



BOARD OF ADJUSTMENT

Development Services

112 Goldsboro Street E, Wilson, NC 27893

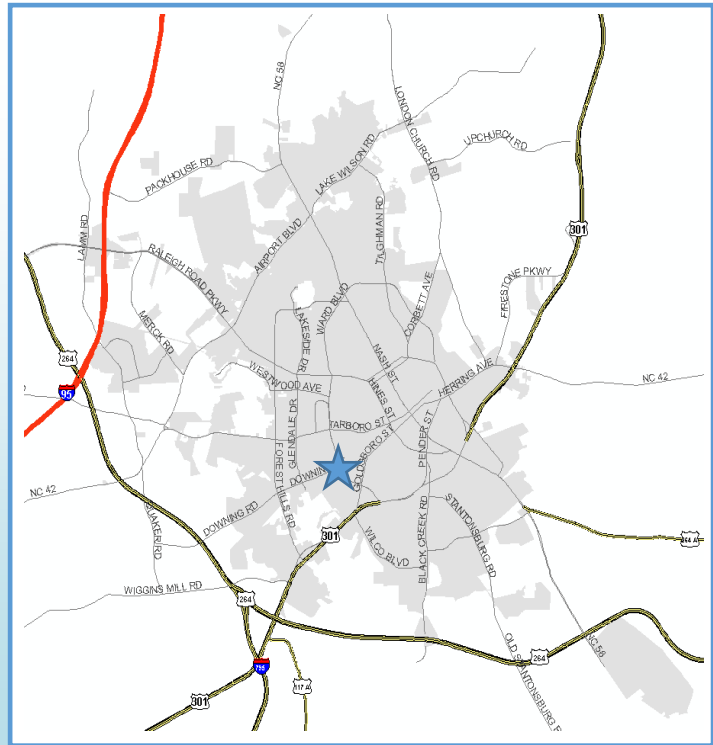
PO Box 10, Wilson, NC 27894-0010

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PROJECT: 22-59
AGENDA ITEM # 1
PIN # 3711-84-3703.000
DATE: March 15, 2022

DESCRIPTION: A request by Crown Castle for a Special Use Permit to allow the applicant to continue to operate a Wireless Tele-communication Tower at 445 Ward Blvd. in a GC zone.



STAFF ANALYSIS:

In its review of the request, the City Land Development Staff made the following “findings of fact” and suggests that the Board, likewise, include these among any specific “findings of fact” that they make regarding this case. Any such “findings of fact” should be made by separate motion(s) and vote(s) prior to any motion and vote to grant or deny the permit.

Photos of Property

Aerial View:

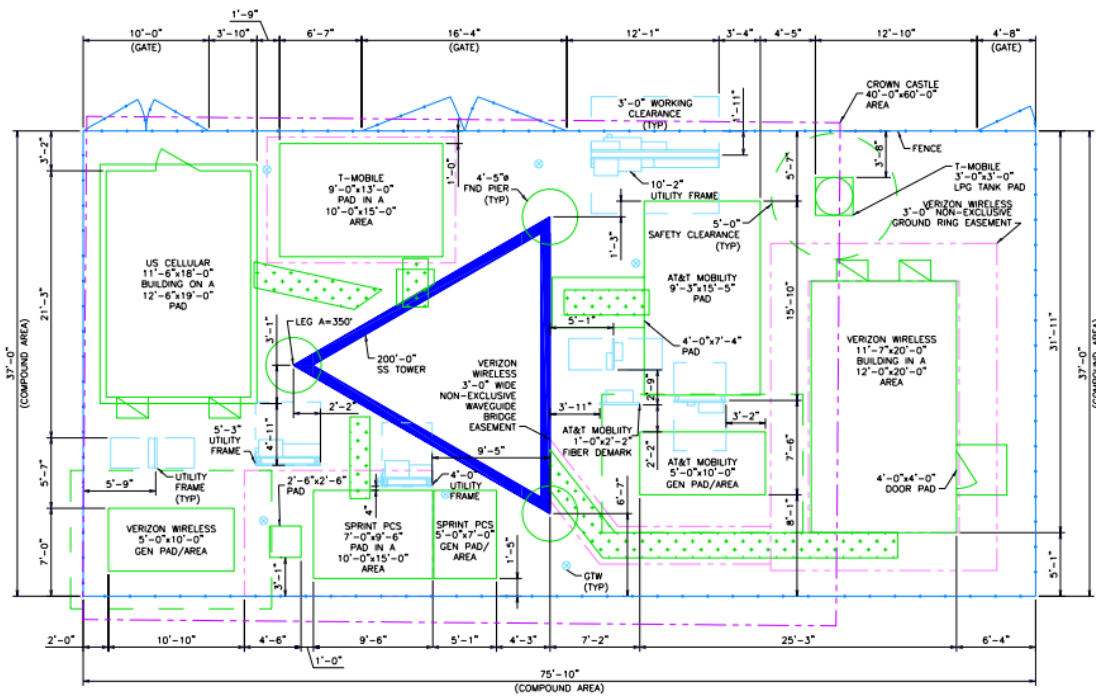


Tower and Ground Equipment:



Board of Adjustment – Special Use Permit
 445 Ward Blvd – Wireless Telecommunications Tower
 March 15, 2022

Site Plan Layout:



- FACT 1: The property in question is located at 445 Ward Blvd. in Wilson, North Carolina.
- FACT 2: The property is also known as PIN: 3711-84-3703.000.
- FACT 3: The property is zoned GC (General Commercial). The surrounding properties are zoned GC (General Commercial) and LI (Light Industrial).
- FACT 4: The property is located within the City of Wilson, outside the Center City on the Ward Blvd loop.
- FACT 5: The existing telecommunication tower is located in the southwest corner of the property and southwest of the existing multi-tenant commercial building on the same lot.
- FACT 6: The applicant is seeking continued use of an existing 200-foot wireless telecommunications tower. In August of 1996 a Special Use Permit was granted with an expiration date of December 31, 2021.

Staff is recommending renewal without an expiration date (see Recommendation Condition #3).

FACT 7: Section 2.7.3 of the City of Wilson Unified Development Ordinance includes a “Use Table”. The table lists “Wireless Communications Facility” Permitted (PS) subject to the requirements of 3.11.1 in the General Commercial (GC) district.

FACT 8: Section 3.11 of the City of Wilson Unified Development Ordinance is entitled “Supplemental Use Standards - Infrastructure” and lists the requirements as follows:

3.11.1 WIRELESS COMMUNICATIONS FACILITY [ALL DISTRICTS]

- A. Scope:** This section shall regulate all communications broadcasting, towers, support structures, antennas, broadcast receiving facilities and equipment, and any combination thereof, except the following:
1. Television sets.
 2. AM and FM radio receivers.
 3. Amateur (HAM) radio receivers and transmitters.
 4. Citizen band (CB) radio receivers and transmitters, cellular telephones, pagers, and similar personal communication devices.
 5. Facilities which qualify as accessory structures as per Section 4.5.5.
- B. Permitted Locations:** The following wireless telecommunications facilities are permitted, as outlined in the table below, provided they meet the supplemental use standards in this section.

Height of Proposed Facility	Use Allowance	Permitted Districts	Other Permitted Locations (in any district)	Additional Standards
60 ft or less	PS	NC, GC, HC, ICD, LI, HI, NMX, IMX, and CCMX Districts	Government facilities; Public parks and utility structures; Within any building or structure whose primary purpose is not to support communications equipment, such that the facility is completely concealed.	Setbacks shall be the same as for any principal or accessory structure in the district.
More than 60 ft	PS	n/a	Government facilities; Public parks and utility structures; Within any building or structure whose primary purpose is not to support communications equipment, such that the facility is completely concealed.	n/a
	PS	NC, GC, HC, ICD, LI, HI, NMX, IMX, and CCMX Districts		The facility shall be camouflaged in a manner so as to reflect the characteristics of the neighborhood or its environs as approved by the Wilson Appearance Commission.
	SUP			The facility shall be located no closer than 1,500 feet from any public park.

C. Prohibited Locations: *Wireless Telecommunications Facilities shall not be permitted within 500 feet of any residential use.*

The existing telecommunication tower was constructed after the initial Special Use Permit was issued in 1996. At that time there were no standards to camouflage the tower with approval by the Wilson Appearance Commission. As there are no changes proposed for the physical structure of the tower, with the exception of co-locations of wireless carriers, staff does not recommend any changes to camouflage the tower.

Also the telecommunications tower is not located within 1,500 feet of any public park. The closest parks of Five Points, Ridgewood and Norris exceed this threshold.

FACT 9: The Fire Department recommends approval.

FACT 10: The Neighborhood Improvement Enforcement Coordinator recommends approval subject to the following:

Must follow all applicable local, state, and federal laws, rules, and ordinances regarding maintaining the cleanliness and safe access of the site.

FACT 11: Construction Standards recommends approval subject to the following:

Any future structural and utility improvements must meet requirements of the NC Building Code and related trade codes, i.e. National Electric Code, and secure permitting prior to commencing work.

FACT 12: Section 15.10.2E of the Unified Development Ordinance: pertaining to the issuance of Special Use Permits, reads as follows:

1. That the proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site;

This request conforms to the character of the neighborhood being located in a commercial zone, adjacent to industrial zoned property, along a major thoroughfare and adjacent to a wooded areas to the south and west.

2. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;

This request should not impact negatively on traffic congestion on the public roads. This is not a destination for consumers and maintenance personnel may access the site from both Ward Blvd and Goldsboro Street.

3. That adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use;

Adequate utilities are available for the existing use at include electricity. Being an unmanned facility, no water nor sewer is required.

4. That the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;

This request should not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. Any creation of such items would require meeting state and federal standards or requirements.

5. That the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the land development district; and

This request will not impede the orderly development and improvement of surrounding property for uses permitted within the GC (General Commercial) and LI (Light Industrial) zones.

6. That the establishment, maintenance and/or operation of the proposed use will not be detrimental to or endanger the public health, safety or general welfare.

This request, with continued operation as described, should not be detrimental to or endanger the public health, safety or general welfare.

7. That the establishment will be operated in compliance with all local, state and federal laws and will not become a nuisance by creating criminal activity or public disturbance.

The request, continued operation as described, should be compliant with all laws and not become a nuisance.

PROCEDURE: The Board must proceed in accordance with Section 15.10 as quoted in Fact 12 (motion-second-and vote).

RECOMMENDATION: Staff recommends the Board proceed as follows:

- **Move that Facts 1-12 in the staff findings be adopted as “findings of fact” of the Board (motion-second-and vote).**
- **Move to Conclude:**
 1. that the requested permit is within the jurisdiction of the Board to issue;
 2. that the application is complete; and
 3. that, if completed as proposed in the application and in compliance with the recommended conditions, the development will comply with the requirements of the Unified Development Ordinance.
- **Move to grant the Special Use Permit subject to the following conditions: (motion-second-and vote).**
 1. The applicant and operator of the establishment shall fully comply with all of the requirements of the Order together with any other applicable state or local rules, ordinances, laws and regulations.
 2. If any of the conditions affixed to the permit or any part thereof shall be held invalid or void, then the permit shall become void and of no effect.
 3. The Special Use Permit is granted for Wireless Communications Facility, ONLY.
 4. All required building or trade permits and inspections will be obtained prior to any improvements made to the telecommunications tower, including co-locations and related equipment.