O-22- 104

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A COMMUNICATIONS TOWER IN A C4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3128 PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Greg Farris of SCI Wireless, P.O. Box 753, Wichita, Kansas 67201, seeking a special use to allow a communications tower in a C4 zone for property located at 3128 Pike Avenue (see Project Description attached hereto as Exhibit A), which application was duly considered and approved (8 affirmative votes; 1 against) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on September 13, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That a Special Use is approved for a communications tower in a C4 zone for the subject real property located at 3128 Pike Avenue in the City of North Little Rock, Pulaski County, Arkansas, being more particularly described as follows:

LOTS 13 AND 14, BLOCK 8 OF THE TWIN CITY ADDITION TO THE CITY OF NLR, PULASKI CO, AR (See maps and surveys attached hereto as Exhibit B.)

SECTION 2: That this Special Use shall be subject to the following:

1. Meet the requirements of Site Plan Review established by the Planning Commission.
2. Meet the requirements of the Board of Zoning Adjustment for the tower height variance approval including -
   i. Not to exceed the height of 145 feet, as approved by the Board of Zoning Adjustment.
   ii. Multiple blinking lights be located on top of the tower to operate 24 hours per day, 7 days per week and 365 days per year.
   iii. A letter from the FAA approving the tower height and location.
   iv. The tower be of monopole type only.
   v. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
   vi. The placement of a fence around the communication tower site a minimum of 6 feet in height.
   vii. A planted buffer with a minimum depth of 10 feet with plant materials to reach a height of 20 feet at maturity is required around the exterior perimeter of the fence.

3. Any structures located on the lot shall meet all applicable Federal, State, County, and City requirements and codes.
4. Business license holder understands that failure to comply with these conditions may result in loss of the Special Use and/or loss of Business License and/or removal of Electric Power Meter.

SECTION 3: That all ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: It is hereby found and determined that the special use as described herein is compatible with other businesses in the area and is immediately necessary in order to insure the proper and orderly growth and development of this land and of the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare, THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Terry C. Hartwick

SPONSOR:

Terry C Hartwick by AF

Mayor Terry C. Hartwick

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 11:35 A.M. _____ P.M.
By A. Fields
DATE 11/8/22
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED BY B Taylor

EXHIBIT
A

City of North Little Rock, AR, Planning Department
Shawn Spencer, Planning Director

Special Use Permit for a Communication Tower Narrative

Applicant: SCI Wireless and Tillman Infrastructure
497 Ridge Point Drive
Heath, TX 75126

Tenant: AT&T Wireless
308 S. Akard St., 19th Floor
Dallas, TX 75202

Landowner: Toddy Shop Properties LLC
28 Southridge DR
Mount Ida AR 71957-8802

Rep.: Greg Ferris, SCI Wireless
PO Box 573
Wichita, KS 67201
Ph. 316-516-0808, Email: ferrisco@aol.com

Site No.: 15448426

Location: 3128 Pike Ave., North Little Rock, AR 72114 PIN: 33N1890004100

Project Description

Tillman Infrastructure ("Tillman") on behalf of AT&T Wireless is requesting a Special Use Permit for a Communication Tower on the property located at 3128 Pike Ave. and Zoned C-4. AT&T is seeking a new 145-foot Communication Tower, the ("Tower"). It will consist of a 145-foot monopole tower, with an 8-foot lightning arrestor, and utility cabinets within a 40' x 80' fenced enclosure with access gates. The Board of Adjustment granted a Variance for the height on May 26, 2022.

AT&T Wireless ("AT&T") will collocate their panel antennas, remote radio units, antenna mounting frame and mounting poles, fiber optic cables and equipment, a GPS antenna, surge protector, generator, radio equipment cabinets, utility connections on the Facility. AT&T will

locate their antennas at a RAD Center of 140 feet. The tower will be constructed to allow collocation of at least two other antenna arrays.

Location

The Facility will be located on the east side of Pike Street. The subject property is zoned C-4. The area is commercial and adjacent to Interstate 40. The proposed parcel lies between Pike St. and I-40. There are significantly tall trees on the East side of the parcel. The owner of the existing parcel owns two properties immediately adjacent to the property on which the tower will be located. These also have mature trees that reach over fifty-foot in height. The other parcels adjacent are vacant or used for commercial purposes. The entire area has mature trees that form a canopy and reach up to 50-foot in height.

Objective

The Facility will provide an antenna platform for AT&T to locate their antennas. This will provide added service to this area of North Little Rock. It will provide new coverage as well as relieve capacity issues. There are no towers withing three-fourths mile of the proposed facility. The tower to the Northeast already has AT&T antennas. The tower has capacity issues and the proposed tower will alleviate this capacity issue. The tall building to the Southeast is in the area that AT&T has several small cell towers. It would not provide any additional coverage. The Coverage plots that are attached from AT&T demonstrate the coverage "hole" that this tower is to fill. Also attached is an aerial showing no towers within 2000 feet of the proposed tower as well as the FCC licensed towers that are within one mile from the proposed tower.

Coverage

The Facility will augment the coverage and capacity of AT&T's wireless telecommunications network in the surrounding area including the addition of FirstNet, the national first responders' emergency network, equipment. With the increase in demand or AT&T services in the area, the existing network of sites cannot provide satisfactory and reliable service to users of the network. The lack of signal strength and network capacity in the area constitutes a gap in coverage that will be minimized by the proposed project. The Facility will ensure that AT&T can meet the high demand for their services in the immediate area surrounding the site. This demand is generated by the increasing number of people that use wireless telecommunications services not only for phone calls but for texting, emailing, teleconferencing, video streaming and surfing the web. Wireless phones and devices have replaced "traditional" landline phones and have become the primary device and service used for communication including contacting emergency services in the form of 911 calls. AT&T is committed to providing quality and reliable service to meet this user demand. In addition to facilitating the public's access to E-911, ATT will be adding FirstNet equipment which allows dedicated frequencies and services to first responders to allow them to coordinate efforts in the event of emergencies such as fires, active shooters, or weather emergencies.

About AT&T

As a licensee authorized by the Federal Communications Commission to provide wireless services in this region, AT&T must establish a network of wireless telecommunications facilities in the North Little Rock area and beyond. Each wireless telecommunications facility, or base station, consists of transmitting and receiving antennas mounted on a communication tower or other suitable structure and electronic equipment cabinets. It will also consist of radios for receiving and transmitting wireless communications and complex electronic equipment to operate the radios, interface with other cellular sites, provide connections to the landline telephone network, and link the facility with the main switching center.

AT&T will operate this facility in full compliance with the regulations and licensing requirements of the FCC and FAA as governed by the Telecommunications Act of 1996 and other applicable laws.

In order to meet the basic level of operational radio signal coverage, radio frequency(RF) engineers have designed a network of wireless telecommunications facilities for the area and routinely maintains and modifies the facilities to ensure they use the most up to date equipment and technology to provide the most reliable and high-quality service possible. Due to increases in demand for wireless telecommunications services modifying the existing facilities does not always fix network coverage and capacity issues resulting in the need for the development of new wireless telecommunications facilities.

The applicant's engineers choose specific sites after lengthy analysis. Selection criteria include limitations imposed by surrounding topography, the intended service area of the site, and the ability of the new site to "see" other sites in the network from its proposed location. Other selection factors include suitable access, availability of electrical and telephone service, and a willing property lessor. The antennas and equipment are screened or integrated with the building whenever possible. Only after careful analysis of many candidates and successful lease negotiations have been completed is a land use application such as this one submitted.

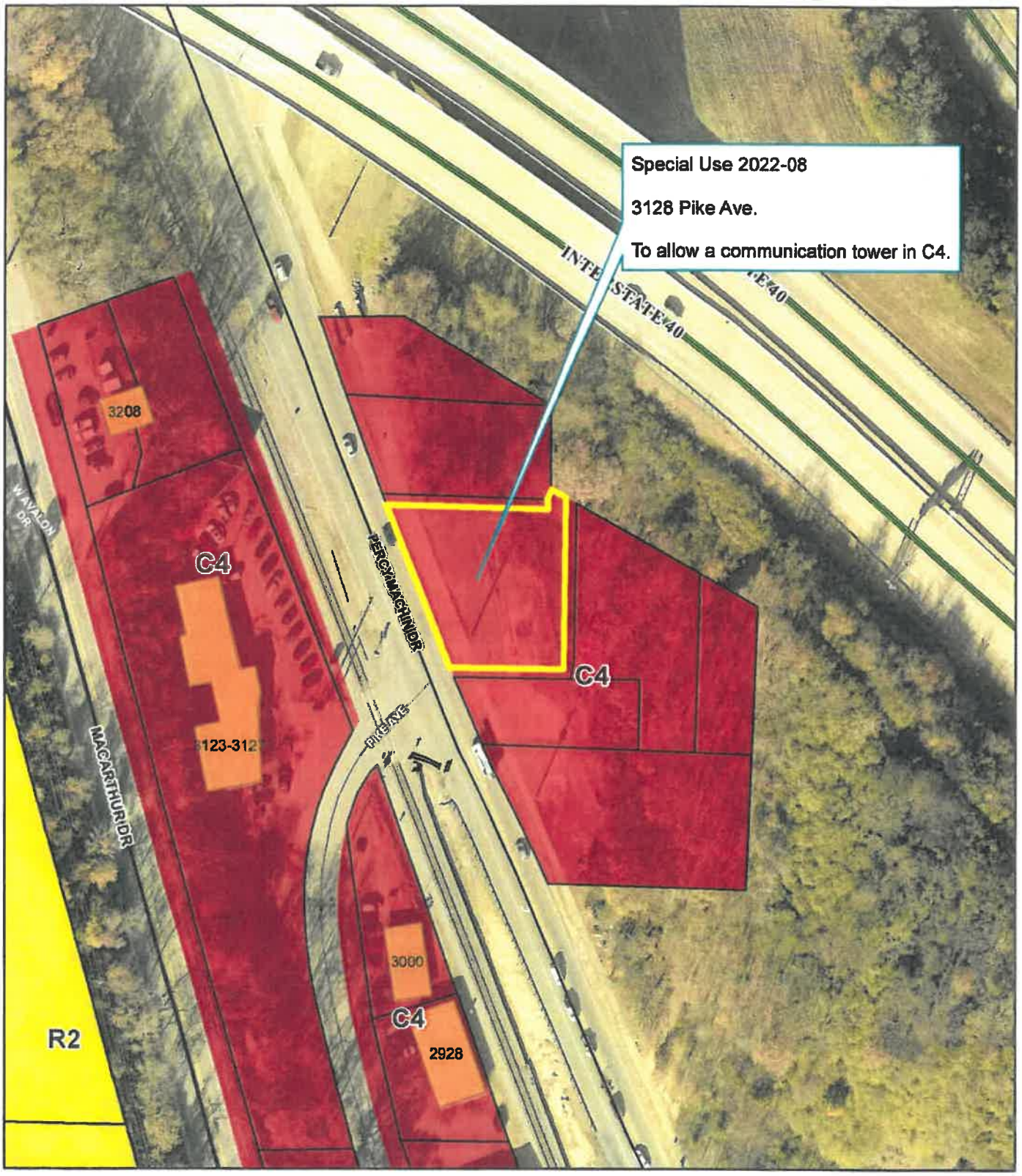
The cellular site is a passive use and will have no impact on other properties in the surrounding area. The facility is unstaffed. After an initial construction period of 30 to 45 days, the only traffic generated will be for routine maintenance visits, typically once or twice a month. There are no activities that will produce airborne emissions, odor, vibration, heat, glare, or noxious and toxic materials. All equipment and materials needed to operate the site are located in the equipment cabinets. The cellular site does not require water or sanitary facilities and therefore will generate no wastewater.

Communication Tower Regulations and Special Use Regulations

Section 5.7 of the North Little Rock Code contain the Communication Tower Regulations. Section 8.2 contain the regulations for a Special Use. This application complies with both sections of the code as follows:

EXHIBIT B

Special Use #2022-08



Zoning Map

1 inch = 100 feet

0 50 100 200 Feet

Date: 8/8/2022

Not an actual survey

Special Use #2022-08

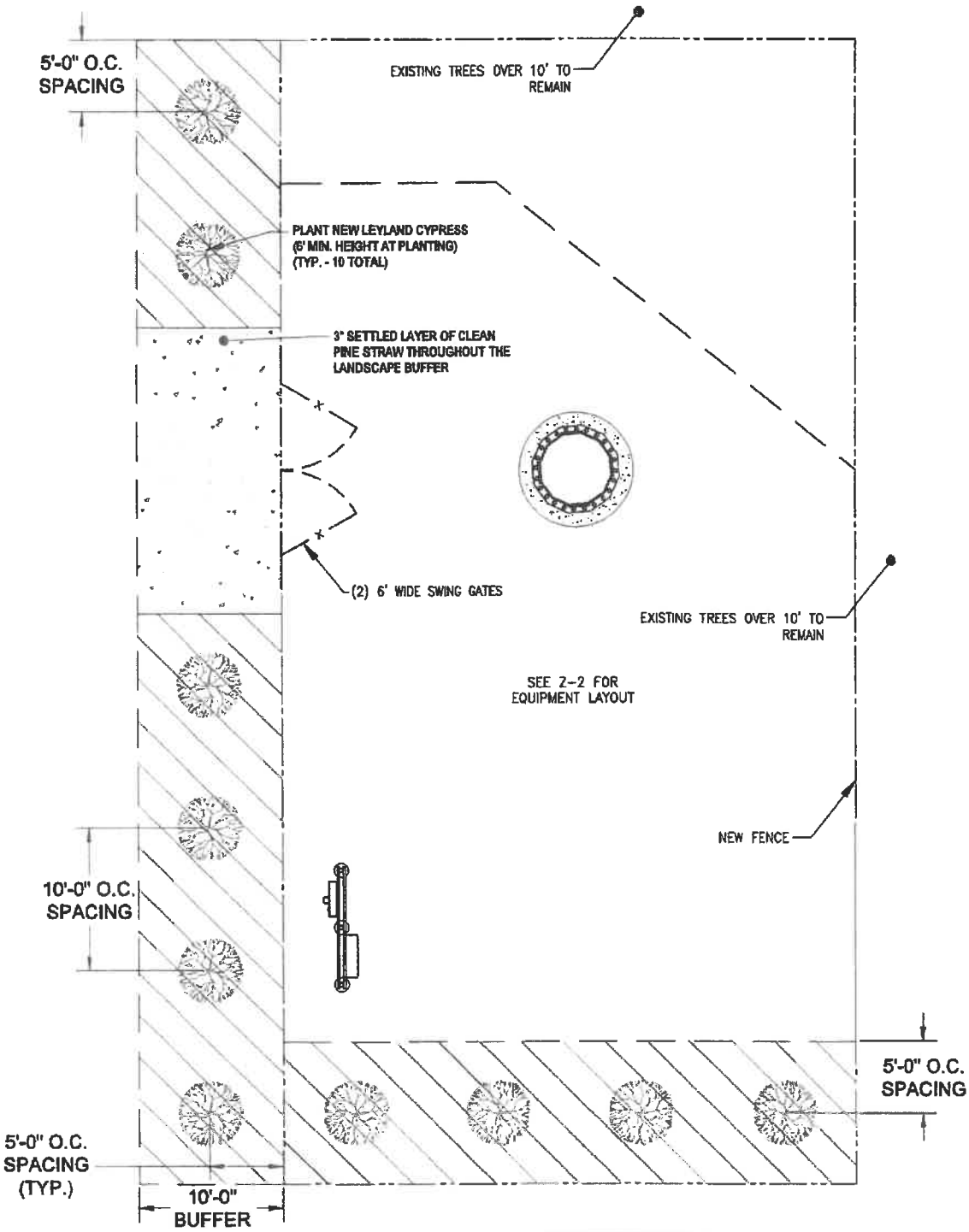
Ortho Map

1 inch = 20 feet

0 10 20 40 Feet

Date: 8/8/2022

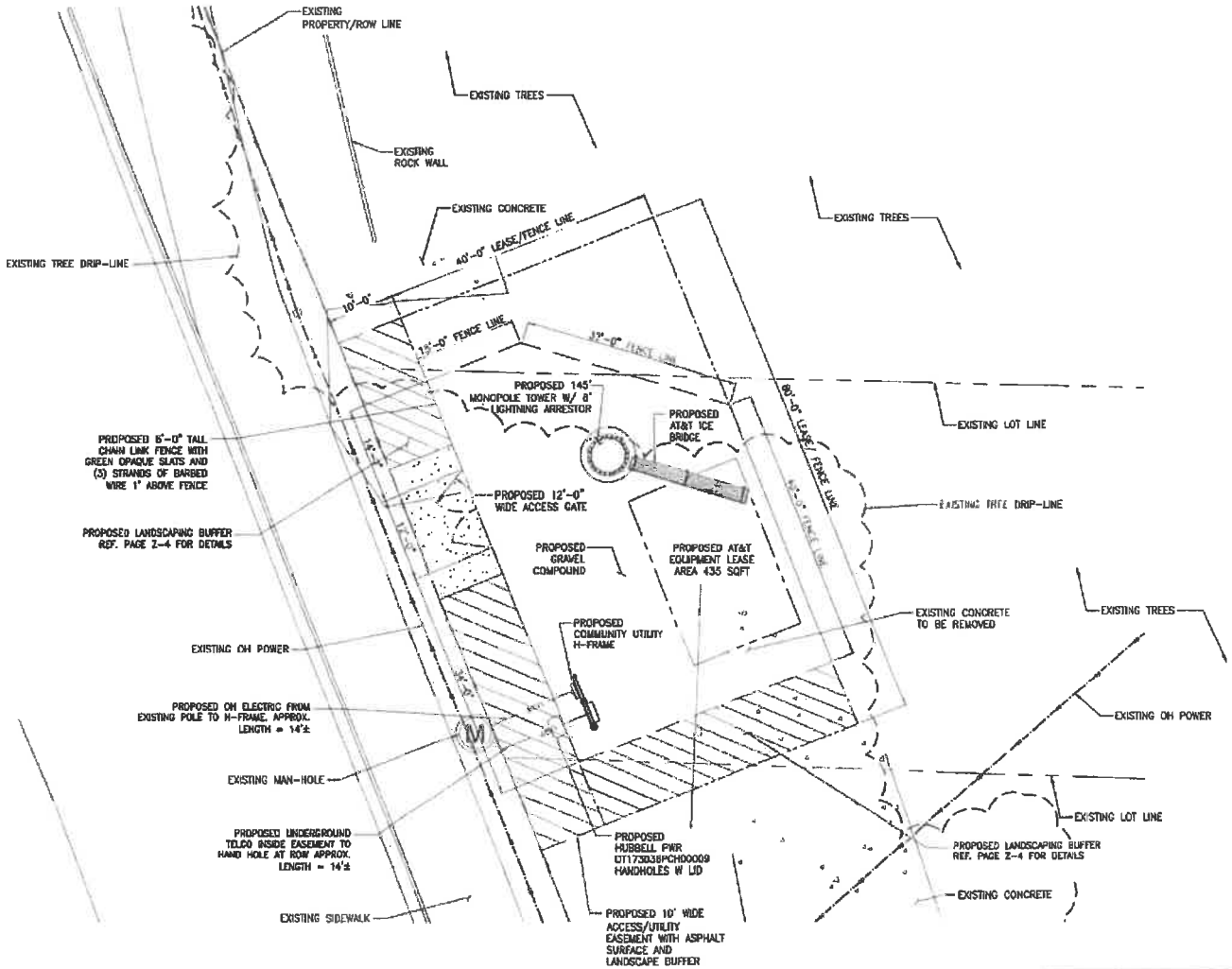
Not an actual survey



SITE LANDSCAPE SCREENING – PLANTING CHART				
QUANTITY	SCIENTIFIC NAME	COMMON NAME	PLANT SIZE	SPACING
10	CUPRESSOCYPARIS LEYLANDII	LEYLAND CYPRESS	6' MIN. @ PLANTING	SEE PLAN
PINESTRAW MULCH – 3" SETTLED LAYERS OF CLEAN STRAW				

THE CONTRACTOR SHALL VISIT THE SITE BEFORE BIDDING ON THE WORK CONTAINED WITHIN THIS DESIGN PACKAGE. DISCREPANCIES AND OMISSIONS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO BIDDING.

1 / Z-4 **LANDSCAPING PLAN**
SCALE: N.T.S.



1 / Z-2 ENLARGED SITE PLAN

SCALE: 22"x34" SCALE: 1/8" = 1'-0"
11"x17" SCALE: 1/16" = 1'-0"

LEGEND

- PROPOSED LEASE LINE
- PROPOSED EASEMENT
- PROPOSED FENCE
- EXISTING FENCE
- EXISTING PAVEMENT
- EXISTING PROPERTY LINE

NOTE: AT&T IS THE ANCHOR TENANT.

TILLMAN INFRASTRUCTURE

SCI WIRELESS

ZONING EXHIBIT
NOT FOR CONSTRUCTION

DRAWN BY:	DL
CHECKED BY:	DL

REV	DATE	DESCRIPTION
0	05/19/2023	ZONING EXHIBIT

T-OPP #
191197-A
FA #
15448426
SITE NAME:
NLR LEVY
SITE ADDRESS:
3128 PIKE AVENUE
NORTH LITTLE ROCK, AR 72114

SHEET TITLE
ENLARGED SITE PLAN

SHEET NUMBER
Z-2

cy Machinc