



# Chatham County, NC

## Legislation Text

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**File #:** 23-5067, **Version:** 2

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Vote to approve a quasi-judicial request by The Towers LLC dba Vertical Bridge for a Special Use Permit on approximately 3.25 acres of parcel 83021, located off NC 42, Moncure, for a wireless telecommunications tower, Cape Fear Township

### **Action Requested:**

Vote to approve a quasi-judicial request by The Towers LLC dba Vertical Bridge for a Special Use Permit on approximately 3.25 acres of parcel 83021, located off NC 42, Moncure, for a wireless telecommunications tower, Cape Fear Township.

### **Introduction & Background:**

A quasi-judicial public hearing was held January 16, 2024. Planning staff presented the request and a representative for the tower company and the landowner were also present. No one else spoke on the matter.

Commissioner Howard verified a lease agreement with Verizon.

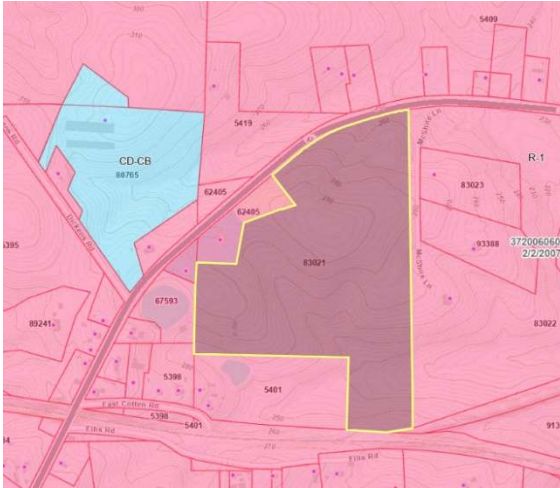
### **Discussion & Analysis:**

When determining whether a Special Use Permit request should be approved as per Section 5 Conditional Zoning Districts, the following findings must be supported.

- 1. The alleged error in the Ordinance, if any, would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.** No error in the Ordinance is being claimed. Wireless Telecommunication tower operators may apply for a special use permit in residentially zoned areas.

***Below is the zoning map of the area (red color is R1 zoning)***

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***Below is the Moncure Small Area Plan map of the area showing the property located within the Agricultural and Woodlands designation with a portion within the Long Term Activity Center node***



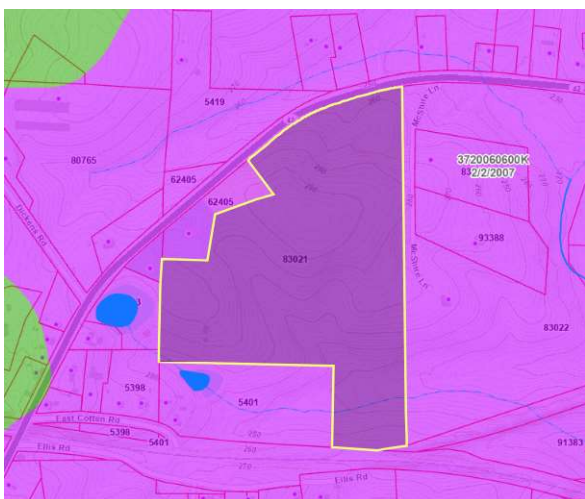
- 2. The requested special use permit is either essential or desirable for the public's convenience or welfare.** As the county continues to become more populated and the need for access to technology increases, rural areas of the county are experiencing increased development pressure and a need for access cellular and internet services. The applicant states this tower location will bring services needed in these areas.

Little to no traffic is generated from a tower site once construction is complete and then 2-3 vehicles per month. There is an existing tree line that will help buffer the tower site from adjacent properties and the roadway and will be approximately 500 ft from the edge of the right-of-way. There is no lighting proposed for the tower per FAA guidelines. An impact study has been provided that shows a wireless telecommunication tower does not adversely affect the general property value of the area.

- 3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.** No additional improvements are required for the proposed use. This will be an unmanned site and the bulk of any traffic will be during construction.

A community meeting was held October 2, 2023, at Moncure Fire Station #8. Several adjacent landowners attended. Questions were asked about securing the site and no traffic or sirens during funerals at the church.

*Below is the Watershed map showing the property within the Local area not within the Jordan Lake Buffer Rule area*



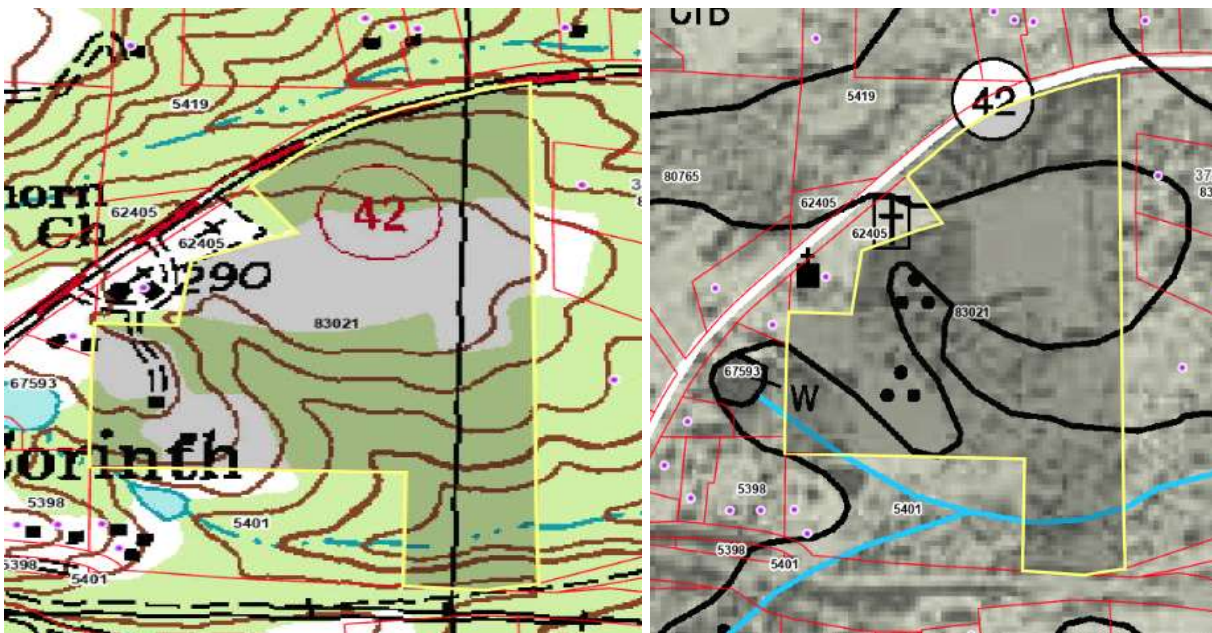
- 4. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

- Objective 7, pg 42 - provide infrastructure to support desired development and support economic and environmental objectives. Focus on the development of utilities to foster development and support economic development.
- Pg 138 - Recommendations for Utilities and Public Services, include ensuring adequate utilities are being located to support the desired development pattern. The Moncure

area is growing and will continue to grow with the most recent approval of an auto manufacturer and a distribution facility. Internet/broadband and reliable cell coverage are needed to support remote workers, education, and getting future business to located in the area. See also HL Policy 11, Strategy 11.3, pg 86.

- 5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies, and regulations.** A NCDOT driveway permit will be obtained upon approval. There is no need for water or septic for this use.

*Below are the USGS and NRCS maps showing a blueline stream not within close proximity to the property cell tower site*



The Planning Board met and reviewed the application at their meeting on February 6, 2024. One additional condition was added regarding plantings to discourage trespassing around the site and shielding of the graveyard noted on the parcel. It is noted below under Site Specific Conditions.

The Planning Board voted unanimously (8-0) to approve the request.

**How does this relate to the Comprehensive Plan:**

Objective 7, pg 42 - provide infrastructure to support desired development and support economic and environmental objectives.

### **Recommendation:**

The Planning Board voted unanimously (8-0) to recommend adoption of a resolution approving a quasi-judicial request by The Towers LLC dba Vertical Bridge for a Special Use Permit on approximately 3.25 acres of parcel 83021, located off NC 42, Moncure, for a wireless telecommunications tower.

The following conditions are proposed for the special use permit:

### **Site Specific Conditions**

1. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or this approval becomes null and void.
2. An evergreen, native species landscape buffer shall be installed as agreed to with the Board in order to offer protection for the existing graveyard on the adjoining parcel.

### **Standard Site Conditions**

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Watershed Protection, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

### **Standard Administrative Conditions:**

5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give

the applicant any vested right to develop its property in any other manner than as set forth herein.