



COUNTY COMMISSIONERS

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A RESOLUTION APPROVING A CONDITIONAL USE PERMIT REQUEST

BY American Tower Corporation and AT&T Mobility

WHEREAS, American Tower Corporation and AT&T Mobility has applied to Chatham County for a conditional use permit on Parcel No. 20032, known as the Farrington Site, located at 464 Old Farrington Rd., Williams Township, for a 165' monopole telecommunications tower on a lease area of approximately 0.73 acres of the 11 acre tract, and;

WHEREAS, the Chatham County Board of Commissioners having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The use/s requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. The proposed tower is located on a parcel zoned R-1. Per Section 10.13, Zoning Table of Uses, wireless telecommunication facilities are allowed within the R-1 district through a conditional use permit. Therefore the use requested is listed as an eligible conditional use in the district the subject property is located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare. The applicant states the proposed tower will provide convenience, safety, efficiency, as well as connectedness for the community.
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. This finding can be met due to the galvanized steel, gray color of the tower, no lighting impact on the landscape, the reduction of the height of the tower and the measures proposed to minimize the view of the tower compound from public right of way. The proposed tower provides additional support for emergency communications needs for the community.
4. The requested permit is consistent with the objectives of the Land Development Plan. This request is consistent with Policy Objective #12: Provide infrastructure in ways that support the land use, economic development and environmental objectives: this proposed utility will support home-based businesses and encourage economic development.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through any additional conditions placed on its approval as seen below. The application materials indicate that adequate utilities, access roads, stormwater controls and other necessary infrastructure will be provided to support the proposed use. Other features such as recreation and open space are not required for this use.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER, that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan submitted by the Applicant and as shown in "Attachment A", American Tower Corporation and AT&T Mobility, and incorporated herein by reference with specific conditions as listed below;

Site Specific Conditions

1. The monopine tower would not exceed 165 feet in height. The "trunk" of the tower shall be brown in color and support "limbs" above a specified elevation and the antennas within those limbs. Specific plans for the monopine tower must be submitted prior to building permit and be in substantial compliance with the "Farrington" Wireless Telecommunications Permit application and County Planning staff's determination. The monopine tower shall comply with all requirements of the Wireless Facilities Ordinance.
2. The fenced tower compound shall include brown, opaque slats.
3. Approval from NCDOT on the commercial driveway must be obtained and a copy presented to the Planning Department before the issuance of the first building permit.
4. At least one wireless tenant that intends to locate on the proposed tower must be identified at the time of building application. If a wireless tenant is not identified, then the building permit shall not be issued.
5. If requested by the County, American Towers, LLC will provide a co-location site to the County for the placement of antennas in support of the County's emergency communication needs at no charge to the County, so long as the collocation by the County does not interfere with the collocation of then current or future commercial communication antennas on the tower.
6. Prior to completion of construction, applicants shall plant twenty pine trees (at least 2" caliper), spaced 6- to 10' feet apart, parallel to, and within 20 feet of the right-of-way of, Old Farrington Road. These trees shall be planted north and south of the driveway to the facility in order to provide screening of the site from the public right-of-way in the long-term.

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 building permit must be obtained and remain valid at all times within 2 years from the date of this approval or this permit shall become null and void.

Standard Administrative Conditions

4. 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.
5. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
6. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
7. 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.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

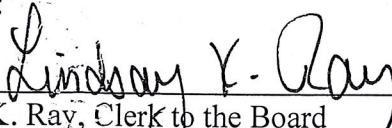
Adopted this, the 15th day of September, 2014

By: _____



Brian Bock, Vice Chair
Chatham County Board of Commissioners

ATTEST:


Lindsay K. Ray, Clerk to the Board
Chatham County Board of Commissioners

ATTACHMENT "A"

Being a portion of Parcel number 20032, located at 464 Old Farrington Rd. (Approximately 0.73 acres of the 11 acre tract)

