

LEE COUNTY BOARD OF ADJUSTMENT

SPECIAL CALLED MEETING

Thursday, July 9, 2020 at 6:00PM

The Ernest and Ruby McSwain Extension Education and Agricultural Center
2420 Tramway Road, Sanford, NC 27330 – Lee County Farm Bureau Auditorium

The LCBOA meeting date & location for July was changed so that we could book a larger venue to allow for safety precautions / social distancing requirements implemented in response to the COVID-19 pandemic.

CALL TO ORDER – 6:00 PM.

Please go straight to the Lee County Farm Bureau Auditorium (large room at the rear of the building).

- A. APPROVAL OF AGENDA - *No minutes included within this agenda*
- B. DISCLOSURE OF CONFLICT OF INTEREST
- C. ELECTION OF A CHAIR & VICE-CHAIR
- D. OLD BUSINESS - *None*
- E. NEW BUSINESS

PUBLIC HEARING TO BE HELD TO CONSIDER THE FOLLOWING ITEM:

1. SPECIAL USE PERMIT APPLICATION

Application by Michael Doran of Roman Acquisition, Inc. for SCI Tower, LLC / Verizon Wireless, to obtain a Special Use Permit for a proposed telecommunications tower to be located on a 12.7 +/- acre vacant tract of land off of Colon Road (between 1331 and 1343 Colon Road) owned by Grayson N. Rosser. The northern portion of this tract is within Lee County and is zoned Residential Restricted (RR). The southern portion of this tract is within the City of Sanford's ETJ and is zoned Residential Single-family (R-20). The proposed telecommunications tower site is located on the northern portion of this tract within the unincorporated area of Lee County, zoned Residential Restricted (RR). Per the Unified Development Ordinance (UDO), Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a new telecommunications tower is permitted in the Residential Restricted (RR) zoning district upon issuance of a Special Use Permit, subject to Article 5 Supplemental Development Regulations, Section 5.33 Telecommunications Towers. The property is the same as depicted on Lee County Tax Map 9653.04 as Tax Parcel 9654-02-5305-00, Lee County Land Records.

- F. OTHER BUSINESS
- G. ADJOURNMENT

**** PLEASE REFERENCE THE ADDITIONAL INFORMATION PROVIDED AT THE REAR OF THE AGENDA PACKAGE****

Opening Statement for the Board of Adjustment

“This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decisions. These rules are different from other types of land use decisions like rezoning cases.

“This board’s discretion is limited. This board must base its decision on competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision limited by the standards in the Lee County Unified Development Ordinance (UDO) and based on the facts presented at this hearing. If you are speaking as a witness, please focus on the facts and standards, not personal preference or opinion.

“This meeting is open to the public. Everyone is welcome to watch. Participation is limited. Only parties with standing may participate by presenting evidence, calling witnesses and making legal arguments. Parties with standing are limited to the applicant, local governments (including Lee County), and persons who can show they will suffer special damages.

“Other individuals may serve as a witness when called by the board. Witness testimony is limited to facts, not opinion. For certain topics the board is required to hear opinion testimony from expert witnesses. These topics include opinion on the impact on property values and increased traffic caused by the proposal. Individuals providing expert opinions must be qualified as experts and provide the factual evidence upon which they base their expert opinion.

Witnesses must swear or affirm their testimony. Witnesses must be recognized by the Chair, speak into the microphone (or speak loudly and clearly if no microphone is provided) and begin their testimony with their name and address. The secretary will use the recording to make the minutes.

“At this time, we will administer the oath for all individuals who intend to speak tonight. The Clerk will hold the Bible. The Chair (or the Clerk if directed by the Chair) will read the oath.”

Based on Owens and Lovelady, *Quasi-Judicial Handbook: A Guide for Boards Making Development Regulation Decisions* UNC School of Gov’t (2017) at page 35.

Created by Albert Benschoff of the The Brough Law Firm, PLLC on April 8, 2018 for the City of Sanford Board of Adjustment. Altered for Lee County by Amy J. McNeill of the Sanford/Lee County Community Development Dept. on June 23, 2020.

LEE COUNTY BOARD OF ADJUSTMENT

JULY 1, 2020 – JUNE 30, 2021

5 regular members and 2 alternates | A quorum shall consist of 4 members | 3-year terms

REGULAR MEMBERS

01-Charles “Chuck” Baker, Chair
97 Oakleaf Road, Sanford, NC 27332
Cell: 919-356-5860; Work: 919-782-0033
Email: ccbakerj8@gmail.com
Term(s): 2016-2023

Note: Filled unexpired term of William Oberkirsch.

02-Kay Coles
177C Traceway North, Sanford, NC 27332
Home: 919-499-9139
Email: kayc1218@yahoo.com
Term(s): 2016-2022

Note: Regular PB Member longer than DT.

04-Frank M. Gilliam, Jr.
317 Foggy Bottom, Sanford, NC 27330
Home: 919-292-0402
Email: fiftyfifty1953@yahoo.com
Term(s): 2010-2022

05-Rev. Herman Morris
181 Wagon Trail Road, Sanford, NC 27332 (home)
201 E. Main Street, Sanford, NC 27330 (work)*
Home: 919-774-3159
Work: 919-708-5999; Cell: 919-478-1240*
Email: mannabooks@windstream.net
Term(s): 2008-2022

03-Walter Ferguson, Jr., Vice-Chair
1231 First Pointe, Sanford, NC 27330
Home: 919-770-0390; Cell: 919-478-0107
Email: fergieferg1969@gmail.com
Term(s): 2015-2022

ALTERNATE MEMBERS

06-Charles “Dave” Turner, Alternate 1
1746 Daiquiri Turn, Sanford, NC 27332
Home: 919-489-6285; Cell: 919-902-1218
Email: cdturner@windstream.net
Term(s): 2016-2023

07-Oscar Roberto, Alternate 2
586 Spyglass Lane, Sanford, NC 27332
Home: 248-987-8587
Email: oscarrob@gmail.com
Term(s): 2019*-2022

**Moved from Alt to Reg PB member*

SANFORD / LEE COUNTY COMMUNITY DEVELOPMENT STAFF

115 Chatham Street, Suite 1 (First Floor) Sanford, NC 27330

-----Staff to this Board-----

**Angela Baker, Administrative Assistant II
and Clerk to the Board**
919-718-4657, ext. 5394
angela.baker@sanfordnc.net

Amy J. McNeill, Zoning Administrator
919-718-4656 ext. 5397
amy.mcneill@sanfordnc.net

Marshall Downey, Director
919-718-4657 ext. 5390
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-----Additional Staff-----

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Bill Morgan, Planning Technician
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Eric Nance, Planning Technician
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LEE COUNTY BOARD OF ADJUSTMENT

ESTABLISHMENT

Pursuant to NCGS §§ 153A-345 and 160A-388, the County of Lee, Town of Broadway and City of Sanford shall each maintain a separate Board of Adjustment (BOA) that shall execute all powers and duties as set forth in the North Carolina General Statutes (NCGS) and the Sanford/Lee County/Broadway Unified Development Ordinance (UDO).

POWERS AND DUTIES

The BOA shall adopt all rules and procedures necessary or convenient for the conduct of its business, consistent with the powers granted by the NCGS and the UDO. The Board of Adjustment shall hear and decide the following:

- appeals from the decisions of the Community Development Department in which it is alleged there is an error in an order, requirement, decision or determination made by the staff in the enforcement of the UDO;
- appeals for variances from the terms of the UDO;
- interpretations of the Official Zoning Map; and
- shall pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of the UDO.

A member of the BOA shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

APPOINTMENT AND MEMBERSHIP FOR LEE COUNTY

The Lee County Commissioners appoint the Lee County Planning Board to serve as the BOA. As a matter of policy, the five regular Planning Board members with the most tenure also serve as the regular members of the BOA. The two regular Planning Board members with the least tenure also serve as the alternate members of the BOA. The alternate members will sit as a member of the BOA if needed to establish a quorum, or if needed to have four-fifths of the board present to hear a request for a Variance. Each alternate member, while attending any regular or special meeting of the BOA and serving in the absence of any regular member, shall have and may exercise all of the powers and duties of a regular member. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. The Board shall elect such officers and adopt such rules and regulations for its own government as it deems necessary to carry out the provisions of this article. Per the UDO, a quorum shall consist of four members in attendance. No case shall be heard unless a quorum is present.

MEETING INFORMATION

The Lee County BOA shall meet on the second Monday of each month as needed at 6:00pm in the Buggy Conference Room located on the first floor of the historic Buggy Company Building at 115 Chatham Street.

Updated 2020-06-23, intended as a general guide, please reference the UDO for specific language.

SUP Application

INSERT

Reference the SUP Application and civil drawing set provided at the rear of the agenda package, which includes the site plan & additional information.

**LEE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING INFORMATION FOR A SPECIAL USE PERMIT
SPECIAL CALLED MEETING - JULY 9, 2020**

APPLICANT: Michael Doran of Roman Acquisition, Inc. for SCI Tower, LLC/Verizon Wireless

PROPERTY OWNER: Grayson N. Rosser

LOCATION: Vacant lot on Colon Road, between 1331 and 1343 Colon Road, Sanford, NC 27330

TOWNSHIP: East Sanford

TAX PARCEL: 9654-02-5305-00

REQUEST

Roman Acquisition, Inc., a land acquisition and entitlement firm, is requesting a Special Use Permit for SCI Tower, LLC/Verizon Wireless to construct a new telecommunications tower (referenced as a Wireless Telecommunications Facility or WTF on the application and in the supporting documentation) on a vacant tract of land located between 1331 and 1343 Colon Road, which is designed to fill a coverage gap and capacity issued in the Verizon network.

AREA AND SITE DESCRIPTION:

The subject property is 12.7 acre ± vacant tract of land located in central Lee County between Hawkins Avenue and Colon Road. It has approximately 275ft of road frontage on Colon Road (SR1415), which is an NCDOT maintained public street with a 60ft right-of-way. The area has a mix of residential and commercial zoning districts and is developed with a mix of land uses, such as a restaurant (Jeff & Lisa's Brickhouse Grill), a mobile home park, a church (Turner's Chapel), and houses.

Land uses surrounding the subject parcel include:

North: Mobile home park off of Craft Lane

South: Single-family homes, one with an auto repair shop to the rear of the house

East: Opposite Colon Road, a church, a vacant field, and houses

West: Railroad right-of-way with the Sanford Municipal Golf course on the opposite side of the tracks

STAFF COMMENTS

The Special Use Permit request is for a 190ft tall monopole wireless telecommunications tower with a 4ft lightning rod for an overall height of 199ft (see Sheet C-3, Tower Elevation of the civil drawing set). It will be constructed within a 100ft x 100ft = 10,000sf lease area (see Sheet C-1, Site Plan of the civil drawing set). The tower facility will include an equipment pad within a fenced compound. The design of the tower will allow for multiple carriers. The tower will be unmanned and will not require water or sewer service.

Lee County requires that all SUP applications for new telecommunications towers be reviewed by an outside consultant who specializes in verifies compliance with local, state, and federal regulations for this unique use. Please reference the CityScape Consultants, Inc. report included within this agenda for information regarding the review of this SUP request, including the recommendation that the application be approved with the conditions noted on page 5 of the CityScape report. Please be mindful that this is a recommendation regarding the technical and design standards of the proposed use and that the four findings required for any SUP to be approved are must still be taken into consideration by the board.

Regarding existing environmental conditions, the site is not located within an established flood hazard area/floodplain, and no existing natural features were illustrated on the site plan or in GIS that would affect the proposed area of development.

The property is zoned Residential Restricted (RR), which is established to provide areas for low-density single-family uses, with a maximum of one and one-half dwelling units per acre. Property zoned RR should include only those tracts which abut or are in close proximity to existing large-lot single family development, making this zoning district an appropriate transition district between rural, agricultural, and suburban uses.

Adjacent Zoning - North: Highway Commercial (HC) and Residential Agricultural with a Mobile Home Park Overlay District (RA/MH)
South: Residential Single-family (R-20)
East: Opposite Colon Road, Residential Restricted (RR) and Residential Agricultural (RA)
West: Residential Restricted (RR)

Long Range Plan: The *Plan SanLee* land use plan identifies the future land use place type for this tract of land as “Mixed Use Activity Area,” which has the following characteristics:

- Facilitate development of large-scale integrated mix of uses
- Single master-planned unit, but contextually integrated into surrounding development pattern, including strong mobility linkages
- Within close proximity to highway interchanges and major arterials
- Local example – US 1 / Spring Lane Interchange Area in Sanford

Land use designations include Civic (government services, public gathering spaces), Open Space (urban open space), Employment (professional offices and business services), Residential (attached single-family dwellings, multi-family dwellings, and upper story residence), and Commercial (retail, personal services, and entertainment). Forms of transportation include (from low to high priority mode) transit routes that accommodate trucking, public transit, on-street bike lanes, sidewalks and vehicular connectivity. Context includes Development Density with mixed commercial lot sizes, MF 16+ dwelling units/acre, Shallow to moderate building setbacks, and a 50ft height limit, Utility Infrastructure with public water and public wastewater, and a Preferred Character of a 2-4 lane urban street network, core grid street network, 300-500ft block length, sidewalks & street trees, on-street & rear parking, and landscaped off-street parking. The Current Districts include Highway Commercial, General Commercial (C-2), Light commercial & Office (C-1), Office & Institutional (O&I), and Multi-family (MF-12) – all as primary districts. The Proposed Districts are General Commercial (C-2), Office & Institutional (O&I), and Multi-family Residential.

UDO DEVELOPMENT REGULATIONS FOR TELECOMMUNICATIONS TOWERS

ARTICLE 5 SUPPLEMENTAL DEVELOPMENT REGULATIONS,

SECTION 5.33 TELECOMMUNICATIONS TOWERS

It is the intent of the County of Lee to allow telecommunication towers for mobile telephone services and other radio and television information services which provide for the needs of its citizens while minimizing adverse visual and operational effects of such towers through careful design, placement, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice; and to maximize the use of any existing towers and to reduce the number of new towers which are needed. Additionally, it is the intent of this subsection to encourage the co-location of antennas on existing towers in the County of Lee’s planning jurisdiction where possible in order to reduce the amount of visual clutter created by new towers in the community.

The purpose of this Section is to provide a uniform procedure for the prompt issuance of permits to place, construct, or modify personal wireless service facilities which comply with Article 4 of the UDO, in order to ensure compliance with the Telecommunications Act of 1996 ("TCA"), 47 U.S.C. § 151 et seq.

APPLICABILITY: This section applies to any structure designed to support antennas used for transmitting or receiving commercial telephone communications and/or commercial telecommunications, except for the following:

- (a) Amateur or ham radio towers; and
- (b) wireless broadband or other fixed-wireless systems operating at frequencies that require line of sight (i.e., antennae that are visible to each other), including microwave links, spread spectrum, 38-GHz carrier services, local multipoint distribution service (LMDS), multi-channel multipoint distribution service (MMDS), satellite systems, laser, Unlicensed National Information Infrastructure (UNII Band), or high-altitude long endurance systems.

MINOR AND SUBSTANTIAL MODIFICATIONS: A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment shall be considered a minor modification so long as it does not include a substantial modification. A "substantial modification" shall be defined as the mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.

- Increasing the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (a) more than 20 feet or (b) more than the width of the wireless support structure at the level of the appurtenance.
- Increasing the square footage of the existing equipment compound by more than 2,500 square feet.
- Minor modifications shall be reviewed and approved administratively subject to the submittal and review procedures as set forth in the UDO. Applications for new towers or those deemed as substantial modifications shall require approval via a Special Use Permit.

STANDARDS

GENERALLY:

- Towers shall not interfere with normal radio and television reception in the vicinity. No tower shall display any sign, banner or any message. Violations shall be considered zoning violations and shall be corrected under the enforcement provisions of the UDO.
- Telecommunication antennas may be permitted in any zoning district as a use by right when co-located on existing towers or public elevated water supply storage tanks.
- Towers shall be constructed and maintained in conformance with all applicable building code requirements.
- Towers greater than 75 feet in height shall be located a minimum distance of 1000 feet from another tower greater than 75 feet in height measured in a straight line between tower centers.
- (e) The tower shall be designed and constructed to accommodate one additional user if the tower is between 125 feet and 180 feet from the finished grade elevation. If the height of the tower exceeds 180 feet in height the tower shall be designed and constructed to accommodate a minimum of two additional users.
- (f) The tower site shall include adequate area to accommodate the accessory buildings and equipment of all intended users.

MINIMUM LOT AREA: Minimum lot size shall comply with the minimum requirements of the zoning regulations, Article 4 of the UDO. This provision is not intended to apply to ground leases or licenses solely for the use of telecommunication towers, antennas, or equipment.

MINIMUM SETBACK REQUIREMENTS: Towers shall conform to the following dimensional requirements:

- For towers located on the roof of a Structures, other than the base or supporting elements of the tower, the tower shall not be more than 30% of the building height above the building, or 75 feet above the building, whichever is less. The building or structure shall maintain the normal setbacks of the zoning district.
- For towers mounted on the ground surface: (a) The minimum setback from all property boundaries shall be equal to the maximum height of the proposed tower. (b) A fall zone shall also be established for each tower. The fall zone is defined as an area within the subject property, which shall be maintained so as to be clear of any buildings within an area equal to the maximum height of the proposed tower as measured by a circle around the base of the tower. Buildings that are constructed for the purpose of housing equipment in support of the communications equipment as located on the tower shall be permitted within the fall zone.

LIGHTING REQUIREMENT: Lighting shall not be permitted unless required by the Federal Aviation Administration (FAA). If lighting is required it shall not exceed the FAA minimum. Strobes shall not be used for nighttime lighting unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

FENCING AND LANDSCAPING REQUIREMENTS:

- Fencing shall be required for each site around the base of the tower, any structures or guy wires. The composition of the fencing shall consist of durable materials including wood, brick, or metal or other similar material as may be determined by the Board.
- The base of the tower, any guy wires, and any structures, walls, or fences shall be surrounded by a single row of large evergreen shrubs spaced at an interval of 5 feet on center. The minimum height of shrubs at the time of planting shall be 3 feet.
- The site developer may have the option of: (a) providing the landscape buffer around the tower base, guy wires and accessory structures; or (b) providing a buffer around the perimeter of the entire site.

CO-LOCATION REQUIREMENTS: To encourage shared use of towers, applicants may apply for reduction in setbacks. Applications for towers, which will operate with more than one user immediately upon completion, may reduce setbacks from adjacent nonresidential property. The approving authority may reduce the setback from adjacent nonresidential property by 25% when two users commit to occupy the tower immediately upon its completion or may reduce the setback by 50% when three or more users commit to occupy the tower immediately upon its completion. However, the setback distance may not be reduced to less than 50 feet. To further encourage co-location, additional antennas and associated equipment, which do not add to the tower height, may be added to existing towers with administrative approval by the Community Development Department. Applicants need only provide the information required by the UDO and construction drawings.

CONCEALED TOWERS: Concealed towers are permitted in all zoning districts, subject to the issuance of a permit by the Community Development Department. For additions to existing structures and for architectural features that are exempt from the height requirements of this ordinance, the Community Development Department shall consider whether the addition or feature containing the

antenna is architecturally harmonious in such aspects as material, height, bulk, scale, and design with the building or complex of which it is a part, and if it is a stand-alone structure, whether or not such structure is harmonious with the surrounding area. If the Community Development Department denies approval of the concealed tower, the applicant may appeal the decision to the Board of Adjustment as an appeal of an administrative decision. A Board of Adjustment review shall only consider the architectural aspects of the Community Development Department's decision listed above. In addition, such structures associated with the communication antenna and equipment shall:

- (a) Meet all other applicable requirements of the UDO.
- (b) Not interfere with normal radio and television reception in the vicinity.
- (c) Be constructed and maintained in conformance with all applicable building requirements.

5.33.5 ABANDONMENT, OBSOLESCENCE, AND FINANCIAL RESPONSIBILITY REQUIREMENTS: A tower that is not used for a period of at least six (6) months shall be determined to be abandoned and shall be removed, by the owner, within 90 days after notice by the Community Development Department. The owner of the tower shall remove any abandoned, obsolete, unused, or structurally unsound tower within 90 days after notice by the Community Development Department or Building Inspector when said tower is detrimental to the health and safety of the public. When said tower is structurally unsound, the Building Inspector may establish a shorter period of time for the removal of a tower. To assure the removal of towers which do not meet requirements for use or maintenance:

- 5.33.5.4 A statement of financial responsibility, meeting the standards of the County, shall be submitted for each tower over 100 feet.
- 5.33.5.5. A performance bond in an amount fixed by the Planning Board equal to 110% of the cost for removal of the tower shall be posted for each tower. The bond shall be renewed annually and a certificate of renewal submitted for as long as the tower remains in place.
- 5.33.5.6 Removal costs shall be charged to the tower owner. In the instance of the financial insolvency of the tower owner, removal cost shall be assessed as a lien and collected as unpaid taxes.
- 5.33.5.7 Government-owned wireless communication facilities shall be exempt from Sections 5.33.5.3 through 5.33.5.5. of the UDO. Such government-owned wireless towers shall not be required to submit a performance bond as specified in the aforementioned subsections.
- 5.33.5.6. Such government-owned wireless towers shall not be required to submit a performance bond as specified in the aforementioned subsections.

5.33.6 SUBMITTAL REQUIREMENTS

The following information must be supplied with any application for development approval for all telecommunication towers as defined by this Section, in addition to any information required for the applicable permit by Appendix B.

5.33.6.1 Site, elevation, and landscape plans drawn to scale showing all setbacks, buffers, easements, buildings, fences, height of the tower (including antennas, lightning rods and paraphernalia), and accessory structures as well as any additional information deemed appropriate by the Community Development Department or Board.

5.33.6.2 Identification, address, and telephone number of the intended user(s) of the tower.

5.33.6.3 Proof of ownership and/or easement agreement(s) for the land where the tower is located, including means of ingress and egress.

5.33.6.4 Proof of authorization to use the site if the land is not owned.

5.33.6.5 A report including a description of the tower with technical reasons for its design.

5.33.6.6 Documentation provided by a registered engineer indicating the number of additional users that the tower has sufficient structural integrity to accommodate.

5.33.6.7 Documentation by the applicant that demonstrates the reasonable feasibility (or unfeasibility) of collocating new antennas and equipment on existing wireless support structure or other structures. For proposed new towers, such documentation shall demonstrate the feasibility of collocating is unreasonable.

5.33.6.8 Documentation that the tower lighting will not exceed the Federal Aviation Administration's (FAA) minimum standards and the standards of this ordinance.

5.33.6.9 Copy of completed FAA Form 7460-1, Notice of Proposed Construction or Alteration and any FAA responses thereto. Failure on the part of the applicant to ultimately obtain a finding by the FAA that the tower will not pose a hazard to air navigation shall result in revocation of the Special Use Permit.

Evidence that the Sanford-Lee County Regional Airport Authority has been notified of the proposed tower, that the tower will not exceed the standards of the Sanford-Lee County Airport Hazard Ordinance, and that the tower will not pose a hazard to any private airport.

5.33.6.10 Evidence that owners of residentially zoned or used property located within 300 feet of the base of the tower have been notified of the proposal.

5.33.6.11 A statement indicating the owner's intent to allow shared use of the tower and how many additional users may be accommodated.

5.33.6.12 An analysis of the area containing existing topographical contours. Include a copy of the USGS topographic quadrangle with the tower site identified including latitudinal and longitudinal coordinates.

5.33.6.13 A visual depiction and summary of locations within a three-mile radius where any portion of the proposed tower is visible.

5.33.6.14 A computer simulation or an artist's rendering of the proposed tower and site or a photograph of a tethered balloon floated to the height of the proposed tower in order to assess potential safety and visual impacts. The applicant shall take the photograph or view from one (1) of the following locations:

- any point along the boundary of the nearest residential zoning district to the proposed tower lying within a three-mile radius, or
- any point along the boundary of a three-mile radius from the proposed tower.

5.33.7 APPROVAL PROCEDURES

Approval of a telecommunications towers shall be in accordance with the review and approval procedures as set forth in Article 3 of the UDO for Administrative Permits and/or Special Use Permits (as applicable).

5.33.8 RETENTION OF CONSULTANTS

The County shall retain a consultant or professional services to review applications for new towers. The consultant will review all such applications and make determinations and recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives, and compliance with state and federal rules and regulations. The applicant shall pay a fee as part of the special use permit application for the costs of the consulting services as incurred by the County. The County shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. At the request of the applicant, the Department of Community Development shall arrange an informal consultation with the applicant to review the consultant's report prior to any public hearing on the application.

ATTACHMENTS

- CityScape Consultants, Inc. report
- Maps of property – GIS tax map, aerial map, and zoning map
- Unified Development Ordinance (UDO) references
- Legal Notice for Special Use Permit Application
- Adjoining Property Owner Notification of Public Hearing
- Certification of Adjacent Property Owner Notification
- List of Adjoining Property Owners
- Special Use Permit Hearing Procedures

REQUIRED FINDINGS FOR A SPECIAL USE PERMIT

Special Use Permits provide a form of discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration. Special Use Permits ensure the appropriateness of the use at a particular location within a given zoning district. The Board of Adjustment shall consider the application, supporting documents, the site plan and examine factual evidence presented at the hearing before ruling on the following four findings of facts.

In granting the Special Use Permit, the board shall find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved.
2. That the use meets all required conditions and specifications.
3. That the use will not substantially injure the value of the adjoining or the abutting property, or that the use is a public necessity.
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which site is located and in general conformity with all adopted land use plans.

Please reference the application for specific information regarding how the applicant has addressed the criteria for the Special Use Permit request.

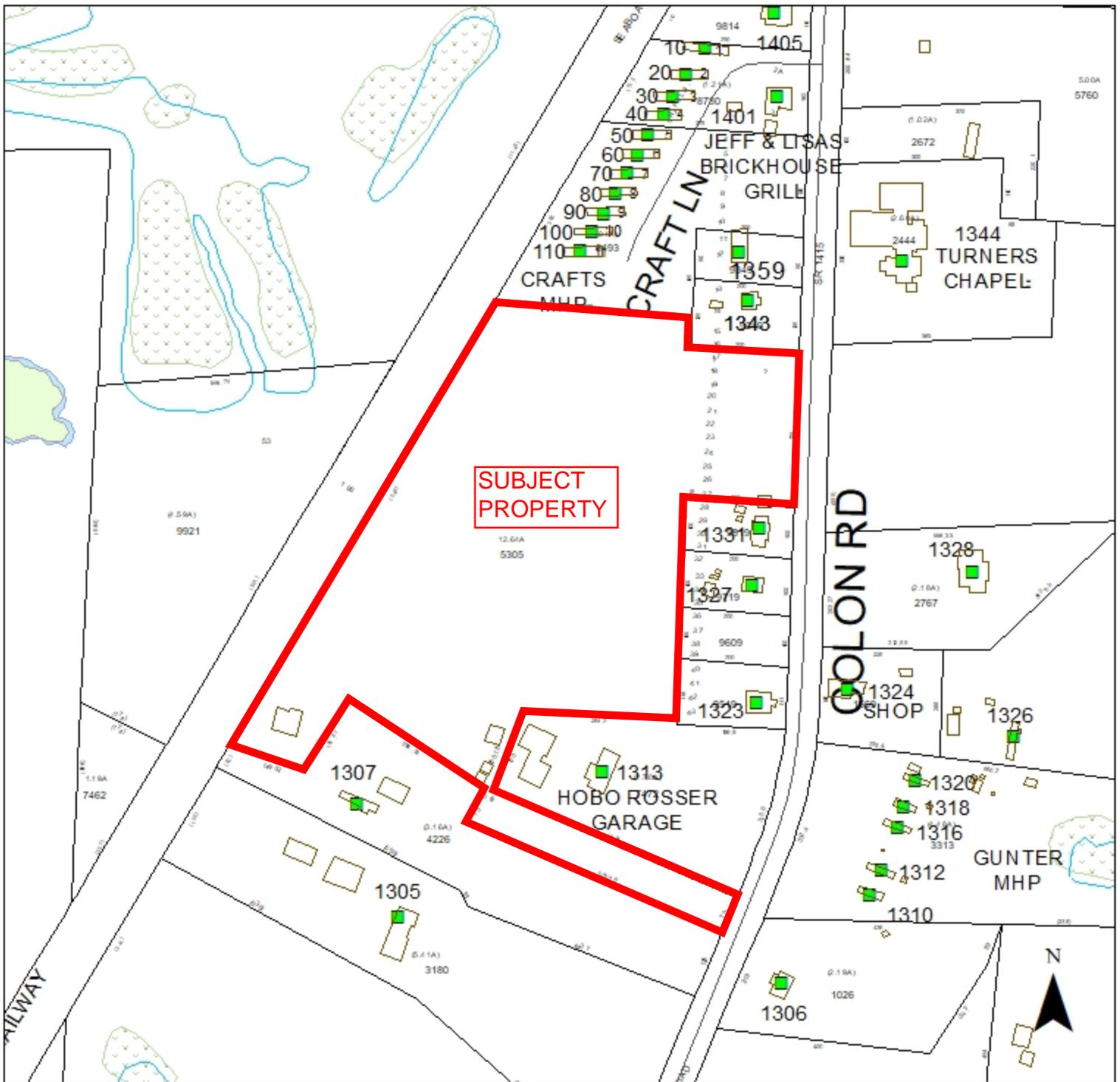
Please note that, if the Board grants the Special Use Permit, Cityscape Consultants, Inc. has recommended the following conditions:

1. All antenna ports shall be sealed in a manner to prevent access by birds and any other wildlife; and,

2. Prior to the public hearing, the Applicant shall discuss with the City, the specific landscaping requirement concerning tall trees. The submitted plans do not should any specific locations for trees, which are required by the ordinance: and,
3. Prior to construction, the Applicant shall submit for approval a final site plan consisting of a Structural Analysis and Design, signed and sealed by a north Carolina Registered Professional Engineer, that the proposed support structure will have the structural capacity to support a total f four (4) antenna arrays of like design to the primary tenant, Verizon, having all feed lines installed internally and to specific the ANSI/EIA/TIA22 standards used, Series II, Exposure C; and,
4. The proposed structure shall not be lighted.

If granted, the Special Use Permit shall include approval of the preliminary site plan submitted with the application and any conditions as deemed necessary by the Board. The applicant may then submit a final site plan to Planning staff for review/approval and issuance of a Zoning Clearance Permit. All conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns.

This decision is effective upon filing the written decision with the Clerk to the Board. Decisions of the Board of Adjustment shall be appealed to the Lee County Superior Court within 30 days of the final decision.



SPECIAL USE PERMIT APPLICATION

Application by Roman Acquisition, Inc. for SCI Tower, LLC/Verizon Wireless to obtain a SUP for a new telecommunications tower to be located on a 12.7 +/- acre vacant tract of land off of Colon Road, between 1331 and 1334 Colon Road.
 PIN 9654-02-5305-00

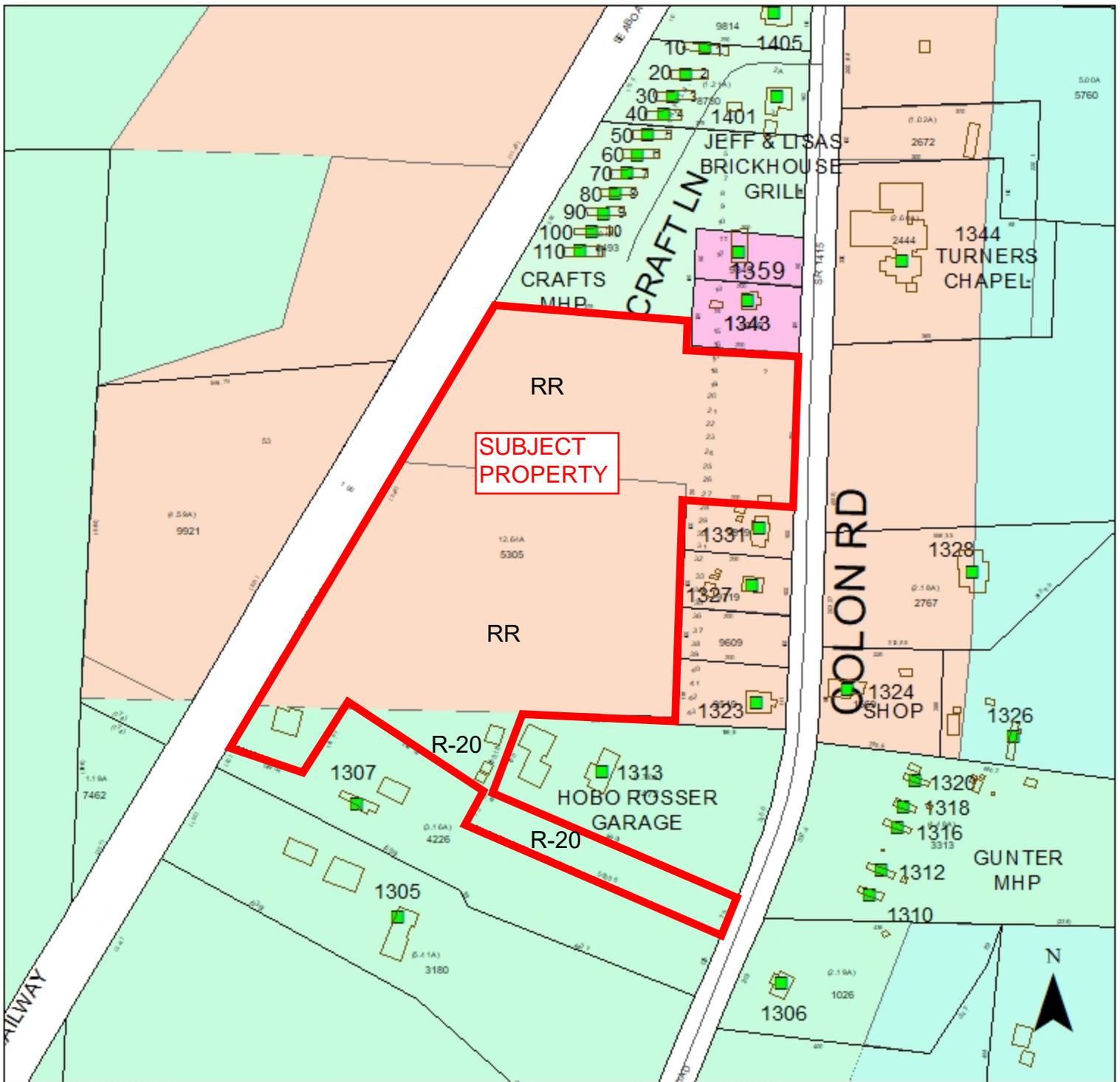
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SPECIAL USE PERMIT APPLICATION

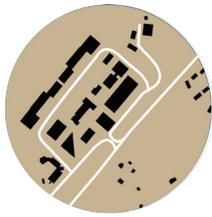
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SPECIAL USE PERMIT APPLICATION

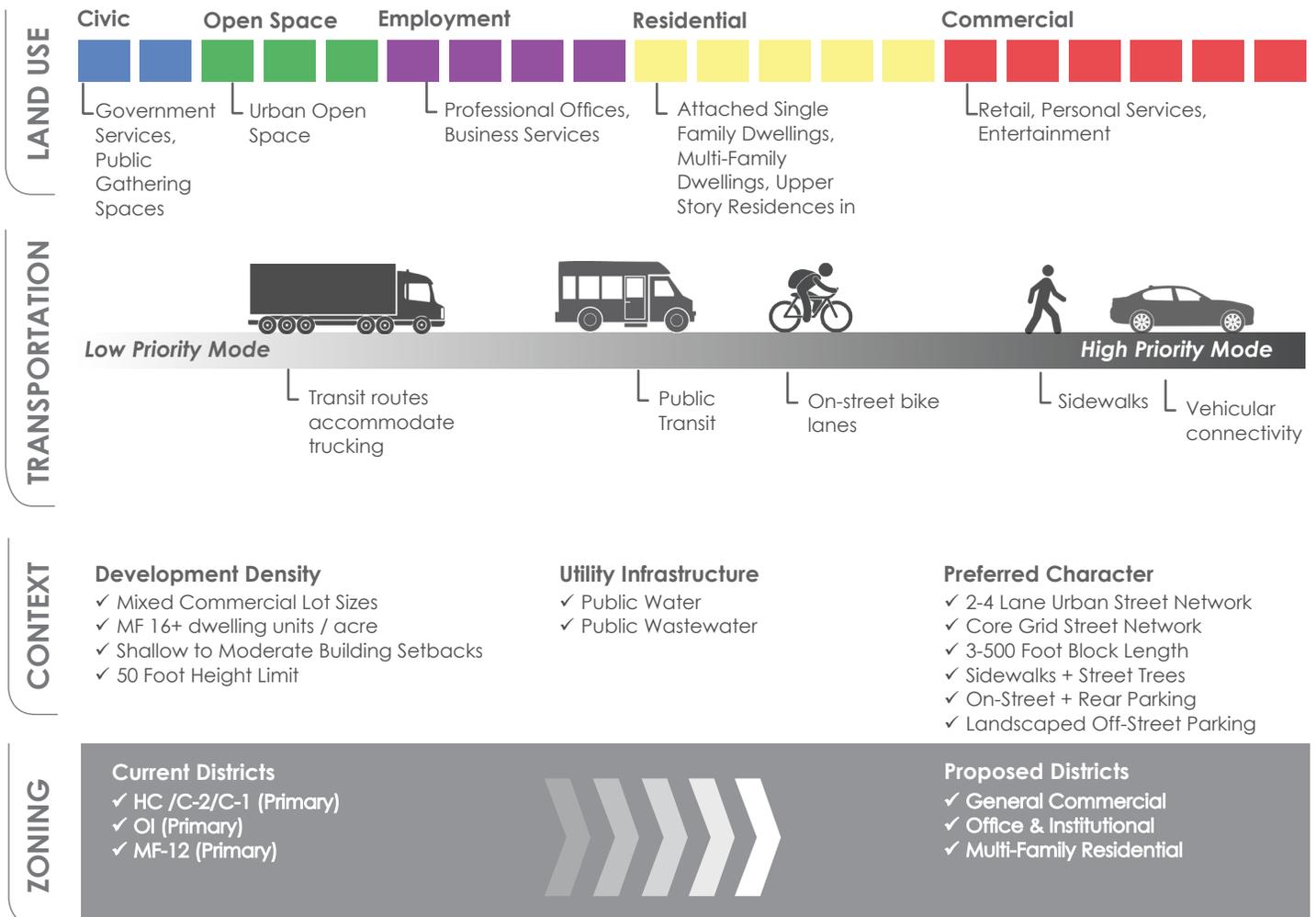
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 PIN 9654-02-5305-00



MIXED USE ACTIVITY CENTER

- ✓ Facilitate development of large scale integrated mix of uses
- ✓ Single master-planned unit, but contextually integrated into surrounding development pattern including strong mobility linkages
- ✓ Within close proximity to highway interchanges and major arterials

Local Example - US 1 / Spring Lane Interchange Area in Sanford



Key: "P" means permitted as of right, "S" means permitted as a special use, "D" means development regulations apply (see Article 5), "A" means permitted only as an accessory use, "-" means prohibited. Section numbers as provided in the use column(i.e. § 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this Ordinance. Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	LBCS Function		LBCS Structure																		
			RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial		
Bus passenger stations/terminals/shelters	4133	5300	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	P	P
Freight terminals & truck terminals	4140-4144		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Gas or electric generation distribution facilities, compressor stations, or substations	4310	6410-6422, 6440-6460	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Hazardous waste facilities (subject to NCGS § 130A-293)		6340	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Parking lots, parking structures or underground parking areas (commercial or governmental)		5200-5250	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Power generation plants or substations		6430-6434	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Public utility storage and service yards			-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	P	P
Radio and TV stations and studios (excluding transmission tower)	4231		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P
Railroad freight yards, repair shops/sheds and marshalling yards	4123	5720	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Sewage treatment and Water treatment plants	4340		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P
Solar Collectors, Commercial (see § 5.39)	4310		S/D	S/D	S/D	S/D	S/D	S/D			S/D	S/D	S/D	S/D	S/D	S/D				S/D	S/D
Solar Collectors, Residential (see § 5.40)			P/D	P/D																	
Solid Waste Collection, Transfer and/or disposal (Non-Hazardous)		4343	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Solid Waste Convenience Centers			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Solid waste combustor or incinerator	4344	6330	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Taxi and Limousine Service	4137		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P	P
Telecommunication towers (see § 5.33)	4230	6500	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D
Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)		6100-6162	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agriculture																					
Animal Production and Support Services, (unincorporated Lee County)	9300-9380	8200	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Animal Production and Support Services, (Sanford and Broadway)	9300-9380	8200	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Crop Production and Support Functions, (unincorporated Lee County)	9100-9240	8100	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Crop Production and Support Functions, (Sanford and Broadway)	9100-9240	8100	P	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P
Forestry and Logging and Support Services, (unincorporated Lee County)	9400-9430		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Forestry and Logging and Support Services, (Sanford and Broadway)	9400-9430		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P

5.33 TELE-COMMUNICATIONS TOWERS

It is the intent of the County of Lee to allow telecommunication towers for mobile telephone services and other radio and television information services which provide for the needs of its citizens while minimizing adverse visual and operational effects of such towers through careful design, placement, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice; and to maximize the use of any existing towers and to reduce the number of new towers which are needed. Additionally, it is the intent of this subsection to encourage the co-location of antennas on existing towers in the County of Lee's planning jurisdiction where possible in order to reduce the amount of visual clutter created by new towers in the community.

The purpose of this Section is to provide a uniform procedure for the prompt issuance of permits to place, construct, or modify personal wireless service facilities which comply with Article 4 (Zoning) of this Ordinance, in order to ensure compliance with the Telecommunications Act of 1996 ("TCA"), 47 U.S.C. § 151 et seq.

5.33.1 APPLICABILITY

5.33.1.1 This section applies to any structure designed to support antennas used for transmitting or receiving commercial telephone communications and/or commercial telecommunications, except for the following:

- (a) Amateur or ham radio towers; and
- (b) wireless broadband or other fixed-wireless systems operating at frequencies that require line of sight (i.e., antennae that are visible to each other), including microwave links, spread spectrum, 38-GHz carrier services, local multipoint distribution service (LMDS), multi-channel multipoint distribution service (MMDS), satellite systems, laser, Unlicensed National Information Infrastructure (UNII Band), or high-altitude long endurance systems.

5.33.1.2 MINOR AND SUBSTANTIAL MODIFICATIONS.

A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment shall be considered a minor modification so long as it does not include a substantial modification as defined §5.33.1.2.1 below.

5.33.1.2.1 A "Substantial Modification" shall be defined as the mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.

- (a) Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- (b) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- (c) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

5.33.1.2.2 Minor modifications shall be reviewed and approved administratively subject to the submittal and review procedures as set forth in this Ordinance. Applications for new towers or those deemed as substantial modifications shall require approval via a Special Use Permit as set forth in this Ordinance.

5.33.2 STANDARDS

5.33.2.1 GENERALLY

- (a) Towers shall not interfere with normal radio and television reception in the vicinity. No tower shall display any sign,

banner or any message. Violations shall be considered zoning violations and shall be corrected under the enforcement provisions of § 1.6 of this ordinance.

(b) Telecommunication antennas may be permitted in any zoning district as a use by right when co-located on existing towers or public elevated water supply storage tanks.

(c) Towers shall be constructed and maintained in conformance with all applicable building code requirements.

(d) Towers greater than 75 feet in height shall be located a minimum distance of 1000 feet from another tower greater than 75 feet in height measured in a straight line between tower centers.

(e) The tower shall be designed and constructed to accommodate one additional user if the tower is between 125 feet and 180 feet from the finished grade elevation. If the height of the tower exceeds 180 feet in height the tower shall be designed and constructed to accommodate a minimum of two additional users.

(f) The tower site shall include adequate area to accommodate the accessory buildings and equipment of all intended users.

5.33.2.2 MINIMUM LOT AREA.

Minimum Lot size shall comply with the minimum requirements of the zoning regulations, Article 4, § 4.7 of this Ordinance. This provision is not intended to apply to ground leases or licenses solely for the use of telecommunication towers, antennas, or equipment.

5.33.2.3 MINIMUM SETBACK REQUIREMENTS.

Towers shall conform to the following dimensional requirements:

(a) For towers located on the roof of a Structures, other than the base or supporting elements of the tower, the tower shall not be more than 30% of the building height above the building, or 75 feet above the building, whichever is less. The building or structure

shall maintain the normal setbacks of the zoning district.

(b) For towers mounted on the ground surface:

- The minimum setback from all property boundaries shall be equal to the maximum height of the proposed tower.
- A fall zone shall also be established for each tower. The fall zone is defined as an area within the subject property, which shall be maintained so as to be clear of any buildings within an area equal to the maximum height of the proposed tower as measured by a circle around the base of the tower. Buildings that are constructed for the purpose of housing equipment in support of the communications equipment as located on the tower shall be permitted within the fall zone.

5.33.2.4 LIGHTING REQUIREMENT.

Lighting shall not be permitted unless required by the Federal Aviation Administration (FAA). If lighting is required it shall not exceed the FAA minimum. Strobes shall not be used for nighttime lighting unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

5.33.2.5 FENCING AND LANDSCAPING REQUIREMENTS.

(a) Fencing shall be required for each site around the base of the tower, any structures or guy wires. The composition of the fencing shall consist of durable materials including wood, brick, or metal or other similar material as may be determined by the Planning Board.

(b) The base of the tower, any guy wires, and any structures, walls, or fences shall be surrounded by a single row of large evergreen shrubs spaced at an interval of 5 feet on center. The minimum height of shrubs at the time of planting shall be 3 feet.

(c) The site developer may have the option of:

- (1) providing the landscape buffer around the tower base, guy wires and accessory structures; or
- (2) providing a buffer around the perimeter of the entire site.

5.33.3 CO-LOCATION REQUIREMENTS.

5.33.3.1 To encourage shared use of towers, applicants may apply for reduction in setbacks. Applications for towers, which will operate with more than one user immediately upon completion, may reduce setbacks from adjacent nonresidential property. The approving authority may reduce the setback from adjacent nonresidential property by 25% when two users commit to occupy the tower immediately upon its completion or may reduce the setback by 50% when three or more users commit to occupy the tower immediately upon its completion. However, the setback distance may not be reduced to less than 50 feet.

5.33.3.2 To further encourage co-location, additional antennas and associated equipment, which do not add to the tower height, may be added to existing towers with administrative approval by the Community Development Department. Applicants need only provide the information required by §§ 5.33.6.2, 5.33.6.4, 5.33.6.5, 5.33.6.6, 5.33.6.8, 5.33.6.10, and construction drawings.

5.33.4 CONCEALED TOWERS.

Concealed towers are permitted in all zoning districts, subject to the issuance of a permit by the Community Development Department. For additions to existing structures and for architectural features that are exempt from the height requirements of this ordinance, the Community Development Department shall consider whether the addition or feature containing the antenna is architecturally harmonious in such aspects as material, height, bulk, scale, and design with the building or complex of which it is a part, and if it is a stand-alone structure, whether or not such structure is harmonious with the surrounding area. If the Community Development Department denies approval of the concealed tower, the applicant may appeal the decision to the Board of Adjustment as an appeal of an

administrative decision. A Board of Adjustment review shall only consider the architectural aspects of the Community Development Department’s decision listed above. In addition, such structures associated with the communication antenna and equipment shall:

- (a) Meet all other applicable requirements of this Ordinance.
- (b) Not interfere with normal radio and television reception in the vicinity.
- (c) Be constructed and maintained in conformance with all applicable building requirements.

5.33.5 ABANDONMENT, OBSOLESCENCE, AND FINANCIAL RESPONSIBILITY REQUIREMENTS.

5.33.5.1 A tower that is not used for a period of at least six (6) months shall be determined to be abandoned and shall be removed, by the owner, within 90 days after notice by the Community Development Department.

5.33.5.2 The owner of the tower shall remove any abandoned, obsolete, unused, or structurally unsound tower within 90 days after notice by the Community Development Department or Building Inspector when said tower is detrimental to the health and safety of the public. When said tower is structurally unsound, the Building Inspector may establish a shorter period of time for the removal of a tower.

5.33.5.3 To assure the removal of towers which do not meet requirements for use or maintenance:

5.33.5.4 A statement of financial responsibility, meeting the standards of the County, shall be submitted for each tower over 100 feet.

5.33.5.5 A performance bond in an amount fixed by the Planning Board equal to 110% of the cost for removal of the tower shall be posted for each tower. The bond shall be renewed annually and a certificate of renewal submitted for as long as the tower remains in place.

5.33.5.6 Removal costs shall be charged to the tower owner. In the instance of the financial insolvency of the tower owner, removal cost shall be assessed as a lien and collected as unpaid taxes.

5.33.5.7 Government-owned wireless communication facilities shall be exempt from Sections 5.33.5.3 through 5.33.5. of this Ordinance. Such government-owned wireless towers shall not be required to submit a performance bond as specified in the aforementioned subsections.

5.33.5.6. Such government-owned wireless towers shall not be required to submit a performance bond as specified in the aforementioned subsections.

5.33.6 SUBMITTAL REQUIREMENTS

The following information must be supplied with any application for development approval for all telecommunication towers as defined by this Section, in addition to any information required for the applicable permit by Appendix B.

5.33.6.1 Site, elevation, and landscape plans drawn to scale showing all setbacks, buffers, easements, buildings, fences, height of the tower (including antennas, lightning rods and paraphernalia), and accessory structures as well as any additional information deemed appropriate by the Community Development Department or Planning Board.

5.33.6.2 Identification, address, and telephone number of the intended user(s) of the tower.

5.33.6.3 Proof of ownership and/or easement agreement(s) for the land where the tower is located, including means of ingress and egress.

5.33.6.4 Proof of authorization to use the site if the land is not owned.

5.33.6.5 A report including a description of the tower with technical reasons for its design.

5.33.6.6 Documentation provided by a registered engineer indicating the number of additional users that the tower has sufficient structural integrity to accommodate.

5.33.6.7 Documentation by the applicant that demonstrates the reasonable feasibility (or unfeasibility) of collocating new antennas and equipment on existing wireless support structure or other structures. For proposed new towers, such documentation shall demonstrate the feasibility of collocating is unreasonable.

5.33.6.8 Documentation that the tower lighting will not exceed the Federal Aviation Administration's (FAA) minimum standards and the standards of this ordinance.

5.33.6.9 Copy of completed FAA Form 7460-1, Notice of Proposed Construction or Alteration and any FAA responses thereto. Failure on the part of the applicant to ultimately obtain a finding by the FAA that the tower will not pose a hazard to air navigation shall result in revocation of the Special Use Permit.

5.33.6.10 Evidence that the Sanford-Lee County Regional Airport Authority has been notified of the proposed tower, that the tower will not exceed the standards of the Sanford-Lee County Airport Hazard Ordinance, and that the tower will not pose a hazard to any private airport.

5.33.6.11 Evidence that owners of residentially zoned or used property located within 300 feet of the base of the tower have been notified of the proposal.

5.33.6.12 A statement indicating the owner's intent to allow shared use of the tower and how many additional users may be accommodated.

5.33.6.13 An analysis of the area containing existing topographical contours. Include a copy of the USGS topographic quadrangle with the tower site identified including latitudinal and longitudinal coordinates.

5.33.6.14 A visual depiction and summary of locations within a three mile radius where any portion of the proposed tower is visible.

5.33.6.15 A computer simulation or an artist's rendering of the proposed tower and site or a photograph of a tethered balloon floated to the

height of the proposed tower in order to assess potential safety and visual impacts. The applicant shall take the photograph or view from one (1) of the following locations:

- any point along the boundary of the nearest residential zoning district to the proposed tower lying within a three mile radius, or
- any point along the boundary of a three mile radius from the proposed tower.

5.33.7 APPROVAL PROCEDURES

Approval of a telecommunications towers shall be in accordance with the review and approval procedures as set forth in Article 3 of this Ordinance for Administrative Permits and/or Special Use Permits (as applicable).

5.33.8 RETENTION OF CONSULTANTS

The County shall retain a consultant or professional services to review applications for new towers. The consultant will review all such applications and make determinations and recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives, and compliance with state and federal rules and regulations. The applicant shall pay a fee as part of the special use permit application for the costs of the consulting services as incurred by the County. The County shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. At the request of the applicant, the Department of Community Development shall arrange an informal consultation with the applicant to review the consultant's report prior to any public hearing on the application.

Sanford, North Carolina

Telecommunications Site Review New Support Structure

CityScape

C O N S U L T A N T S , I N C .

2423 Orange Avenue #317
Orlando, Florida 32806
Tel: 877.438.2851 Fax: 877.220.4593

April 29, 2020

Ms. Amy McNeil
Zoning Administrator
115 Chatham Street
Sanford, NC 27330

**RE: City of Sanford
Verizon Wireless / SCI Towers**

Dear Ms. McNeil,

At your request, on behalf of Sanford/Lee County, North Carolina (“County”), CityScape Consultants, Inc. (“CityScape”) in its capacity as telecommunications consultant for the City, has considered the merits of the above referenced application submitted by SCI Towers (“Submitter”) on behalf of Verizon Wireless (“Applicant”), to construct a new wireless telecommunications support structure and associated ground compound at 1313 Colon Road in Sanford, North Carolina, *see Figure 1*.

The Applicant provided in their narrative detailed information to support their request. The proposed one hundred ninety-nine (199) foot tower is intended to provide new services within an area that has a verified coverage gap. CityScape’s responsibilities to the City start with an initial review of all submittals for completeness. It was found there were some required documents missing along with further needed clarifications. This was provided to the Applicant and all were promptly provided. After confirming, the City notified the Applicant the application was complete and processing would begin. The Applicant was also notified that due to the current Covid19 Pandemic and the Governor’s mandate the required public hearing could be delayed. There was acknowledgment from the Applicant’s representative Michael Doran.

The initial submission was generic in nature and not clear regarding the needs of the Applicant, which must be a qualified Wireless Service Provider, in this case Verizon. Verizon did provide a letter confirming the narrative and exhibits were within their specifications.

The application has been evaluated from the following perspectives:

- Whether the proposed facility, as specified, is justified due to technological reasons and is essential for the Applicant to provide its telecommunications service; and,
- Whether the proposed facility will follow the guidelines of the Telecommunications Act of 1996, the Sanford/Lee County Ordinance and all other pertinent rules and regulations.

Sanford/Lee County Ordinance Requirements

§5.33.2.1 Generally

- (a) - Shall not interfere with radio/TV reception and no signage: need certification
- (b) – Co-located antennas:
- (c) – Towers comply with building codes
- (d) – 1000-foot separation for Towers greater than 75 feet
- (e) – Minimum users
- (f) – adequate room for accessory buildings

§5.33.2.2 Minimum Lot Area

§5.33.2.3 Minimum Setback

- (a) – Towers on roof
- (b) – Towers on ground, setback is tower height

§5.33.2.4 Lighting Requirement

§5.33.2.5 Fencing and Landscaping Requirements

- (a) – Fencing required
- (b) – Tower base/guy wires

§5.33.3 Collocation Requirements

- (1) – Shared Use
- (2) – Collocation

§5.33.4 Concealed Towers

- (a) – N/A
- (b) – N/A
- (c) – N/A

§5.33.5 Abandonment

- (1) – unused removal
- (2) - structural

§5.33.6 Submittal Requirements

- (1) – Plans
 - (2) – Address and phone contact
 - (3) – Proof of Ownership
 - (4) – Proof of Authorization
 - (5) – Technical Needs Report
 - (6) – Number of Additional Users
-

- (7) – Feasibility of Collocating antennas
- (8) - Lighting meets FAA requirements
- (9) – Copy of FAA 7460-1 Form
- (10) – Complies with Sandford-Lee Airport Authority standards
- (11) – Notification to nearby residential owners
- (12) – Intent to share tower for collocation
- (13) – Topographic Analysis
- (14) – Location summary where tower is visible
- (15) – Balloon Test/Photo Simulations

The Applicant submitted and/or provided and/or confirmed all requirements.

Site Justification and Coverage

In order for the wireless communications facility to be justified, its need, location and height have to be addressed. The Applicant proposes to construct a new *monopole* structure one hundred ninety-nine (199) feet to the top of the lightning rod, *see Appendix, Exhibit A*. There are no other existing towers greater than 75 feet in height within 1000 feet of the proposed site, as required by the Ordinance. The Applicant provided a search ring, *see Appendix, Exhibit B* and coverage maps. The first coverage map shows the existing Verizon service, please note the yellow hexagon identifying the proposed improvement, the second coverage map shows the proposed improvements, *see Appendix, Exhibit C*. CityScape attest the proposed changes are consistent with standard computer modeling according to federal specifications and does verify the new site will provide improved services for Verizon subscribers. This information was critical in determining if the proposed location and height are justified.

The proposed height will allow for contiguous service between the existing sites in all directions and for improved indoor service in areas approximately 1½ miles from the tower. It will also alleviate capacity issues that occur at the US1/Oscar Kelley intersection during peak usage times. In the Applicant's narrative it is proposed the tower will accommodate a total of five (5) carriers, but the tower shows a planned designed to accommodate a total of four (3) carriers. That would include Verizon and three (3) future users all with adequate height for good service and would reduce the need for additional towers in the same general area.

The Applicant has received a Determination of No Hazard from the FAA indicating that the proposed structure will not require obstruction lighting.

Ground Equipment

The Applicant proposes to utilize a ten thousand square foot lease area within a proposed 50' X 50' fenced compound. The fenced area will accommodate room for three future provider's equipment, *see Appendix, Exhibit D*.

Landscape Buffering

The ground compound will be surrounded by approximately 42 Sunshine Ligustrum Sinenese plants, spaced 5 feet apart as shown on page L-1 of the Construction Drawings. Page L-2 shows taller unidentified and non-described trees. The Ordinance has specific landscaping requirements which must be addressed and will be listed within the approval conditions.

Balloon Test, Photo Simulations and Other Requirements

The Applicant did provide the required FCC Compliance Statement within the primary submittal package. Also included within the primary submittal package were:

1. Balloon Tests
 2. Photo Simulations
 3. Notice to adjacent property owners
 4. FAA Determination of No Hazard
 5. Statement of collocations
 6. Full legal description
 7. Redacted copy of ground lease
 8. Insurance schedule
 9. Statement of owner's financial responsibility
 10. Local airport no hazard
-

In conclusion, it is the opinion of the undersigned that the Applicant has justified the need for this new one hundred ninety-nine (199) foot support structure at the proposed location and has complied with all necessary regulations and guidelines for personal wireless facility deployment. CityScape Consultants, as the wireless expert for the City and the County, recommends the application be approved with the following conditions:

1. All antenna ports shall be sealed in a manner to prevent access by birds and any other wildlife; and,
2. Prior to the public hearing, the Applicant shall discuss with the City, the specific landscaping requirement concerning tall trees. The submitted plans do not show any specific locations for trees, which are required by the ordinance; and,
3. Prior to construction, the Applicant shall submit for approval a final site plan consisting of a Structural Analysis and Design, signed and sealed by a North Carolina Registered Professional Engineer, that the proposed support structure will have the structural capacity to support a total of four (4) antenna arrays of like design to the primary tenant, Verizon, having all feed lines installed internally and to specify the ANSI/EIA/TIA 222 standards used, Series II, Exposure C; and,
4. The proposed structure shall not be lighted

I certify that to the best of my knowledge all of the information included herein is accurate at the time of this report. CityScape only works for local governments and has an unbiased opinion; all recommendations are based on technical merits without prejudice and according to prevailing laws and codes.

Respectfully submitted,



Richard L. Edwards,
FCC Licensed RF Engineer
CityScape Consultants, Inc.

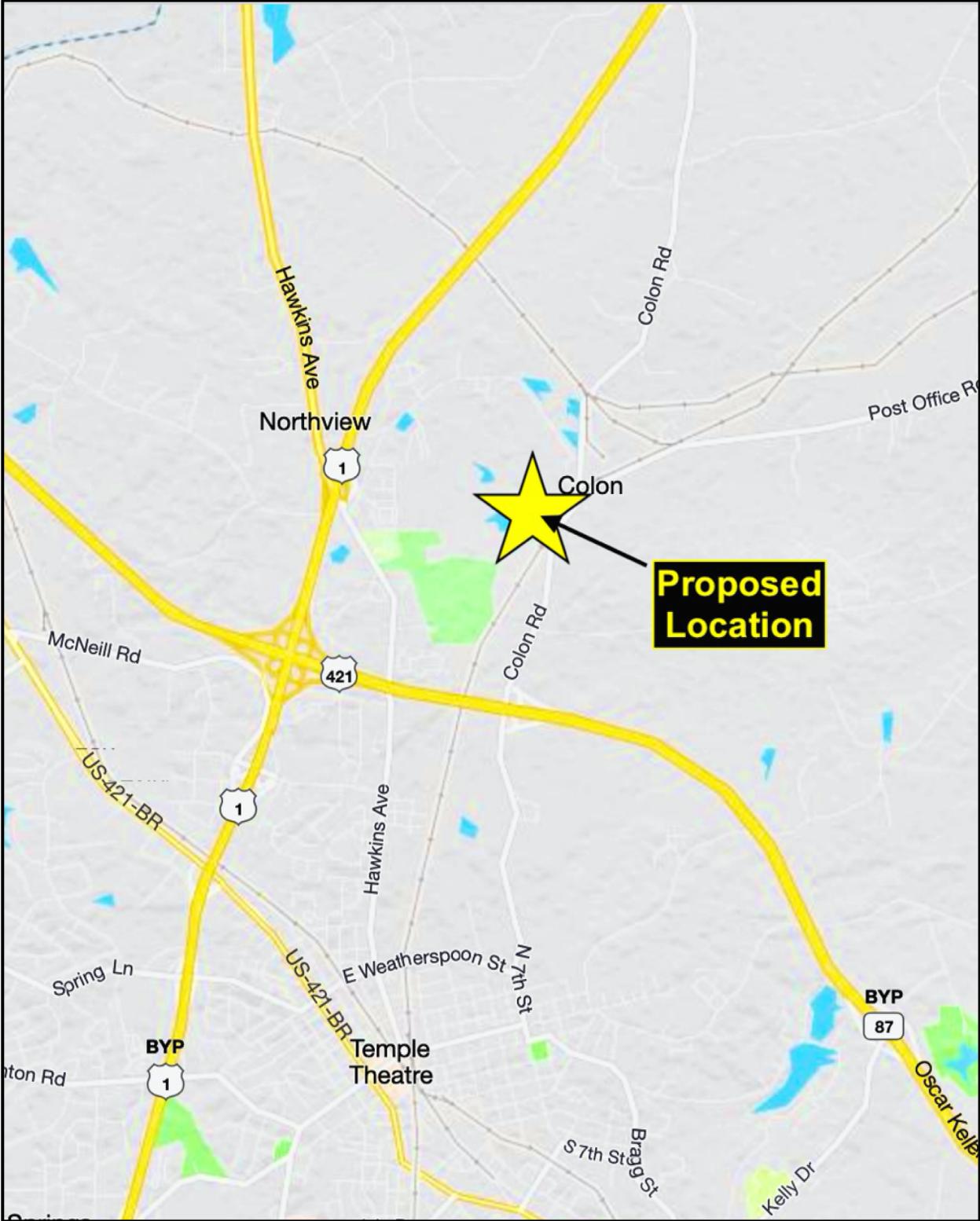


Figure 1 – Site Location

Appendix

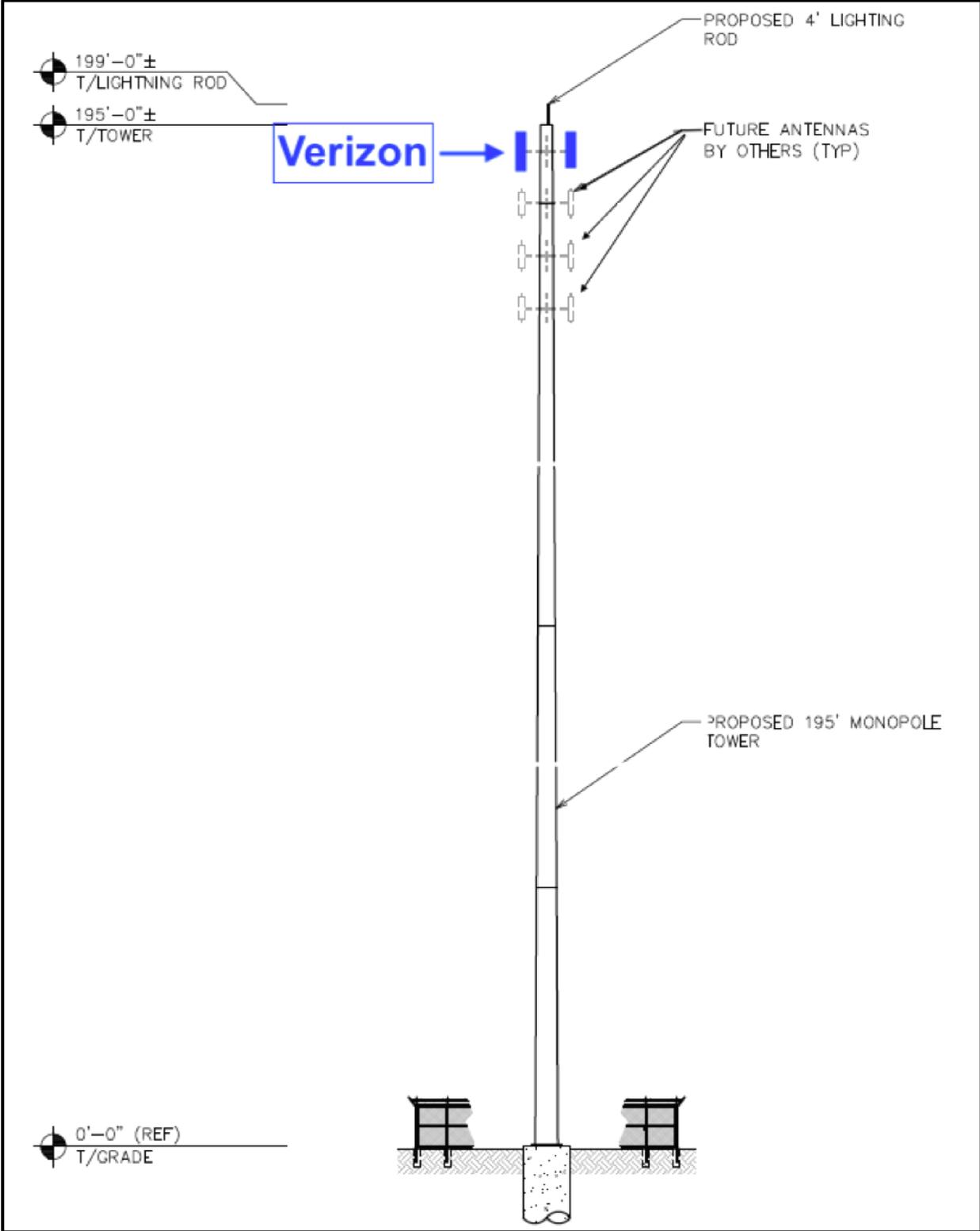


Exhibit A - Proposed Support Structure

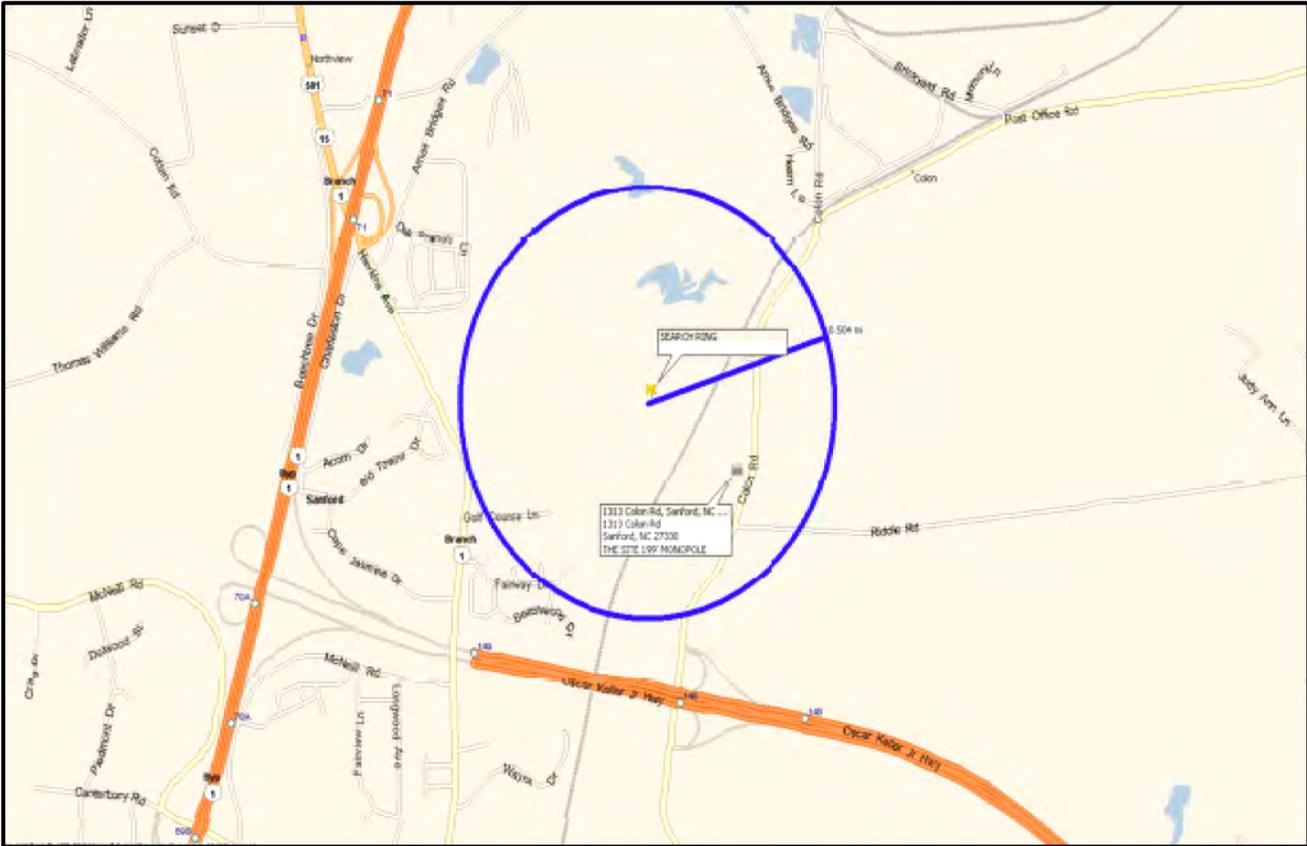
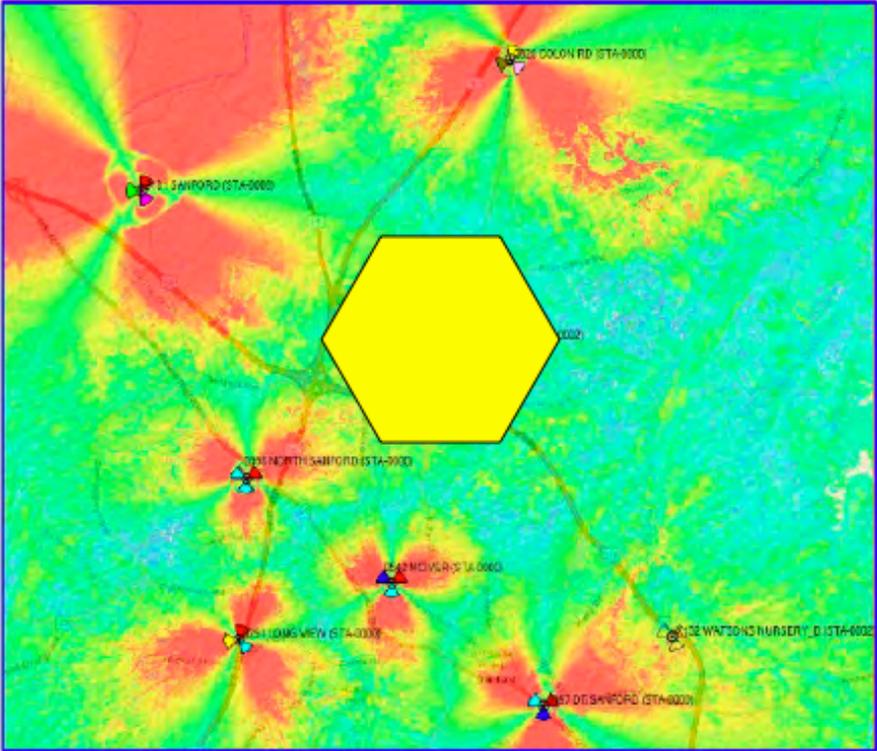
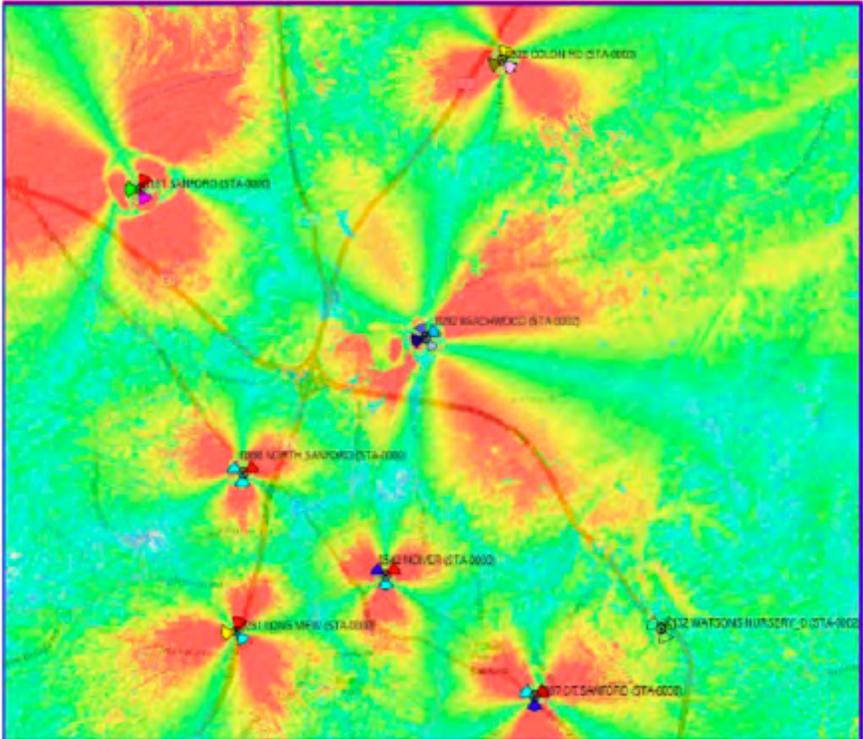


Exhibit B – Provided Search Ring



EXISTING



PROPOSED

Exhibit C – Provided Propagation Maps

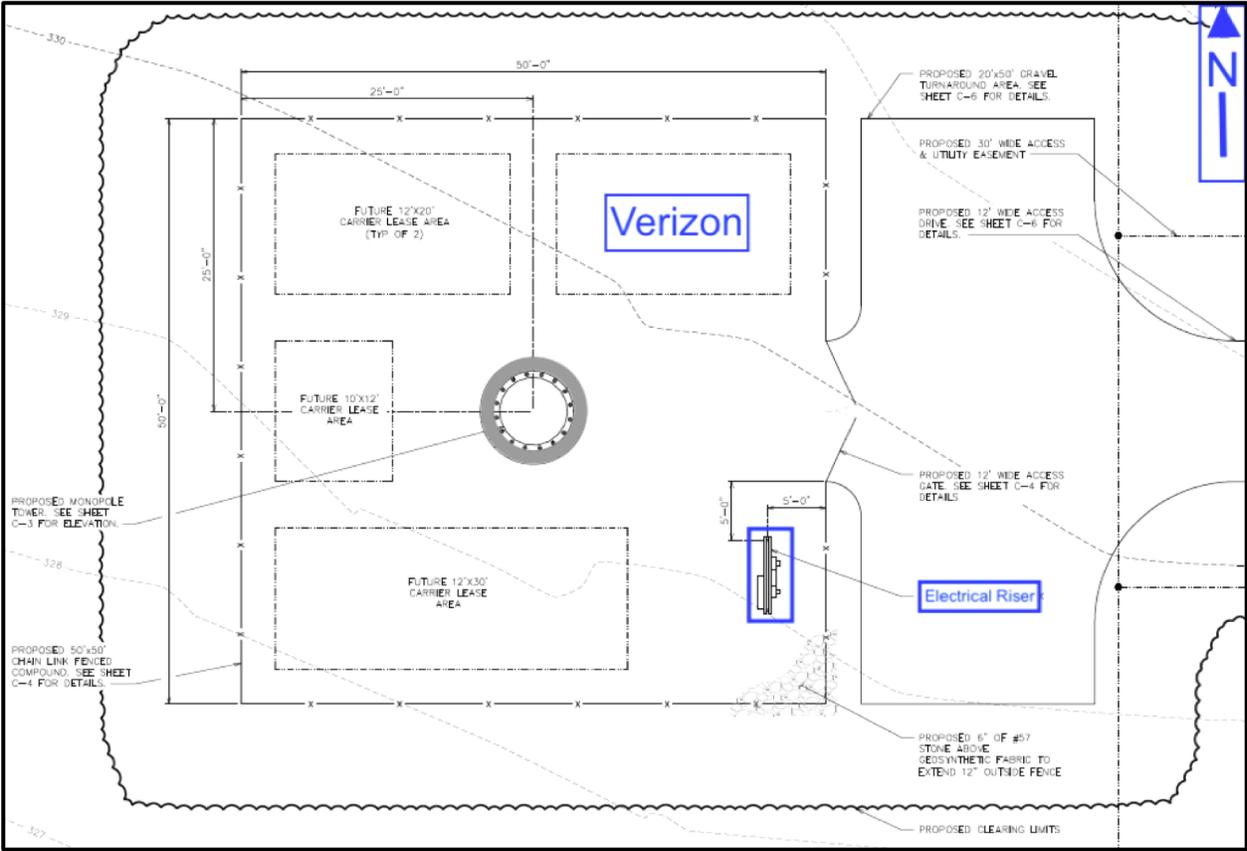


Exhibit D – Proposed Ground Compound

Network Operations



Verizon Wireless
8921 Research Drive
Charlotte, North Carolina 28262

Phone 704 510-8500

Date: 4/08/2020

RE: 195' Cell tower 1313 Colon Rd.

To Whom it may concern:

Regarding the proposed new facility defined as 'SCI/VZW Sanford Tower' located at 1313 Colon Road, Sanford NC, Verizon Wireless has determined that antennas need to be mounted at 190' feet in order to meet our wireless network design objectives. I certify that the attached propagation maps are correct and that the installation on this tower as proposed will have the desired improvement in service as indicated by the maps.

Sincerely,

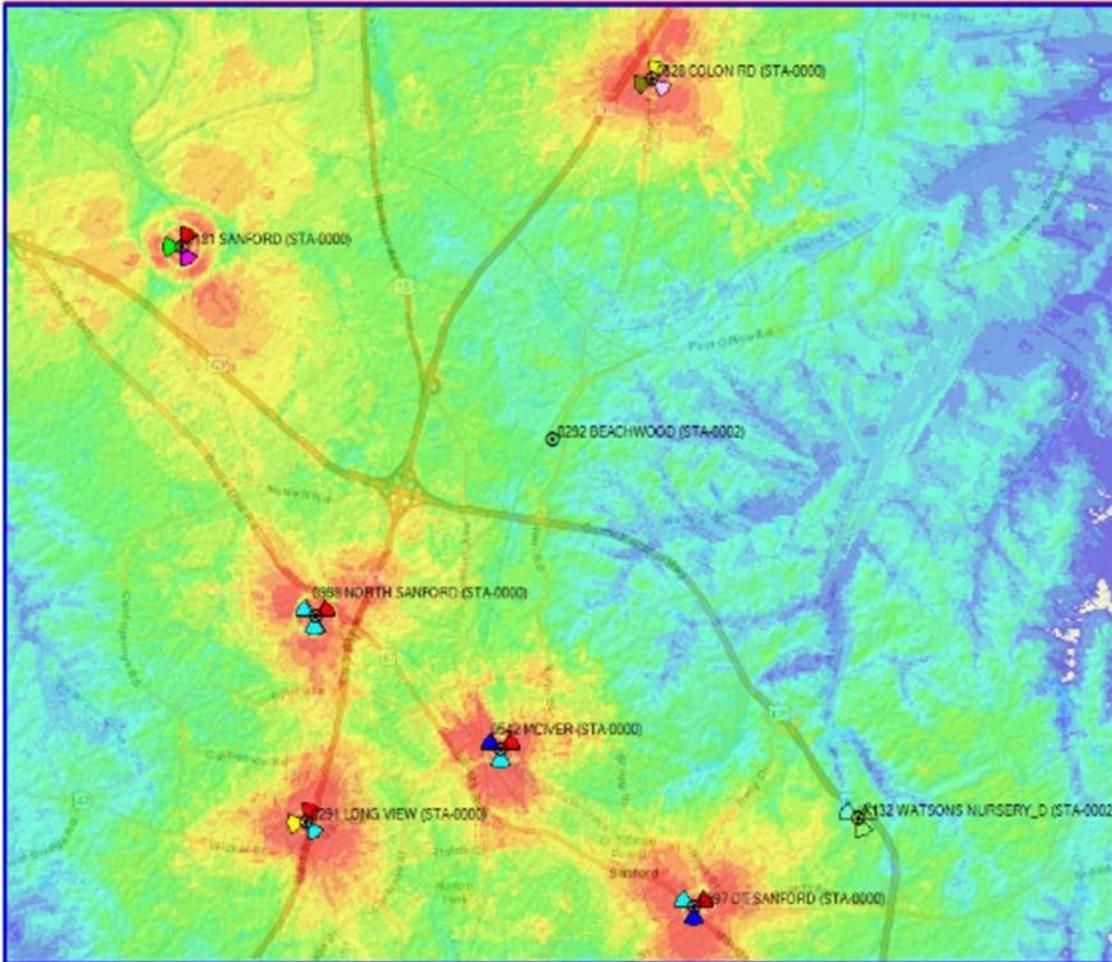
Mace Alchalabi

A handwritten signature in blue ink, appearing to read "Mace Alchalabi", written over a horizontal line.

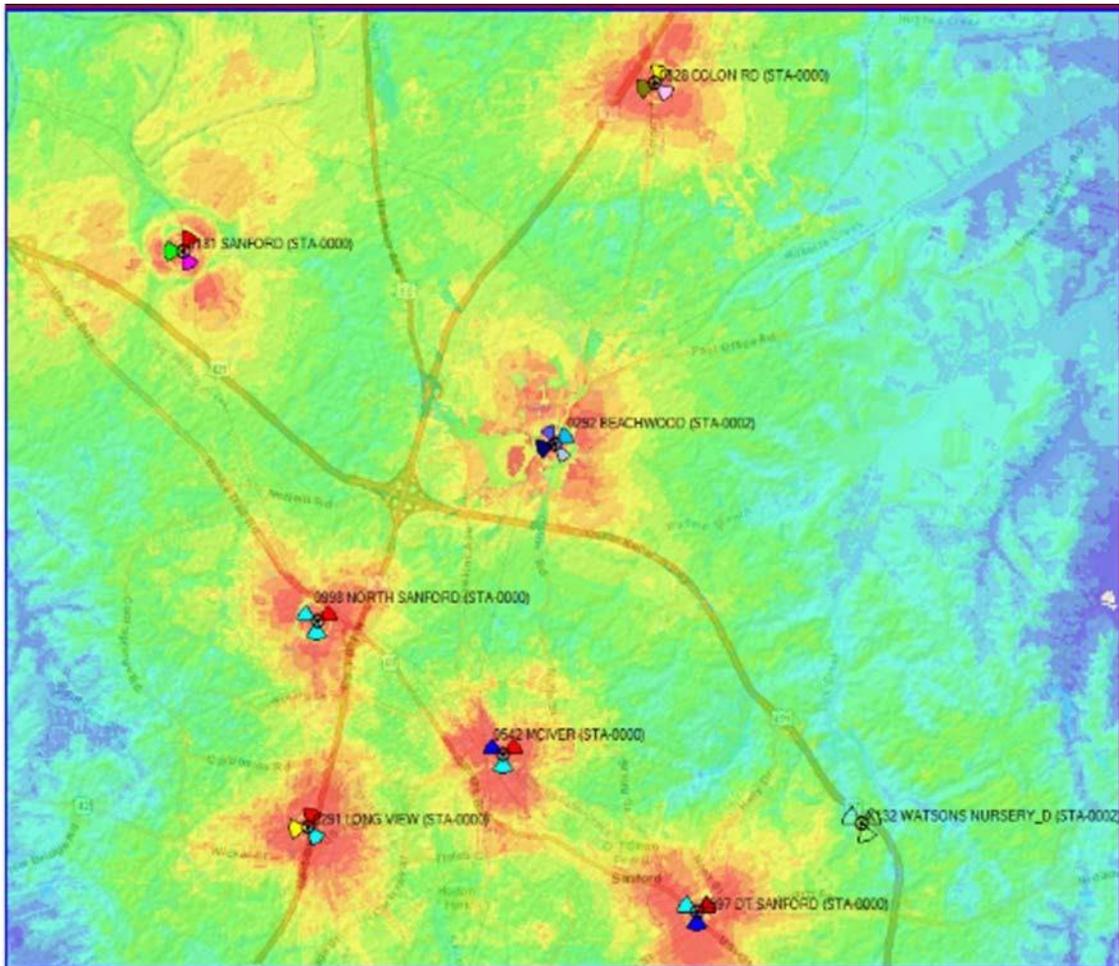
Verizon Wireless RF Engineer

Beachwood Search Ring RF Propagations

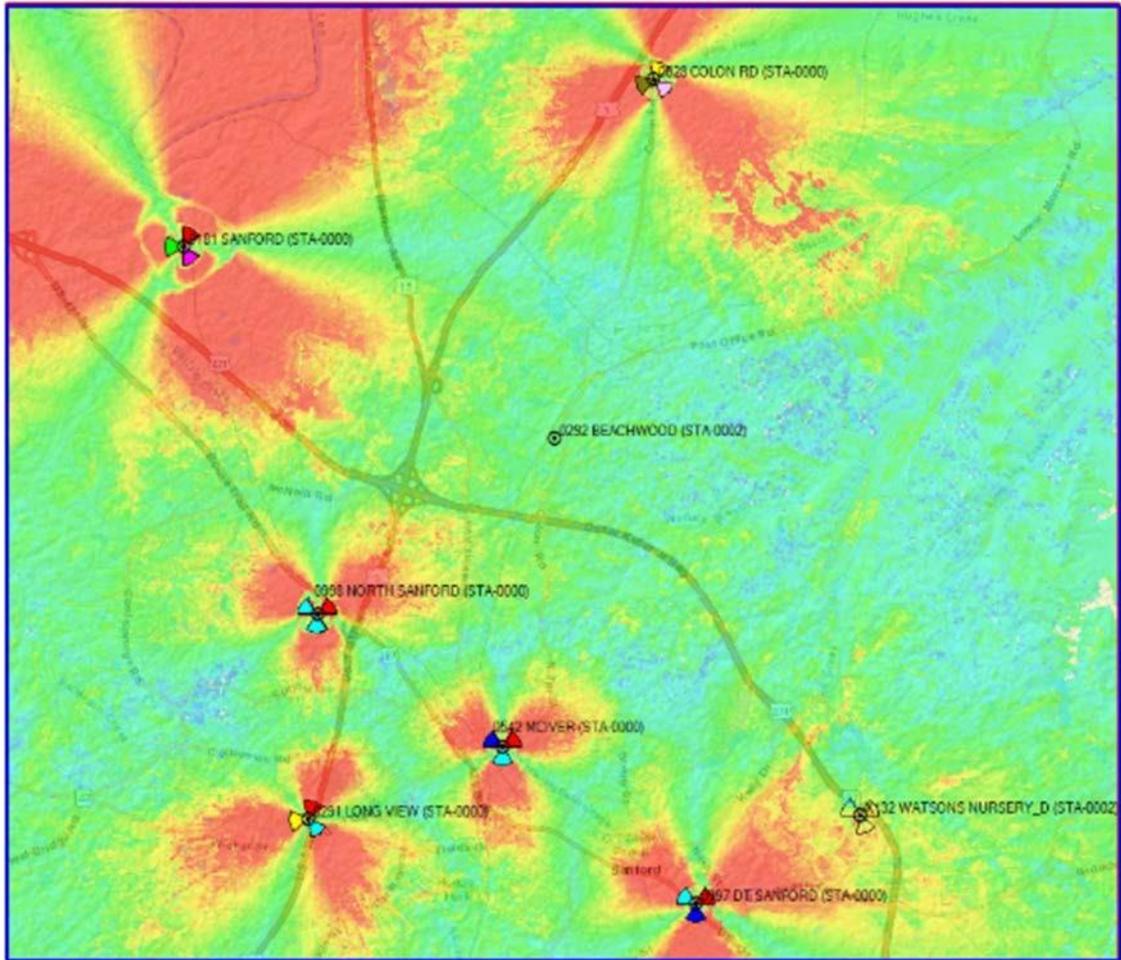
RSRP Before



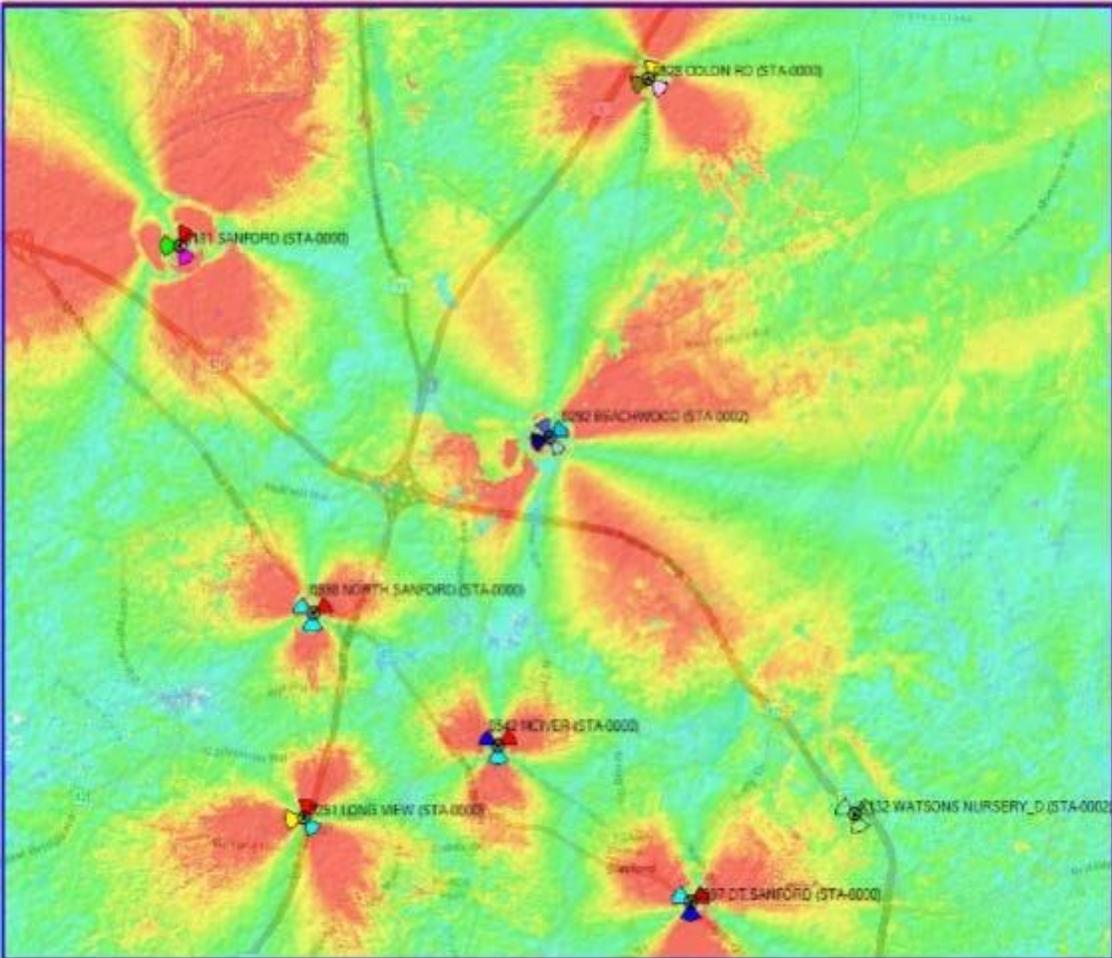
RSRP After



C/I Before



C/I After



ADJACENT PROPERTY OWNER NOTIFICATION CERTIFICATION

I, Amy J. McNeill, hereby certify that the property owners and adjacent property owners of the following Special Use Permit Application, as indicated on the Lee County Tax Maps, were notified by First Class U.S. Mail on Friday, June 26, 2020.

1. SPECIAL USE PERMIT APPLICATION

Application by Michael Doran of Roman Acquisition, Inc. for SCI Tower, LLC / Verizon Wireless, to obtain a Special Use Permit for a proposed telecommunications tower to be located on a 12.7 +/- acre vacant tract of land off of Colon Road (between 1331 and 1343 Colon Road) owned by Grayson N. Rosser. The northern portion of this tract is within Lee County and is zoned Residential Restricted (RR). The southern portion of this tract is within the City of Sanford's ETJ and is zoned Residential Single-family (R-20). The proposed telecommunications tower site is located on the northern portion of this tract within the unincorporated area of Lee County, zoned Residential Restricted (RR). Per the Unified Development Ordinance (UDO), Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a new telecommunications tower is permitted in the Residential Restricted (RR) zoning district upon issuance of a Special Use Permit, subject to Article 5 Supplemental Development Regulations, Section 5.33 Telecommunications Towers. The property is the same as depicted on Lee County Tax Map 9653.04 as Tax Parcel 9654-02-5305-00, Lee County Land Records.

Signature: AMY JO McNEILL Date: 2020.06.26

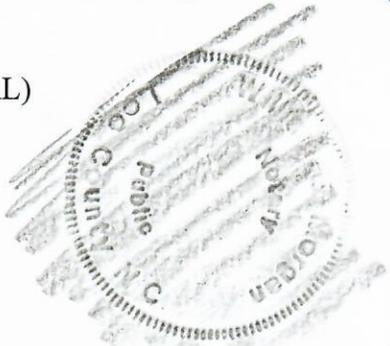
Title: ZONING ADMINISTRATOR

Lee County, North Carolina

I, WILLIAM E MORGAN, a Notary Public for Lee County and State of North Carolina do hereby certify that AMY JO McNEILL personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the 6th day of JUNE 06, 2020, 2020.

William E Morgan
Notary Public Signature

My Commission expires MAY 21, 2021 (SEAL)



Sanford/Lee County

Planning and Development
P.O. Box 3729, Sanford, N.C. 27331-3729

LEE COUNTY BOARD OF ADJUSTMENT SPECIAL CALLED MEETING NOTICE

June 26, 2020

Dear Adjacent Property Owner:

The Zoning Ordinance of Lee County, North Carolina requires that adjacent property owners be notified when a request for a Special Use Permit has been scheduled for a public hearing before the Lee County Board of Adjustment. The action prompting this notice is listed below.

NOTICE IS HEREBY given that the Lee County Board of Adjustment will hold a Special Called Meeting and conduct a public hearing on Thursday, July 9, 2020 in the Lee County Farm Bureau Auditorium at the Ernest and Ruby McSwain Extension Education and Agricultural Center, 2420 Tramway Road, Sanford, NC 27330. The public hearing will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board to consider the following application:

1. SPECIAL USE PERMIT APPLICATION: Application by Michael Doran of Roman Acquisition, Inc. for SCI Tower, LLC / Verizon Wireless, to obtain a Special Use Permit for a proposed telecommunications tower to be located on a 12.7 +/- acre vacant tract of land off of Colon Road (between 1331 and 1343 Colon Road) owned by Grayson N. Rosser. The northern portion of this tract is within Lee County and is zoned Residential Restricted (RR). The southern portion of this tract is within the City of Sanford's ETJ and is zoned Residential Single-family (R-20). The proposed telecommunications tower site is located on the northern portion of this tract within the unincorporated area of Lee County, zoned Residential Restricted (RR). Per the Unified Development Ordinance (UDO), Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a new telecommunications tower is permitted in the Residential Restricted (RR) zoning district upon issuance of a Special Use Permit, subject to Article 5 Supplemental Development Regulations, Section 5.33 Telecommunications Towers. The property is the same as depicted on Lee County Tax Map 9653.04 as Tax Parcel 9654-02-5305-00, Lee County Land Records.

This will be a Special Called Meeting for a date and location change to allow a larger venue to be reserved in order to comply with social distancing guidance set by the Center for Disease Control (CDC) to protect health and safety as a result of the COVID-19 pandemic and the Executive Orders issued by Governor Roy Coper. Members of the public may attend this meeting in person; however, in an effort to ensure health and safety for everyone in attendance, we are limiting attendance to ten members of the public within the auditorium at one time, on a first come first serve basis. The board will attempt to accommodate everyone who may have questions, concerns, or testimony and may utilize the lobby area for overflow attendees who may be awaiting their turn to address the board. We appreciate everyone's cooperation and understanding as we learn to adapt to the challenges and pandemic has presented.

The public is cordially invited to attend this quasi-judicial hearing. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence. All interested parties have the right to be represented by an attorney. Further information may be obtained from the Sanford/Lee County Community Development Department via email at zoning@sanfordnc.net, via standard mail at 115 Chatham Street, Suite 1, Sanford, NC 27330 or by calling (919) 718-4656. Upon request and with 24-hour notice, the County will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

Attachments: GIS Site Map and Sheet C-1 Site Plan

ADJOINING PROPERTY OWNERS LIST

PETITION BY: Michael Doran of Roman Acquisition, Inc. for SCI Tower, LLC /Verizon
REQUEST: SUP for a Telecommunications Tower in the Residential Restricted (RR) Zoning District
LOCATION: 12.7 acre \pm vacant tract of land off of Colon Road (between 1331 and 1343 Colon Road), Sanford, NC 27330
PIN: 9654-02-5305-00
DATE: 2020-06-25

No.	PIN	PROP ADDR	OWNER 1	OWNER2	M #	MAIL ST	MAILCITY	ST	ZIP
01	9654-03-6493-00	50 CRAFT LN	THOMAS, JOHN BRADFORD	THOMAS, GINGER GUNTER	1328	COLON ROAD	SANFORD	NC	27330
02	9654-03-9349-00	1359 COLON RD	SOKA PROPERTIES LLC	-	1006	OAKWELL COURT	APEX	NC	27502
03	9654-03-9249-00	1343 COLON RD	SANTANA, PASCUAL MILIAN	SANTANA, BULMARA POPOCA	2105	ORIOLE CIRCLE	SANFORD	NC	27330
04	9654-13-2389-00	1344 COLON RD	TURNERS CHAPEL CONGRTNL CHRISTIAN CHURCH	-	1344	COLON ROAD	SANFORD	NC	27330
05	9654-12-9832-00	1326 COLON RD	THOMAS, GINGER GUNTER	-	1328	COLON ROAD	SANFORD	NC	27330
06	9654-12-2767-00	1328 COLON RD	THOMAS, GINGER GUNTER	-	1328	COLON ROAD	SANFORD	NC	27330
07	9654-12-1569-00	1324 COLON RD	BODMER, STEPHANIE GUNTER	-	600	BARBER ROAD	SOUTHPORT	NC	28461
08	9654-12-3313-00	1310 COLON RD	GUNTER, ALBERTA	-	1331	COLON ROAD	SANFORD	NC	27330
09	9654-12-1026-00	1306 COLON RD	SALMON, HELEN B	-	1306	COLON ROAD	SANFORD	NC	27330
10	9654-11-0883-00	0 RIDDLE RD	SALMON, HELEN B-	-	1306	COLON ROAD	SANFORD	NC	27330
11	9654-02-9819-00	1331 COLON RD	GUNTER, JAKE	GUNTER, ALBERTA	600	BARBER ROAD	SOUTHPORT	NC	28461
12	9654-02-9719-00	1327 COLON RD	GUNTER, JAKE	GUNTER, ALBERTA	600	BARBER ROAD	SOUTHPORT	NC	28461
13	9654-02-9609-00	0 COLON RD	GUNTER, JAKE	GUNTER, ALBERTA	600	BARBER ROAD	SOUTHPORT	NC	28461
14	9654-02-9519-00	1323 COLON RD	GARNER, EDMOND LEE	GARNER, MYRTIE COE	1214	COLON ROAD	SANFORD	NC	27330
15	9654-02-7472-00	1313 COLON RD	ROSSER, GRAYSON NEIL	-	1313	COLON ROAD	SANFORD	NC	27330
16	9654-02-4226-00	1307 COLON RD	ROSSER, LILLIE MAE DAVIS	-	1305	COLON ROAD	SANFORD	NC	27330
17	9654-02-3180-00	1305 COLON RD	ROSSER, LILLIE MAE D	-	1305	COLON ROAD	SANFORD	NC	27330
18	9644-92-7462-00	0 COLON RD	SANFORD CITY OF	-	-	PO BOX 338	SANFORD	NC	27331
19	9644-92-9921-00	0 COLON RD	SANFORD CITY OF	-	-	PO BOX 338	SANFORD	NC	27330
20	9644-93-4848-00	0 COLON RD	CHEROKEE LAND COMPANY LLC	-	315	CHANTICLAIR DRIVE	APEX	NC	27502
	APPLICANT:	-	MICHAEL DORAN of ROMAN ACQUISITIONS, INC. for SCI TOWER, LLC / VERIZON WIRELESS		585	South Square Drive, Unit 60	WINTERVILLE	NC	28590
	PROPERTY OWNER :	-	ROSSER, GRAYSON NEIL		1313	COLON ROAD	SANFORD	NC	27330

Note: A "0" address means that no address is assigned to this parcel. Typically, it is vacant

Note: Mail to the City of Sanford is delivered to the City Manager's Office and the City Attorney's Office via interoffice courier.

**LEE COUNTY BOARD OF ADJUSTMENT
SPECIAL CALLED MEETING NOTICE**

Notice is hereby given that the Lee County Board of Adjustment will hold a Special Called Meeting and conduct a public hearing on Thursday, July 9, 2020 in the Lee County Farm Bureau Auditorium at the Ernest and Ruby McSwain Extension Education and Agricultural Center, 2420 Tramway Road, Sanford, NC 27330. The public hearing will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board to consider the following application:

SPECIAL USE PERMIT APPLICATION: Application by Michael Doran of Roman Acquisition, Inc. for SCI Tower, LLC / Verizon Wireless, to obtain a Special Use Permit for a proposed telecommunications tower to be located on a 12.7 +/- acre vacant tract of land off of Colon Road (between 1331 and 1343 Colon Road) owned by Grayson N. Rosser. The northern portion of this tract is within Lee County and is zoned Residential Restricted (RR). The southern portion of this tract is within the City of Sanford's ETJ and is zoned Residential Single-family (R-20). The proposed telecommunications tower site is located on the northern portion of this tract within the unincorporated area of Lee County, zoned Residential Restricted (RR). Per the Unified Development Ordinance (UDO), Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a new telecommunications tower is permitted in the Residential Restricted (RR) zoning district upon issuance of a Special Use Permit, subject to Article 5 Supplemental Development Regulations, Section 5.33 Telecommunications Towers. The property is the same as depicted on Lee County Tax Map 9653.04 as Tax Parcel 9654-02-5305-00, Lee County Land Records.

The public is cordially invited to attend this quasi-judicial hearing. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence. All interested parties have the right to be represented by an attorney. Further information may be obtained from the Sanford/Lee County Community Development Department via email at zoning@sanfordnc.net, via standard mail at 115 Chatham Street, Suite 1, Sanford, NC 27330 or by calling (919) 718-4656. Upon request and with 24-hour notice, the County will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

Thank you.

By Jennifer Gamble, Clerk

Lee County Board of Commissioners

Board of Adjustment

Special Use Hearing Procedures

1. PRELIMINARY MATTERS

- 1) Note for the record the presence of a quorum.
- 2) Chairman calls the meeting to order.
- 3) Approval of agenda (Board members may add or delete items upon a majority vote.)
- 4) Approval of minutes of previous meeting.
- 5) Disclosure of conflict of interest and ex-parte communication by Board Members.

Conflict of Interest - A member of the board or any other body exercising quasi-judicial functions pursuant to this Ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

- 6) Old Business.
- 7) New Business.

2. SPECIAL USE HEARING

- 1) Chairman to announce the case:

We will now hold a public hearing to consider the next matter on the agenda, which is the application of: Mr. /Mrs. _____, seeking a Special Use Permit for “_____.”

2) Chairman to read statement:

A Special Use hearing is a quasi-judicial hearing which means that all parties have the right to offer evidence, cross-examine adverse witnesses, inspect documents, have sworn testimony, have the decision based only on evidence that is properly in the hearing record, and have written findings of fact supported by competent, substantial and material evidence.

Since this is a quasi-judicial hearing, it is improper for a member of the Board of Adjustment to discuss this case or to independently gather evidence outside of this hearing.

3) Chairman then ask:

Does any board member have a conflict that they need to disclose?

4) Chairman then states:

Those wishing to testify must be sworn; however, anyone in attendance may ask questions of the person testifying.

5) Chairman then ask the following questions:

A. Are the applicant(s) Mr. /Mrs. _____ present?

B. Are you ready to proceed?

C. Are you represented by counsel?

6) Chairman calls for all witnesses who will testify in favor of the application to come forward to be sworn.

7) Chairman then calls for all witnesses who will testify in opposition to the petition to come forward and be sworn.

8) Chairman then call on the applicant or his counsel to present their case *in favor* of granting the Special Use Permit.

The PROCEDURE with applicant will be as follows:

- A) Applicant/counsel testifies
- B) Those in opposition cross-examine the applicant/counsel
- C) Questions from the Board of Adjustment
- D) Redirect examination of applicant/counsel
- E) Re-cross examination of applicant/counsel by those in opposition
- F) Further questions by Board of Adjustment
- G) Questions by public (Must give name and address for the record)

9) Chairman then call on witnesses *in favor* of application to speak, and observe the same procedure as noted above.

10) After the applicant has completed presenting his/her case, Chairman then call upon those *in opposition* to the application to present their witnesses.

The PROCEDURE with witnesses will be as follows:

- A) Witness/counsel in opposition testifies
- B) Applicant or his counsel cross-examines witness in opposition
- C) Questions from the Board of Adjustment
- D) Redirect examination by witness in opposition
- E) Re-cross examination of witness in opposition by applicant

F) Further questions by Board of Adjustment

G) Questions by public (must give name and address for the record)

11) Chairman to call the next and each succeeding witness in opposition to speak, and observe the same procedure as noted above.

12) After all witnesses for the applicant and those that are in opposition have testified, call upon the applicant to present whatever evidence he/she has in rebuttal.

(Note: This is not an invitation to rehash everything the applicant/counsel or those in opposition has gone over in their direct testimony, but is the opportunity to present new evidence that the applicant/council or those in opposition has in rebuttal to what the other has stated.)

The REBUTTAL process:

A) Applicant/counsel can present any new evidence they have for rebuttal.

B) After the applicant/counsel rebuttal has been presented, then the opponents have the opportunity to present any new evidence in rebuttal.

13) This would complete the hearing of evidence in the matter unless either party should ask for a chance to present further evidence. This would be a matter within the discretion of the Board.

14) Chairman to call on the applicant/counsel to present their summation or argument to the Board in favor of granting the Special Use Permit.

15) Chairman to call on those in opposition to present their summation or argument to the Board as to why the Special Use Permit should be denied.

Finally, after all evidence and the rebuttals have been presented,

- 16) The Chairman should summarize the evidence. (The secretary should write this summary down for inclusion in the minutes.)
- 17) The Chairman should tell the parties that the summary is intended to be the record of what has been presented and that they may offer any objections, corrections, or additions that will more accurately present their case.

This concludes the hearing and the Board shall then deliberate and make a decision.

- 18) The Chairman should state for the Board and those in attendance, that the granting of the Special Use Permit is based upon four findings of fact. Each finding requires a majority vote by the Board to be approved. When voting, the Board must render a decision on *each* of the required findings and *must state a reason for approval or denial of *each* finding of fact. (*The Board members should indicate **for each** required finding the evidence on which the finding was based. On the basis of these findings, a Board member should offer a motion either to grant or deny the Special Use Permit. This motion should be discussed and any suitable conditions appended to it.)

- 19) Chairman should also state that if one of the required finding fail, they all fail.

In granting the Special Use Permit, the Board of Adjustment shall find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;

3. That the use will not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Land Use Plan for Sanford and Lee County.

Note: Reasonable and appropriate conditions may be imposed upon these permits.

After the Board's decision has been rendered,

This decision is effective upon filing the written decision with the clerk to the board. This decision shall be subject to review by the superior court. If anyone is dissatisfied with the decision of the Board, an appeal may be taken to the Lee County Superior Court within 30 days after the decision has been filed in the clerk to the board in the Planning Department.