

# CONDITIONAL ZONING DISTRICT

## APPLICATION FOR CHANGE OF ZONING OF PROPERTY

Chatham County  
Planning Department

P. O. Box 54, 80-A East St, Pittsboro, NC 27312  
Telephone: (919) 542-8204 FAX: (919)542-2698

### Section A. APPLICANT INFORMATION

NAME OF APPLICANT: Raleigh Towers, LLC

MAILING ADDRESS OF APPLICANT: 6310 Chapel Hill Rd., Ste. 250, Raleigh, NC 27607(for review comments)

PHONE NUMBER/E-MAIL OF APPLICANT: 919-851-4422 robbie.bell@bnkinc.com

PROPERTY OWNER INFORMATION (If different from the applicant): **\*Owner Authorization Signature Required; See end of application.**

Name(s) Old Chatham Golf Club

Address: 1480 O'Kelly Chapel Road

Durham, NC ZIP 27713

Telephone: 919-361-1400 FAX: \_\_\_\_\_

E-Mail Address: john@oldchathamgolf.org

**PROPERTY INFORMATION:** The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE: Parent tract address: 1480 O'Kelly Chapel Road  
Tower Address: To be determined

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 19952

CURRENT ZONING DISTRICT(S): R-1 PROPOSED ZONING DISTRICT(S): IND-L CU

TOTAL SITE ACRES/SQUARE FEET: Lease Area = 12,046 SF (0.27 Ac.)

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: Use: Cell tower

Conditions: 1. Stealth tower (tree type)

2. Maximum height 150 feet

It is important that the applicant provide information to explain how the rezoning request satisfies the following questions. All applications shall contain the following information. Please use attachments if necessary:

1. **The alleged error in this Ordinance, if any, which 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.**

See Attached

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2. **The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.**

See Attached

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

See Attached

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4. **All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.**

See Attached

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## **Section B. SUBMITTAL INFORMATION AND PROCEDURE**

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- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. **(PLEASE SEE ATTACHED CALENDAR FOR ALL SUBMITTAL AND DEADLINE DATES)** A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.

1. The alleged error in this Ordinance, if any, which 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.

Answer: Not applicable to this application.

2. The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

Answer: The Federal Communications Commission (FCC) estimates 70% of all emergency 911 phone calls are placed from wireless phones.

From the FCC website (<http://www.fcc.gov/guides/wireless-911-services>): "For many Americans, the ability to call 911 for help in an emergency is one of the main reasons they own a wireless phone. Other wireless 911 calls come from "Good Samaritans" reporting traffic accidents, crimes or other emergencies. The prompt delivery of wireless 911 calls to public safety organizations benefits the public by promoting safety of life and property."

The 150-foot "stealth" wireless tower will provide reliable wireless coverage for traffic along O'Kelly Chapel Road, those using the American Tobacco Trail, and the homeowners in the immediate area. This proposal is reasonably necessary for the promotion of the public health, safety and general welfare.

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

Answer: The proposed wireless tower will be designed to carrier multiple users, reducing the need for additional towers in the immediate area. In addition, the tower will be "stealth" and will appear to look like a tree. This will limit any visual impact from the American Tobacco Trail and nearby residential homes. The location and design of the tower will provide the necessary wireless infrastructure while at the same time preserving the rural character of this area.

4. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

Answer: When thinking of a wireless tower, think of it as 21<sup>st</sup> Century infrastructure. With the growth in the area, there is a high-demand and need for wireless coverage. A multi-user wireless tower at this proposed location will allow for seamless coverage from Highway 751 along O'Kelly Chapel Road to Highway 55. In addition, homeowners will finally be able to receive "in-home" service.

The Federal Communications Commission (FCC) estimates 70% of all emergency 911 calls are from wireless phones. This number will increase as more people opt to own a

wireless phone instead of a standard landline. So there is a true public/safety need to have reliable coverage.

A multi-user stealth wireless tower at this location takes into the aesthetic nature of the area while at the same time providing the wireless coverage needed by homeowners, people who work from their homes and those driving in the area.

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- (2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in Section 5 of the zoning ordinance.
  - (3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
    - a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
    - b. The Planning Department shall take no further action on the application until the applicant submits the required information.
    - c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
    - d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.
  - (4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.
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### **Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION and REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN**

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**PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF).** Please check the list below carefully before you submit:

- (1) The application shall include a **site plan**, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:
    - a. Information showing the boundaries of the proposed property as follows:
      1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
      2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,
    - b. Legal Description of proposed conditional zoning district;
    - c. All existing and proposed easements, reservations, and rights-of-way;
    - d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;
    - e. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development;
    - f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; (**SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS**)
    - g. All existing and proposed points of access to public and/or private streets;
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- N/A  h. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County;
- N/A  i. Proposed phasing, if any;
- N/A  j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
- N/A  k. Proposed provision of utilities;
- N/A  l. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
- N/A  m. The approximate location of any cemetery;
- N/A  n. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS)**
- \*  o. Location and description of any proposed lighting on the project site with a note that any lighting will comply with Section 13; **(SECTION 13 LIGHTING STANDARDS)**
- p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
- N/A  q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable.

\* Lighting unknown at this time.

**The above information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items above are not included on the site plan, reasons for excluding those requirements must be given.**

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(2) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

- a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
- b. Existing and general proposed topography;
- N/A  c. Scale of buildings relative to abutting property;
- d. Height of structures;
- e. Exterior features of the proposed development;
- N/A  f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
- g. Any other information needed to demonstrate compliance with these regulations.

**NOTE: The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.**





BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS  
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607  
919/851-4422 FAX 919/851-8968 [www.bnkinc.com](http://www.bnkinc.com)

## Narrative For

### Old Chatham Tower

Old Chatham Tower consists of a 0.27 acre area leased from Old Chatham Golf Course. The tower site will be located near the end of Pittard Sears Road (S.R. 1732) in a cleared area currently used as a grass clipping and leaf disposal site for the golf course.

Grading for this site is very minimal and fortunately can follow or conform to the existing ground elevation. One 12 foot wide gravel access with turn around will be provided. Existing vegetation surrounds the cleared area. The existing vegetation consists of one 1 inch to 8 inch caliper pine, sweet gum, cedar and oak trees. A 60 foot by 60 foot fenced compound will surround the tower. The tower shall be a 150 foot tall pine tree type stealth tower.



PARCEL	NAME	ADDRESS
19952	Old Chatham Golf Club	1480 O'Kelly Chapel Rd Durham, NC 27713
88844	Weycroft Reserve Assn, Inc	140 Towerview Ct. Cary, NC 27513
73276	IPG Old Chatham, LLC	140 Towerview Ct. Cary, NC 27513
77726	c/o US Army Corps of Engineers	P O Box 144 Moncure, NC 27759
67902	Donald G. and Myrtle C. Hilton	1022 Pittard Sears Rd. Durham, NC 27713
19866	J. B. Slade	719 Pittard Sears Rd. Durham, NC 27713
88824	IPG Old Chatham LLC	140 Towerview Ct. Cary, NC 27513
88825	Jordans Construction	201 Forest Drive Knightdale, NC 27545



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## LEGAL DESCRIPTION

### OLD CHATHAM TOWER

Beginning at an existing concrete monument at the northwestern corner of Pittard Sears Road (S.R. 1732) and the American Tobacco Trail, said monument having N.C. Grid Coordinates (NAD '83) N 759161.05, E 2021157.62 and being located N 33° 54' 11" W 10,906.39 feet from N.C. G.S. Monument "Booth"; thence N 61° 52' 24.00" W 192.25 feet to an existing concrete monument, said point being the beginning point for the Tower Lease area; thence N 76° 26' 59.00" W 20.34 feet to a point; thence N 24° 03' 01.08" E 19.55 feet to a point; thence along a curve having a radius of 60.00 feet as it turns to the right, an arc length of 39.06 feet; thence along a curve having a radius of 40.00 feet as it turns left, an arc length of 23.19 feet; thence N 28° 07' 36.00" E 96.13 feet to a point; thence S 61° 52' 24.00" E 100.00 feet; thence S 28° 07' 36.00" W 100.00 feet; thence N 61° 52' 24.00" W 59.35 feet; thence along a curve having a radius of 26.00 feet as it turns left, an arc length of 31.62 feet; thence along a curve having a radius of 60.00 feet as it turns right, an arc length of 13.51 feet; thence along a curve having a radius of 40.00 feet as it turns left, an arc length of 26.04 feet; thence S 24° 03' 01.08" W 15.84 feet to existing concrete monument, said concrete monument being THE POINT AND PLACE OF BEGINNING said described lease parcel containing 0.266 acres.

**OLD CHATHAM TOWER**  
**NEIGHBORHOOD MEETING**

November 26, 2012 ; 7:00 PM

Amberly Residents Club

1075 Residents Club Drive, Cary, NC

The meeting began promptly at 7:00 PM with 4 people present: 2 representatives from Old Chatham Golf Course and 2 representatives of Raleigh Towers, LLC. No concerns were issued. The only question asked was how soon can the tower be constructed. The meeting was held open until 7:25 in case of late arrivals. No other people arrived.

The meeting concluded at approximately 7:25 and adjourned.

A handwritten signature in blue ink, appearing to read 'K. Robert Bell, Jr.', with a long horizontal flourish extending to the right.

K. Robert Bell, Jr. PE, CPESC





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November 12, 2012

Developer: Raleigh Towers, LLC  
5941 Fordland Drive  
Raleigh, NC 27606

Re: **Development Input Meeting** for **Old Chatham Tower** located at Pittard Sears Road  
on **November 26, 2012**

Dear Adjacent Property Owner:

This letter is to invite you to a community meeting regarding a Cell Tower project on 0.23 acres we are proposing near your property, on Parcel Number 19952. An informal community meeting will be held on November 26, 2012, beginning at 7:00 PM at Amberly Residents Club, 1075 Residents Club Drive, Cary, NC and lasting approximately one hour. Detailed directions are attached. Plans of our proposed development will be shown, and you will have the opportunity to voice your concerns and ask questions of people knowledgeable about the details of our project. Our plans may be revised based on your input before we submit to the County.

This meeting is required as part of the County zoning process; however County staff will not participate in the meeting. We are planning to submit our official plans to the County Planning Department in the near future. You will receive a notice from the County about this submittal once the application has been made.

We would appreciate your attendance and input at the community meeting. If you have questions before the meeting you may contact the person noted below. A copy of the map showing our proposed project is attached.

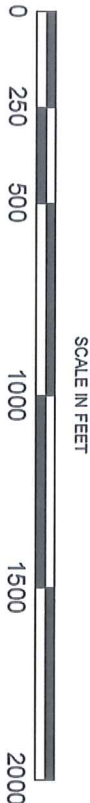
Respectfully,

A handwritten signature in blue ink, appearing to read 'Robbie Bell', with a long, sweeping horizontal line extending to the right.

For More Information, Please Contact:  
◇ Robbie Bell phone number 919-851-4422 ext 3540  
◇ or [robbie.bell@bnkinc.com](mailto:robbie.bell@bnkinc.com)

Attachment





SCALE IN FEET



SHEET  
EX1.0

# OLD CHATHAM TOWER

CHATHAM COUNTY, NORTH CAROLINA

TOWER	11-12-2012	RAB
JOB NO.	DATE	DRAWN BY
SITE EXHIBIT		
SCALE: 1" = 500'	CHK BY: KRB	

## BASS, NIXON & KENNEDY, INC. CONSULTING ENGINEERS

6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607  
 TELEPHONE: (919)851-4422 OR (800)354-1879 FAX: (919)851-8968  
 CERTIFICATION NUMBERS: NCBELS (C-0110); NCCLA (C-0267)



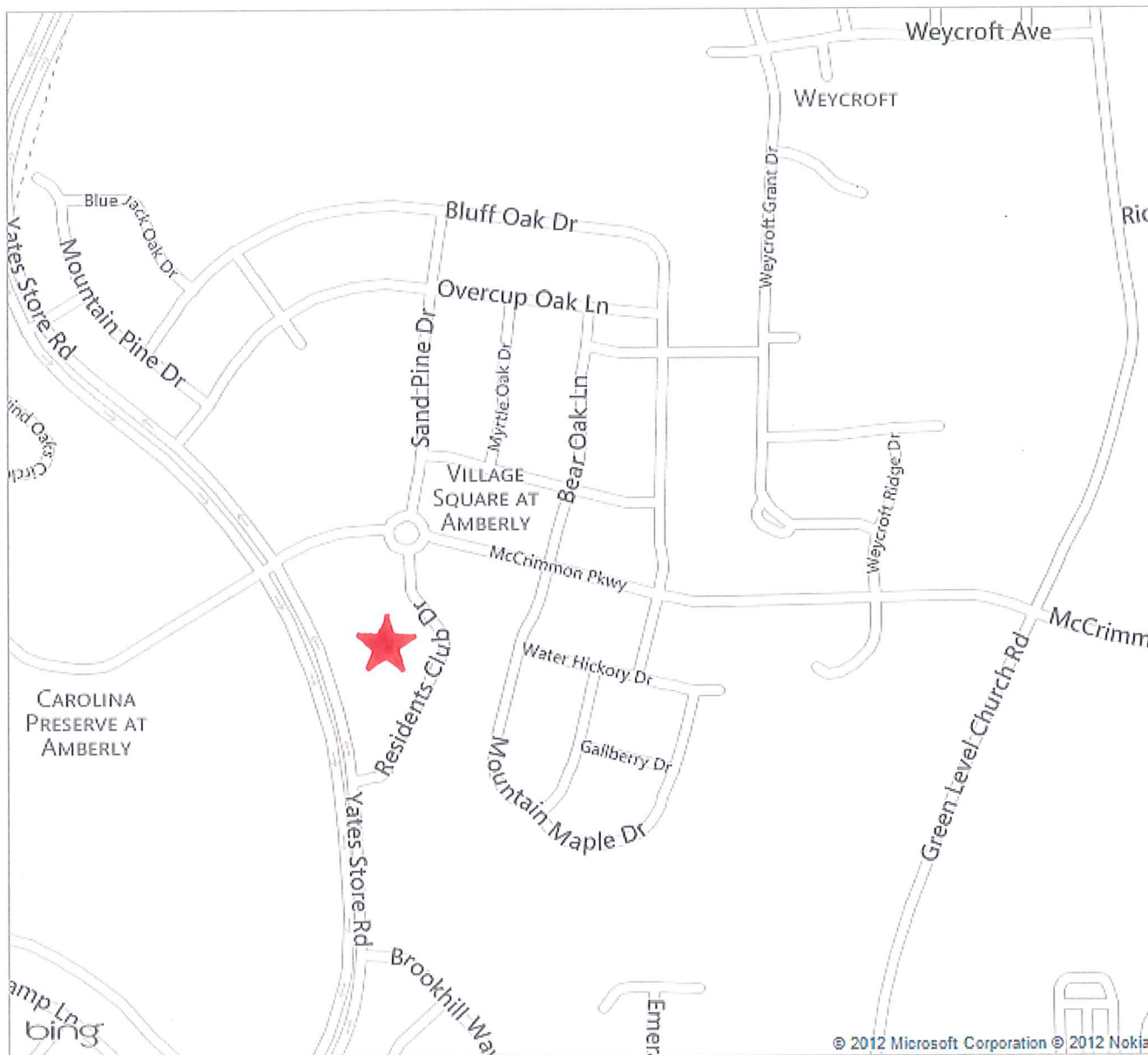
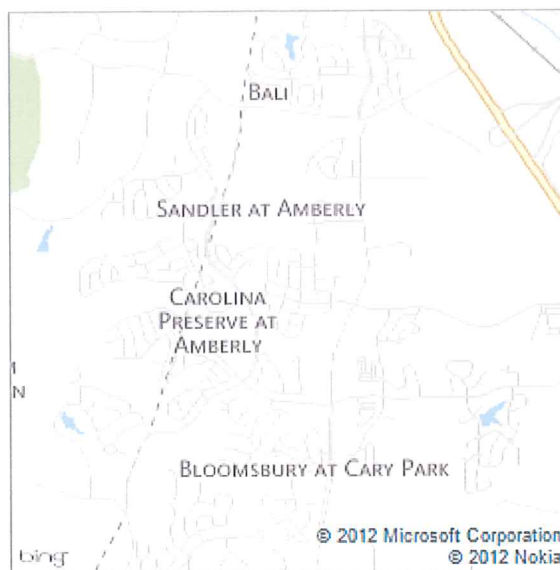




Amberly Residents Club  
1075 Residents Club Drive  
Cary, North Carolina



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**REPORT OF COMMUNITY MEETING REQUIRED BY  
THE CHATHAM COUNTY ZONING ORDINANCE**

To: ANGELA BIRCHETT, ZONING ADMINISTRATOR

Date: 12/7/12

Application #: C

Proposed Zoning: IND-L CU

The undersigned hereby certifies that written notice of a community meeting on the above zoning application was given to the adjacent property owners set forth on the attached list by first class mail on (date) 11/26/2012. A copy of the written notice is also attached.

The meeting was held at the following time and place: Amberly Residents Club @ 7:00 PM

The persons in attendance at the meeting were: See attached attendance sign-in sheet

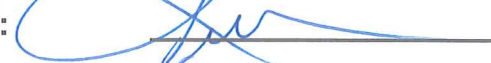
The following issues were discussed at the meeting: How soon can the tower be built

As a result of the meeting, the following changes were made to the rezoning petition: \_\_\_\_\_

None

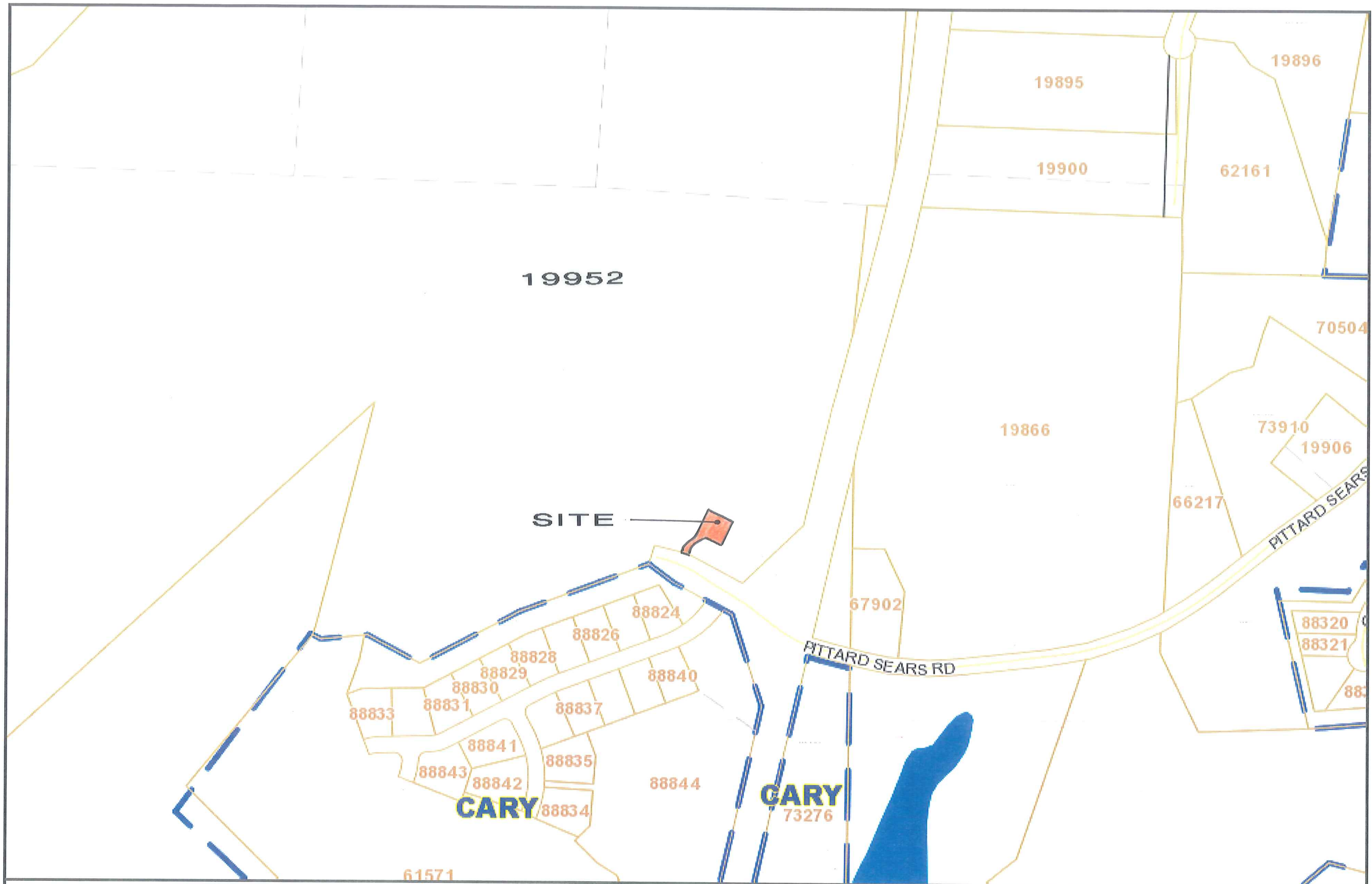
Date: 12/7/2012

Applicant: Kirby R. Bell, Jr., PE

By: 

Please submit this Report to the Chatham County Planning Department located at 80-A East Street, Dunlap Building or mail it to Angela Birchett, Zoning Administrator, PO Box 54, Pittsboro, NC 27312.





CHATHAM COUNTY, NC



Old Chatham Tower

Disclaimer:  
 The data provided on this map are prepared for the inventory of real property found within Chatham County, NC and are compiled from recorded plats, deeds, and other public records and data. This data is for informational purposes only and should not be substituted for a true title search, property appraisal, survey, or for zoning verification.



One Inch = 400 Feet