



Chatham County Planning Board Agenda Notes

Date: November 5, 2013

Agenda Item: VII. 4.

Attachment #: www.chathamnc.org/planning

Subdivision

Conditional Use Permit

Rezoning Request

Other: Text Amendment

Subject:	A request by Planning Staff to Adopt a Consistency Statement for the request by American Tower Corporation and AT&T Mobility to rezone a portion of Parcel No. 85601, known as the Meacham Site, from R-2, Residential, to CD-IL, Light Industrial, to construct a new cell tower, located off Poythress Rd.
Action Requested:	Provide Consistency Statement for Proposed Conditional Rezoning for Cell Tower.
Attachments:	1. Supporting documentation is located on the Planning webpage at www.chathamnc.org/planning , Rezoning and Subdivision Cases, 2013.

Introduction & Background

A legislative public hearing was held on this request September 16, 2013. The Planning Board discussed the project at the October 21st meeting, providing a unanimous recommendation of approval to the Board of Commissioners meeting November 18th, 2013.

In addition to evaluating the items required by the Zoning Ordinance, the Board must determine if the request is consistent with the county's adopted land use plan. This action was not completed during the October 21st meeting and is required before final approval at the November 18th Commissioners meeting.

Discussion & Analysis

The Planning Board completed the analysis of the conditional rezoning request, as required by section 5.3 of the Chatham County Zoning Ordinance and unanimously recommended approval of the conditional rezoning and the associated conditions, as amended. The conditions, recommended for approval by the Board and agreed to by the applicant, are presented below:

Site Specific Conditions

1. The cell tower shall be a monopole with a maximum height of no more than 199'.

2. The applicant shall install additional evergreen plantings, not to exceed eight (8), along the entrance driveway to the site, in order to assist in the screening of the cell tower site from the view from public right-of-way. These plantings are to be installed prior to issuance of a Certificate of Compliance (CO).
3. In the event the surrounding property is clear cut for timbering purposes, the applicant will be responsible for landscaping around the area in compliance with county regulations regarding cell tower screening and landscaping.

Standard Site Conditions

1. 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 or variations must be approved through the Planning Department or other approving board before any such changes can take place.
2. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
3. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or the conditional use permit becomes null and void.

Standard Administrative Conditions:

1. 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 inspection.
2. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
3. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
4. 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.

Recommendation:

Following the unanimous recommendation of approval of the request at the October 21st Planning Board meeting, it is requested the Planning Board review and recommend the Consistency Statement as follows:

The rezoning request of American Tower Corporation and AT&T Mobility is consistent with the Land Use Policies and Objectives of Chatham County.