additional three feet tall, making each pole just over 41 feet in height. Please see the attached pole design and simulation photos showing how the pole currently looks and how it will appear with the antenna affixed to the top. The diagrams also show how the electrical equipment associated with powering the antennas will affix to the utility's poles. This electrical equipment may be adjusted in height to meet the North Carolina Building Code.

**Conditions of Approval:**

1. The submitted site plan with antenna diagrams.

On June 14<sup>th</sup> the Zoning Commission held a public hearing regarding this case. There were no speakers in favor or in opposition. The Commission voted 3-2 to recommend approval.

The Zoning Commission and City staff recommend APPROVAL of this SUP based on:

1. These small cell antennas will have a minimal visual impact on their surroundings since the total height of the poles will only be three feet higher than they currently are.
2. The antennas will be located in commercial and institutional zoning areas.
3. The applicant meets the standards for SUP's set forth in the UDO.

**Budget Impact:**

This action would result in no increase in City services.

**Options:**

- 1) Approval of the SUP with conditions as listed above. (Recommended)
- 2) Approval of the SUP with additional conditions.
- 3) Denial of the SUP.

**Recommended Action:**

**PROPOSED MOTION**

I move to APPROVE / DISAPPROVE the Special Use Permit (SUP) to locate small cell antennas on top of two existing utility poles in SF-6 and CC Districts, located at 600 Carol and 339 Devers roads, as presented by staff, with the one condition listed above, based on the standards of the City's development code. And that the application is inconsistent / consistent with applicable plans because: (1) the development is/is not located in non-residential zoning districts and (2) that this use complies/does not comply with the findings listed below and (3) the proposed permit is/is not in the public interest because the proposed SUP does/does not fit with the character of the area.

[Applicable to Motion to Approve] This Special Use Permit shall become effective ten days after its approval by the City Council. Unless specified otherwise by the City Council, the SUP shall expire one year from its effective date of July 6, 2017, 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 fail.

- (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 & Antenna Detail  
Site Photos