



HAYWOOD COUNTY
BOARD OF COMMISSIONERS

AGENDA REQUEST

***Must be presented to the County Manager's Office
NO LATER THAN 5 P.M. FRIDAY THE WEEK BEFORE THE MEETING***

DATE OF REQUEST: 12-9-16

FROM: Kris Boyd

MEETING DATE REQUESTED: 12-19-16

SUBJECT: Call to Public Hearing

REQUEST: Schedule public hearing for consideration of new stealth Monopine Telecommunication Tower for Cellco Partnership D/B/A Verizon Wireless including variance request for January 17th, 2017 at 5:30 pm.

(What action are you seeking?)

Schedule and hold public hearing and schedule vote to approve/disapprove a special use permit for Cellco Partnership

BACKGROUND: See attached summary

IMPLEMENTATION PLAN:

(How and when will staff undertake the action?)

FINANCIAL IMPACT STATEMENT:

(What is the cost? Where is the money coming from? Optional or mandated?)

Publishing the Notice of Public Hearing should be only expense to the County

SUPPORTING ATTACHMENTS: YES XX NO _____ HOW MANY? _____

LIST: _____

If yes, one ORIGINAL ATTACHMENT, and 14 copies, copied front and back side of pages, stapled and three-hole punched must accompany the agenda request

PowerPoint Presentation: YES _____ NO XX _____

PERSON MAKING PRESENTATION AT MEETING: Kris Boyd

TITLE: Planning Director

PHONE NUMBER: 452-6632

E-MAIL: kboyd@haywoodnc.net

Summary of History for Lake Junaluska Tower Site

In July of 2009 Cellco Partnership, D/B/A Verizon Wireless applied for a new Wireless Telecommunications Tower at Lake Junaluska. The application was reviewed and determined not meet the criteria of the County Ordinance. Cellco Partnership amended the application to include a variance request. The variance was for section 115.48 Fall Zones and Setbacks. It was determined the tower would not meet the required fall zone and setback. The variance request was for relief of the setback by Twenty Five feet Four inches (25'4"). Robert Fulbright, owner of property affected by the variance, provided verbal (at public hearing) and written consent in favor of the variance.

The public hearing was held and on December 28th, 2009 the Board of County Commissioners approved the variance request and granted a special use permit under section 115.20 of the Ordinance for Cellco Partnership to construct a 132' stealth monopine telecommunications tower located on real property at 660 Sleepy Hollow Drive, Lake Junaluska, NC 28745.

Cellco Partnership never constructed the stealth monopine telecommunication tower. Section 115.20 (E) of the County Ordinance states "a special use permit shall become null and void if the permitted facility is not constructed and placed in service within one year of the date of the County's approval..."

On October 3, 2014 Cellco Partnership, D/B/A Verizon Wireless submitted an application for the exact same previously approved site including same height, location, and design. While the special use permit expired, the approved variance has no expiration.

A public hearing was scheduled for December 15, 2014. On November 4, 2014 Cellco partnership requested the County not conduct the public hearing and hold the application.

The public hearing was held and on July 20th, 2015. The Board of County Commissioners approved the variance request and granted a special use permit under section 115.20 of the Ordinance for Cellco Partnership to construct a 132' stealth monopine telecommunications tower located on real property at 660 Sleepy Hollow Drive, Lake Junaluska, NC 28745 on August 17th, 2015.

Cellco Partnership again never constructed the stealth monopine telecommunication tower. Section 115.20 (E) of the County Ordinance states "a special use permit shall become null and void if the permitted facility is not constructed and placed in service within one year of the date of the County's approval..."

Current Consideration: Laura Goode of Baker, Donelson, Bearman, Caldwell, & Berkowitz, PC, (agent for Cellco Partnership) submitted a special use permit application and new variance application on December 1, 2016. Both applications are for the same conditions approved on August 17th, 2015. The variance request is specifically for the

setback requirement. A 25 foot setback is required from all property lines for the fall zone. The variance request asked for a relief from the setback by 16 feet 5 inches. The adjoining property owner (Robert and Patricia Fullbright) is aware of the encroachment and has signed a consent to variance for setback purposes.