



CITY OF CORNELIUS
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION APPROVED
STAFF REPORT

Cornelius Storage - AT&T Cellular Tower

**Type III Site Design Review, DR-46-25
Type III Conditional Use Permit, CUP-02-25**

Planning Commission Hearing Date: June 24, 2025

Staff Report Date: June 23, 2025

- APPLICANT:** Centerline on behalf of AT&T
- OWNER:** Cornelius Self Storage
- LOCATION:** 401 N. 26th Avenue
- PROPOSAL:** A Type III Conditional Use Permit to permit a new Cellular Tower and exceed the base height of the LI zoning district, and a Type III Design Review Application to permit the new Cellular Tower and its associated equipment.
- LEGAL:** T 01 N, R 03 W, Map 34DC, Tax lot 04400
- ZONING:** Light Industrial (LI)
- PROCESS:** Approval of a Type III Site Design Review and Type III Conditional Use Permit shall be processed per Cornelius Municipal Code (CMC) Section 18.15.010(C). The request shall be processed with notice and a public hearing shall be held before the Planning Commission pursuant to Chapter 18.15.040. The notice of the Planning Commission’s decision shall be provided to the applicant and interested parties. A ten-day appeal period is provided by the CMC for any person to appeal the decision of the Planning Commission.

APPEAL RIGHTS

An affected party may appeal a decision of the Planning Commission to the City Council by filing an appeal within ten (10) days of notice of the decision pursuant to the CMC. The notice of appeal shall indicate the decision that is being appealed and include all required contents pursuant to CMC Chapter 18.15.090.

APPLICABLE CRITERIA

- Chapters 18.10 & 18.15 (Application & Review Procedures)
- Chapter 18.54 (Light Industrial, LI)
- Chapter 18.100 (Site Design Review)
- Chapter 18.105 (Conditional Use Permit)
- Chapter 18.145 (Off-Street Parking and Loading)

GENERAL FACTS

- The subject Site (Lot #4400) is currently developed, with a self-storage facility with outdoor RV and vehicle storage, commonly known as ‘Cornelius Storage’.
- ‘Cornelius Storage’ was approved by the Planning Commission on August 28, 2018, via CUP-02-18 and DR-27-18.
- The site is 6.36 acres.
- The site is developed to City Standards.
- The applicant is proposing a new 105’ tall cellular tower with ground equipment, as shown and described within Exhibit A.
- Access to the cellular facility is proposed to be internal, within the existing site. No new access from N. 26th Avenue is proposed.
- The applications (Exhibit A) were submitted on April 14, 2025, and were ‘incomplete.’ On May 7, 2025, the applicant submitted the required additional materials and the applications were deemed complete on May 14, 2025.
- The City Engineer and Fire Department submitted comments, as shown in Exhibit B.
- Notice of the proposal was published in the local newspaper and mailed to property owners within 250 feet of the subject property and affected agencies on May 29, 2025. The affidavit of mailing is within Exhibit C.
- As of the date of this staff report, no comments from the general public have been received.

FINDINGS

TITLE 18 ZONING

CMC 18.54 Light Industrial Zone, LI

18.54.020 Permitted uses.

The following uses are permitted outright with the appropriate site design review:

(I) New self-service storage facilities.

18.54.030 Conditional uses.

The following uses are permitted as conditional uses, provided such uses are subject to the standards contained in CMC 18.54.060 and approved in accordance with Chapter 18.105 CMC:

(C) Radio, television and similar communication stations, including transmitters and wireless communication towers.

(I) Cellular transmission towers.

Findings: The property is within the Light Industrial (LI) zoning district of Cornelius. Within the LI zone, per CMC 18.54.020(I), *New self-service storage facilities*, the existing use is considered conforming. The proposed new Cellular Facility may be permitted, with Conditional Use Permit approval, as identified by CMC 18.54.030 (C) & (I).

18.54.050 Development requirements.

(A) Lot Size. In an LI zone there is no minimum lot size, save and except that the lot must be large enough to accommodate the proposed use, including all design standards and functional requirements related to the use.

Findings: The tax lot is 6.36 acres, according to the Washington County Tax Assessors Maps. The area for the new cellular facility will be a leased area that is 718 SF. The applicant's site plan shows the location of the new facility, within the existing storage area, Exhibit A. The property owner has consented to the proposed changes by the applicant for the cellular facility.

The submitted plans demonstrate that the site is large enough for the additional use to be functional.

(B) Setback Requirements. In an LI zone the following setbacks shall be the minimum required. The approval authority may require greater setbacks for uses allowed under CMC [18.54.030](#), based on the approval criteria in Chapter [18.105](#) CMC, the base standard; however, the review body may require a greater or lesser setback based on the design review criteria set forth in this chapter:

(1) The front yard shall be 20 feet, except that:

(a) Parking shall not be allowed within five feet of the front property line.

(b) Where an industrial use abuts a residential zone there shall be a front yard setback of 25 feet.

(2) No side or rear yard shall be required, except:

(a) Fifteen feet when the side yard abuts a public street.

(b) Twenty-five feet when abutting any residential zone, except that parking shall not be allowed within 10 feet of the side or rear property line.

(C) Height of Building. No building shall exceed a height of 35 feet, unless approved by the Planning Commission.

Findings: As shown on the site plan, Sheet A-1 (Exhibit A), the leased area is within Tax lot 04400. From lease area to the property lines of Tax lot 04400, the site is internally setback:

- Northern property line (side yard setback) - 272.5'
- Southern property line (side yard setback) - 215'
- Eastern property line (front yard setback) - 49'
- Western property line (rear yard setback) - 525'

The nearest residential zoned property is north of the northern property line, on the north side of the future Council Creek Regional Trail Corridor.

The proposed height of the monopole will be 100' tall, with the top of the lightning rod at 105'-0". The structure exceeds the maximum height limitation and it does require that the Planning Commission review and approve its use and height. The structural elevations show future antenna arrays and panels below the 100' level of the structure. A condition of approval shall require that the applicant provide a FAA 1-A Survey Certification of the structure, prior to a final building inspection. The top of the lightning rod shall not exceed 105', as shown on the submitted plans. This shall be a condition of approval. In the future, any proposed antenna, panel, lightning rod or structural extension of the monopole above 105', shall be reviewed and approved by the Planning Commission. This shall be a condition of approval.

18.54.060 Performance standards.

In an LI zone no land or structure shall be used or occupied unless there is continuing compliance with the following standards:

(A) Design Review Approval. All design review requirements and conditions of approval, including all prior attached conditions, shall be satisfied.

Findings: On April 14, 2025, the applicant submitted the required application to the city and it was deemed complete on May 14, 2025.

Prior to issuance of a final building inspection, all required conditions of approval from this report shall be satisfied. This shall be a condition of approval.

(B) Environmental Standards. All uses shall comply with the required air, land, and water quality standards set forth by all state, federal and local jurisdictions (i.e., Department of Environmental Quality, Clean Water Services, and Metro).

(I) Vibration. No vibration other than that caused by highway vehicles or trains shall be permitted which is discernible without instruments at the property line of the use concerned.

(2) Odors. The emission of odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited.

Findings: The proposal will be within an existing developed site. Stormwater is managed and regulated by Clean Water Services (CWS). The applicant has provided a signed Sensitive Area Pre Screening Site Assessment Form, from the City of Cornelius City Engineer, dated April 14, 2025. The form states:

Based on review of the submitted materials and best available information Sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by CWS Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, State, and federal law.

A condition of approval shall require that all CWS standards be met prior to issuance of a final inspection. This shall be a condition of approval.

Within the application (Exhibit A) the applicant states the following: *“The applicant will be compliant with all design review requirements and conditions upon approval of the project. The project is un-manned and will not affect the air, land, or water standards set forth by local, state and federal agencies. No vibrations, odors, heat or glare will occur from the completed project. No lighting is being proposed for the facility. There will be no storage of materials from the project and the project will be enclosed in a secure, fenced lease area with privacy slats (screening). The proponent is providing additional plantings to the existing landscaping to also help hide the ground equipment from pedestrian/vehicular traffic.”*

Staff finds that there will be an on-site emergency backup generator. The plans indicate it will be a KOHLER generator, Model #30REOZK, with a fuel storage capacity of 148 gallons with a leakproof prevention. When the generator is in operation there will be noise and emissions. The applicant is proposing additional screening of the leased area, such as privacy slats and additional landscaping. These additional measures should help reduce any potential noise and/or odors, from the generator. As a wireless communication facility, staff finds that the continued operation of the equipment with the assistance of generator is imperative during times of power outages and emergencies. If odors from the generator are detectable beyond the property lines, the applicant shall work with a consultant to provide corrective measures to maintain compliance with the CMC standards listed above. This shall be a condition of approval.

(C) Heat and Glare.

(1) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed structure, such that glare is not visible from a public street or adjacent property.

(2) Exterior lighting shall be designed such that glare is directed away from public streets or adjacent properties.

Findings: The applicant states that no lighting from the facility will be created, as shown within Exhibit A.

(D) Insects and Rodents. Materials, including wastes, shall be managed and stored, and grounds shall be maintained, in a manner that will not attract or aid the propagation of insects or rodents or create a health hazard.

Findings: The new facility will not have a trash collection area, as no wastes are created from the use.

(E) Outside Storage. Permitted outside storage shall be appropriately screened consistent with CMC 18.54.070, Development Standards.

Findings: The applicant is proposing to screen the site with privacy slats and will provide additional landscaping.

18.54.070 Development standards.

In an LI zone no new use or occupation of land or a structure or a new structure and no change of use of land or a structure shall be permitted unless there is continuing compliance with the following standards:

(A) Landscape Plan.

(1) For all uses in an LI zone, the first five feet of lineal street frontage on the subject site shall be landscaped (exclusive of frontage trees) prior to occupancy, in accordance with the approved site plan and the standards set forth herein.

(2) At least 80 percent of the landscape area shall be covered by plant material, lawn, and trees when the plantings are at maturity. The remaining area may be covered in nonvegetative ground cover.

(3) Street Trees. Street trees shall be required and shall be selected from the approved public works street tree list. The total number of trees shall be determined by dividing the total lineal footage of the site which abuts a public street by 30. The location of the trees shall be determined through design review, and the trees shall be installed in accordance with Chapter 5 of the adopted public works standards.

(4) Installation of required landscaping may be deferred for up to six months; provided, that the owner posts with the city a guarantee in the form of a bond, cash deposit, or irrevocable letter of credit assigned to the city for an amount equal to 150 percent of the estimated cost of the landscaping materials and installation by a qualified contractor.

Findings: The applicant has provided a landscaping plan (Sheet L-1), as shown within Exhibit A. The site has existing landscaping, including street trees. The applicant is proposing to add additional landscaping to help screen the new cellular facility from the public rights-of-way. Staff finds the existing street trees comply with the City's Public Works Standards. No additional street

trees or landscaping within the public rights-of-way are necessary. The proposed landscaping will be on private property. The planting and installation of the landscaping shall be to the approved plans. This shall be a condition of approval.

(B) Vehicular Access, Internal Circulation and Clear Vision Areas.

(1) Where possible, vehicular access to industrial developments shall be from abutting arterial or collector streets, and shall be shared with adjacent properties to minimize multiple curb cuts. Access to individual lots from T.V. Highway shall be approved by ODOT with secondary access from adjacent collectors or if necessary from minor local streets where possible. Except in the case of a multi-building complex, direct lot access to an arterial shall not be permitted, unless there is no viable alternative, and direct access to a local street shall only be allowed as permitted by the review body.

Findings: The storage facility has an approved access onto N. 26th Avenue. The applicant will be sharing the existing N. 26th Avenue access, as no new accesses from N. 26th Avenue are proposed with this application.

(2) The minimum public street width for commercial development shall comply with the standards and design identified in CMC 18.143.040, Street design cross-sections per transportation system plan.

Findings: N. 26th Avenue is identified within the City of Cornelius Transportation System Plan as a ‘Collector’ Street. When the Cornelius Storage Site was approved by the Planning Commission on August 28, 2018, via CUP-02-18 and DR-27-18, frontage improvements to ‘Collector’ standards were installed. No additional frontage improvements are required for the proposed cellular facility.

(3) Internal Access. All internal roadways and drives shall be paved and maintained by the owner in accordance with city standards. No entrance or exit shall be located closer than 100 feet to any intersection of a public street, unless there is no reasonable alternative. They shall have the following minimum pavement widths:

(a) Two-way traffic: 24 feet;

(b) One-way traffic: 20 feet.

Findings: The applicant shows on the site plan the location of the proposed facility. It will be located in a small, unused ‘triangled’ area, at the east end of a covered RV storage building. The applicant is not proposing to change or modify any of the existing internal drive-aisles. Access into the leased area will be from a gate, near the main security gate of the storage facility. As designed, there appears to be minimal vehicle maneuvering conflicts near the access point of the site, internal drive-aisles, and pedestrian crossing areas.

(4) Internal sidewalks or pathways shall be provided to ensure safe and convenient pedestrian circulation throughout the development.

Findings: This is a secure cellular facility, with no public access. The location of the proposed cellular facility will not modify or block existing internal sidewalks or pathways.

(5) Clear vision areas shall be provided at all roadway and driveway intersections in accordance with the vision clearance standards set forth in CMC 18.150.070.

Findings: The site plan shows the access location into the facility.

(C) Access Streets – Sidewalks – Drainage.

(1) All streets shall be designed in accordance with Chapter 5 of the adopted public works standards.

(2) All driveways for new construction shall have minimum pavement width of 24 feet and shall not be more than 45 feet in width at the curb, unless specifically approved by the review body to meet unusual requirements of a particular use.

(3) Cul-de-sacs shall serve no more than four separate uses and shall have a minimum turning radius of 50 feet measured to the front edge of the curb.

(4) Sidewalks and Improvements.

(a) For all new construction, curbs, gutters, and a minimum six-foot-wide sidewalk, with eight feet at a bus stop, shall be provided along the entire lot frontage, and shall meet ADA accessibility standards.

(b) Site design review Type II requests for remodels, alterations and/or additions to an existing building shall require a sidewalk, if one does not exist; the driveway apron and paved driveway shall be constructed to city standards.

Findings: As shown within Exhibit A, the applicant proposed to utilize the existing driveway that connects from the site to N. 26th Avenue. No improvements along N. 26th Avenue are proposed as they have been installed to City Standards when ‘Cornelius Storage’ was constructed.

(5) Storm drainage shall be managed through a system of underground drainage lines and catch basins, which convey storm water off the site to a public storm system, and shall comply with Clean Water Services (CWS) standards for water quality and quantity.

Findings: The Cornelius Storage Site was developed to CWS standards. For the proposed cellular facility, the City Engineer has no comments regarding this proposal, as shown within Exhibit B. A condition of approval shall require that the new cellular facility comply with all applicable CWS standards.

(D) Lighting Streets. Streets and walkways shall be lighted during the hours of darkness in accordance with public works standards.

Findings: The Cornelius Storage Site has installed lighting, per the CMC. No new lighting or walkways are proposed for the new cellular facility.

(E) Mailboxes. Except for in-fill partitioning, clustered mailboxes shall be provided, consistent with the locational criteria set by the postmaster. They shall be of uniform style.

Findings: No mailboxes are proposed with this application.

(F) Screening.

(1) Sight-obscuring screening shall be provided for all garbage and trash collection areas, and for any approved outdoor storage, or parking lots abutting a residential development. Such screening shall be a minimum six feet in height, and shall consist of a wall of brick, stone, or other substantial material; or a densely planted evergreen hedge and chain link fencing. Such screening shall be provided to a height sufficient to block the view of materials stored as viewed from the sidewalk on the opposite side of the street from the screen wall.

(2) The reviewing body may require sight-obscuring screening and/or fencing of parking lots abutting property lines, front yards abutting a public street, or other yards abutting a residential development.

(3) Garbage and trash collection areas shall be designed to meet the needs of all types of trash and waste collection required, including recycling, food waste, and solid waste.

(4) The applicant shall demonstrate that the waste enclosure area is accessible by the waste service provider.

Findings: The Site does not directly abut a residential development. The submitted site plan shows that additional landscaping and screening is proposed, to screen the Site from the public rights-of-way. No garbage collection facility is proposed, as no occupied structures within the leased area will be constructed.

(G) Parking and Loading Space.

(1) Off-Street Parking. Parking shall be provided as set forth in Chapter 18.145 CMC.

Findings: Per current Climate Friendly and Equitable Community (CFEC) Parking Reform, the City no longer can require minimum off-street parking requirements.

(2) Paving and Design. Off-street parking and maneuvering areas shall be paved with asphalt or concrete and designed in accordance with the standards of the off-street parking regulations of this title.

Findings: The applicant is proposing a double vehicle gate into the leased area of the cellular facility. The applicant states that site visits for maintenance will occur once a month. The site plan shows that the area will be graveled. The city cannot require a parking space; however, staff finds areas where vehicles are to be parked, shall be an asphalt or concrete surface. A vehicle access gate is proposed, with at statement that the site will be serviced at least once a month. Therefore, a parking pad can be provided within the gate that is paved with asphalt or concrete, for the service vehicle parking. Prior to issuance of a building permit, the applicant shall provide a revised site plan to the Community Development Department, for review and approval, showing at least one vehicle parking pad will be provided within the leased area. The parking pad shall be concrete or asphalt and be a minimum of 9' x 20' in size. The parking pad shall be installed prior to a final building inspection. These shall be conditions of approval.

(3) Parking Lot Landscaping. There shall be a five-foot landscaped buffer at the perimeter of all parking lot areas. The parking area shall be screened with evergreen plant material maintained at a minimum of 36 inches in height. Parking lots shall be designed and landscaped so as to break up large paved areas with landscaped islands every 10 parking spaces.

Findings: The parking lot of Cornelius Storage was developed to the CMC standards and placement of the cellular facility in this location will not affect compliance with the standards. Additional landscaping on the site is proposed, which will provide screening of the new cellular facility.

18.54.080 Signs.

Signs within the LI zone may be allowed consistent with the provisions identified for the light industrial LI zone and Chapter 18.175 CMC.

Findings: The applicant indicates that only warning signs and information signs will be associated with the project. No advertisement signage is proposed, which would require sign permit approval.

Chapter 18.100. Site Design Review

18.100.030 Types of applications.

(C) Design review Type III actions are those which are major and include:

(1) Review of major development revisions to previously approved master plans/planned unit developments.

(2) General site plans for new development or substantial redevelopment.

(3) New development, buildings or structures not part of a previously approved master plan.

(4) Variances proposed with a design review request.

(5) Building additions with an increase of over 50 percent of the existing building area.

(6) Addition or subtraction of approved parking over 50 percent of the existing area.

(7) Addition or subtraction of approved landscape area over 50 percent of the existing area.

Findings: The Planning Commission reviewed and approved a ‘Self Storage’ facility on the site. The proposal is for a new cellular facility, which is a new development and a new use on the site. A Type III Site Design review is warranted, per the CMC identified above.

18.100.040 Approval criteria.

In addition to the other requirements of the zoning code and other city ordinances, a project submitted for design review shall comply with the standards and criteria in subsections (A) and (B) of this section; all applications for a sign permit subject to the provisions of the sign code, Chapter 18.175 CMC, inclusive, shall comply with the rules and regulations of the committee adopted under the provisions of Division III of this title and other applicable provisions of the Cornelius Municipal Code.

(A) Technical Standards. Where applicable, required off-site improvements shall be based on proportional analysis.

(1) Facilities and Services. The public and private facilities and services provided by the development are adequate as to location, size, design and timing of construction in order to serve the residents or establishments to be accommodated and meet city standards and the policies and requirements of the comprehensive plan. The service provider is presumed correct in the evidence which they submit;

Findings: The tax lot is 6.36 acres, according to the Washington County Tax Assessors Maps. The area for the new cellular facility will be a leased area that is 718 SF. The applicants site plan shows the location of the new facility, within the existing storage area, Exhibit A. No off-site improvements are proposed or needed for the cellular facility. The applicant is AT&T wireless. Within the application materials, AT&T demonstrates that there is a need for an additional facility (Exhibit A) that will enhance services in the community.

No utility connections to City Storm Water, Sanitary Sewer, or Water services are proposed with this application. Electrical and fiber optic connections will be required from the public right-of-way to the facility. The applicant has submitted a completed Sensitive Area Pre-Screening Site Assessment form (Exhibit A), dated April 14, 2025, from the City of Cornelius City Engineer. The form indicates that there are no sensitive areas within 200 feet of the project area.

The applicant is proposing a new 105' tall monopole, which will have cellular antenna arrays attached to it. The proposed structure will require building permits. When building permits are submitted, a geotechnical report for the foundation will need to be incorporated into the submittal. This shall be a condition of approval. Staff finds that for this development the applicant shall be required to meet all applicable State, County, and City Building, Electrical, Plumbing, and Mechanical Code requirements. This shall be a condition of approval.

(2) Traffic Generation. Based on anticipated vehicular and pedestrian traffic generation and the standards and policies of the comprehensive plan, adequate right-of-way and improvements to streets, pedestrian ways, bikeways, transit ways and other ways are provided by the development in order to promote safety, reduce congestion, conserve energy and resources, and encourage transit use, bicycling and walking. Consideration shall be given to the need for constructing, widening and/or improving, to the standards of the comprehensive plan and this code, public streets, bicycle, pedestrian, and other ways in the area of the proposed development impacted by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, transit facilities, street drainage facilities, traffic calming devices, and other facilities needed because of anticipated vehicular, transit, bicycle, and pedestrian traffic generation. Access and street design shall comply with the standards identified in Chapter 18.143 CMC, Transportation Facilities, inclusive. Street trees shall be installed to the standards identified in CMC 17.05.040(D)(3)(k). In lieu of actual construction of off-site improvements, the committee may accept written waivers of remonstrance to the formation of local improvement districts for the purpose of providing the needed off-site improvements or cash payment to the city in an amount equal to the estimated cost of said off-site improvements;

Findings: The applicant states within Exhibit A, that one monthly maintenance visit is needed, unless there is an emergency on the site. Based on City standards, the City Engineer is not requiring a Traffic Study for the proposed cellular facility.

The frontage improvements were constructed to City Standards when Corneluis Storage developed the site, back in 2018 and 2019. No additional frontage improvements are necessary.

In Washington County, there is a voter approved, county-wide Transportation Development Tax (TDT) that the city administers within its city limits. Staff contacted Washington County to inquire how the TDT would be assessed for the proposed use and structures. Washington County Staff advised the city that no TDT fee would be due, as no habitable space is proposed for the cellular facility. Therefore, no TDT fee is required.

(3) Dedication. Adequate dedication or reservation of real property for public use, as well as easements and right of entry for construction, maintenance and future expansion of public

facilities and services, shall be required to protect the public from any potentially deleterious effects resulting from the proposed use to fulfill the need for additional, improved services, whether on- or off-site, created by the proposed use, and to effect the implementation of the standards and policies of the comprehensive plan;

Findings: No additional public ROW dedication is necessary for the proposal.

(4) Internal Circulation. There is a safe and efficient circulation pattern within the boundaries of the site. Consideration shall include the layout of the site with respect to the location, number, design and dimensions of vehicular, transit, and pedestrian access, exits, drives, walkways, bikeways, transit stops and facilities, building location and entrances, emergency equipment ways and other related on-site or off-site facilities so that there are adequate off-street parking and loading/unloading facilities provided in a safe, well designed and efficient manner. Consideration shall include the layout of parking, storage of all types of vehicles and trailers, shared parking lots and common driveways, garbage collection and storage points, as well as the surfacing, lighting, screening, landscaping, concealing and other treatment of the same. Developments shall provide a safe and reasonably direct pedestrian connection from the main entrance to the public right-of-way and/or the pedestrian system or both. The pedestrian connection shall be reasonably free of hazards from automobile traffic, so as to help encourage pedestrian and bicycle travel;

Findings: The applicant has submitted a site plan that shows the location of the leased area and layout of the new cell tower and supporting equipment cabinets. The facility will be secured with fencing and a gate, as it is closed to public access.

The secure area will include gates that swing outwards, per the site plan. The gates appear to swing towards an internal drive-aisle for the storage facility. As indicated by the applicant, the site will receive a monthly service visit. Staff finds that the use of the gate is not blocking a public street or sidewalk. A small, landscaped area will be removed to access the area. The frequency of visits to the site will be low. Staff finds that the service vehicle can open the gate, pull into the site and close the gate behind them, without any significant delays or conflicts, near the access gates for the storage facility. A condition of approval shall require that the access gates to the cellular facility shall be opened and closed so it does not impede or block the main internal drive-aisle for Cornelius Storage. This shall be a condition of approval.

(5) Maintenance of Private Facilities. Adequate means are provided to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency. Materials, including wastes, shall be stored and managed, and grounds shall be maintained in a manner that will not attract or aid in the propagation of insects or rodents or cause a health hazard;

Findings: This proposal does not affect nor prohibit the provision of the maintenance of private or public facilities. The applicant indicates that no waste from the site will be generated. Additional landscaping will be provided for screening. No additional stormwater facilities will be constructed as part of this project, or facility maintenance agreements are necessary.

(6) Public Facilities. The structures and public facilities and services serving the site are designed and constructed in accordance with adopted codes and/or city standards at a level which will provide adequate fire protection and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development;

Findings: The applicant is developing a private facility, which will provide services to the public, in terms of enhanced wireless communication abilities. The facility is required to comply with all applicable Federal Communication Commission (FCC) regulations. The applicant has provided documentation within Exhibit A, which states the new wireless facility will not exceed the FCC maximum permissible exposure limits and will comply with the licensed frequencies. The frequencies shall not interfere with emergency first responder frequencies. This shall be a condition of approval.

A back-up generator is proposed on-site. The use and fueling of the back-up generator shall meet all applicable requirements as deemed necessary from the Building Official and Fire Department for fire protection and public safety. This shall be a condition of approval.

(7) Security. Adequate facilities shall be provided to prevent unauthorized entries to the property, facilitate the response of emergency personnel, and optimize fire protection for the building and its occupants. Adequate facilities may include, but not be limited to, the use of lighted house numbers and a project directory for multi-family projects of three or more units;

Findings: Prior to occupancy, the applicant/property owner shall comply with any fire, life, and safety requirements as deemed necessary by the Cornelius Fire Department or the Building Official. No individual address or Knox Box is required for the facility, as it is unoccupied.

(8) Grading. The grading and contouring of the site takes place and site surface drainage and on-site storage of surface waters facilities are constructed so there is no adverse effect on neighboring properties, public rights-of-way or the public storm drainage system and that said site development work will take place in accordance with the city site development code;

Findings: The applicant states a minimum amount of grading will be necessary, as described within Exhibit A. To protect the existing stormwater system, an approved Erosion Control Permit (EC) will be necessary from the Engineering Department, prior to site work. This shall be a condition of approval.

(9) Utilities. Prior to the development of a site, utilities shall be extended to serve the site or financially secured for extension to serve the site. Connection to city utilities shall be required prior to final inspection and occupancy. Electric, telephone, and other utility services to new development shall be located underground. New utilities for redeveloped parcels shall be located underground from the right-of-way to the redeveloped parcels;

Findings: The lot is currently developed. The applicant included a site plan, which indicates the location of the new fiber and power location, that will service the cellular facility. All utilities that will service the new facility shall be located underground from the right-of-way prior to a final inspection. For work within the public right-of-way, an approved Public Works Permit shall be required. These shall be conditions of approval.

(10) Accessibility. Access and facilities for physically handicapped people are incorporated into the site and building design with particular attention to providing continuous, uninterrupted access routes;

Findings: The applicant states the site is flat and will comply with all applicable Americans with Disabilities Act (ADA) requirements. Staff notes this facility is not open to the general public. However, the site shall comply with all ADA requirements, as deemed necessary by the Building Official. This shall be a condition of approval.

(11) Bicycle Lanes and Sidewalks. Where street improvements on arterials and collectors are required as a condition of development approval, they shall include bicycle lanes and sidewalks constructed in accordance with city standards.

Findings: The site abuts N. 26th Avenue, a ‘Collector’ street within the City of Cornelius Transportation System Plan (TSP). For this application, the City Engineer is not requiring any additional frontage improvements. When the Cornelius Storage facility was developed, Bicycle Lanes and Sidewalks were addressed, and the street frontage was developed to City Standards.

(B) Nonresidential Design Standards.

(1) Relation of Building to Site. The proposed structures shall be related harmoniously to the terrain and to existing buildings which have a visual relationship to the proposed structure. Building height, bulk, lot area, coverage, setbacks, and scale should be particularly considered with regard to achieving compatible relationships. Screening, except in the industrial zone, exposed storage areas, utility buildings, machinery, service and truck loading areas, solid waste disposal cans, containers and other structures, and other accessory uses and structures, shall be adequately set back and screened. If a building is constructed, enlarged or altered to meet Type II thresholds and is located within 500 feet of a bus/transit stop, a main entrance door

shall be placed on the street side of the bus/transit line and located as close as structurally possible to the bus/transit stop in compliance with this title;

Findings: The applicant has submitted a site plan and elevations (Exhibit A) of the proposed development. The applicant states, “*The tower will be 100 feet in height and is designed to accommodate other carriers. The setbacks of the underlying zone are met. Screening of the ground equipment by additional vegetation and privacy slats in the fencing are being proposed to minimize visual impacts. There is no storage of materials or waste.*”.

The structural height of the new cell tower and use requires Planning Commission review and approval. The applicant has provided several elevations and renderings (points of view) of the site, once it completed. Staff finds that the proposed height and leased area is comparable to other wireless tower sites in town, such as the facility in Water Park and near N. 10th Avenue/Council Creek Regional Trail.

(2) Trees and Vegetation. The development has been designed to, where possible, incorporate and preserve existing trees or vegetation of significant size and species. Consideration shall be given to whether habitat, survival of the tree species, and aesthetics can best be achieved by preserving groves or areas of trees as opposed to only individual trees;

Findings: The site is currently developed as a self-storage facility, and it appears the approved landscaping plan for the self-storage facility continues to remain in compliance. The applicant has submitted a detailed landscaping plan that shows new landscaping will be added around the proposed leased area, to enhance screening. The existing approved landscaping plan for the Cornelius Storage site shall remain applicable, except where modified and enhanced with this application. This shall be a condition of approval.

(3) Historic Structures. Consideration is given to the effect of the proposed development on historic buildings or features both on the site and within the immediate area;

Findings: There are no known historic structures on or near the property.

(4) Grading and contouring of the site shall take place with particular attention to minimizing the possible adverse effect of grading and contouring on the natural vegetation and physical appearance of the site;

Findings: The lot is relatively flat. The applicant indicates that minimum on-site grading will be necessary. The grading shall be reviewed by the Building Official prior to issuance of a Building Permit. To protect the public stormwater system, prior to site work the applicant shall obtain an approved Erosion Control Permit (EC) from the City of Cornelius Engineering Department. All work must comply with all applicable Clean Water Services (CWS) requirements. This shall be a condition of approval.

(5) Landscaping. The quality, location, size, and structural and aesthetic design of walls, fences, berms, traffic islands, median areas, hedges, screen planting and landscape areas are such that they serve their intended purposes and have no adverse effect on existing or contemplated abutting land uses;

Findings: The landscaping plan includes a small mixture of trees and shrubs, infilling areas of existing landscaping. To ensure plant health, the landscape areas shall be maintained and an irrigation system shall be functional. This shall be a condition of approval.

(6) Lighting. Adequate exterior lighting shall be provided to promote public safety, and shall be designed to avoid unnecessary glare upon other properties;

Findings: No exterior lighting is proposed.

(7) Solar Access. In determining the appropriate relation of the building or structure to the site, the committee shall require that the building or structure be located on the site in a location and direction that will maintain, where feasible, solar access for adjacent properties and buildings or structures within the site.

Findings: The applicant has indicated that the project will not impact solar access on adjacent properties. Staff finds that the footprint and orientation of the cellular facility is similar to other cellular facilities along the Council Creek Trail Corridor. The closest residential structure to the north is approximately 366-feet, and 590-feet to the east. To the south and west, residential apartment complexes may be constructed, which would not generally be within a shadow of the tower. To the east there is an ‘Eagles Lodge’ and ‘Sheldon Manufacturing’, which are greater than 150-feet from the proposed pole. Staff finds the relation of the tower to nearby properties will not impact solar access.

Conditional Use Permit, Chapter 18.105.030.B., Approval Criteria:

1. The proposed development will comply with the Comprehensive Plan.

Findings: The subject parcel is designated on the Comprehensive Plan as Industrial. The City Zoning Map designates the parcel as Light Industrial, LI. In Chapter V (Economic Development) of the Comprehensive Plan there are policy statements that support and promote continued industrial activity and diversification.

To highlight the sections of the Comprehensive plan, staff provides the following findings:

- Chapter 1 Citizen Involvement; the applicant has provided adequate public notice and held the required neighborhood meeting prior to this application submittal.

- Chapter 2 Urbanization; the proposal will not impact population growth statistics within the region.
- Chapter 3 Land Use; the proposed use is specifically identified within CMC Section 18.54.030(C) and (I) as a use that may be permitted, with Conditional Use Permit (CUP) approval.
- Chapter 4 Housing; the proposal does not impact housing needs within the City.
- Chapter 5 Economic Development; the proposal will benefit the city with additional construction jobs and tax revenue.
- Chapter 6 Natural and Cultural Resources; the applicant has obtained an approved Pre-Screening Site Assessment from, signed by the City Engineer. The site is not located upon a Local Wetland Inventory Map. Therefore, there are no known impacts to any natural resources.
- Chapter 7 Public Facilities and Services; the proposed use will provide a service to the community and emergency first responders. The site overall is fully developed to City Standards, which includes improvements to the public infrastructure along the site frontage. Within the application materials of Exhibit A, the applicant further elaborates upon Chapter 7, as follows:

“In the comprehensive plan, wireless facilities are mentioned in Chapter VII Public Facilities and Services under Utilities and Energy. In this section, it is noted that there will be an increase in demand for cell phones and a possible need for a new area code. However, there is no specific policy on how to address the need for service (possibly due to the time it was written). Under Chapter 5 of the Plan, there is mention that the city should continue to support and promote commercial and light industrial development and diversification of the economy. Statistics show that over 70 percent of households rely exclusively on wireless communications in their home (i.e. laptops, tablets, etc.). Concerning public safety, 80 percent of 911 calls originate from cell phones. Ninety-eight percent (98%) of small businesses rely on wireless technology. The ability to have reliable service is apparent and it promotes economic growth in a community—which is a goal of the city.”

- Chapter 8 Transportation System Plan; the City Engineer did not have comments for the proposal, as shown within Exhibit B, as the site was recently redeveloped by Cornelius Storage. The proposal will not have a negative impact on the existing transportation facilities, as the applicant anticipates one vehicle trip per month to the cellular site.

The proposed use represents a nationally recognizable cellular service provider, AT&T, who provides a service to public and emergency services. The applicant is not proposing a change in zoning or an amendment to the Comprehensive Plan to accommodate the proposed use.

Conclusion: Based upon the findings above, staff concludes this criterion is met.

2. The applicable requirements of the zoning district are satisfied; and

Findings: The subject property is zoned Light Industrial, (LI). As noted earlier within this report, the applicant has addressed the applicable sections the LI zoning district and the applicable development standards. The proposed use is for new cellular tower facility. The applicant has provided a site plan and elevations for the new facility. The applicant has demonstrated that the proposal can comply with the zoning district standards.

Conclusions: Based on the findings above, staff concludes this criterion can be met.

3. *That the location, size, design, and functional characteristics of the proposed use are such that it can be made reasonably compatible with and have a minimum impact on the livability and appropriate development of other properties in the surrounding neighborhood.*

Findings: The applicant submitted a narrative statement and site plan, as shown in Exhibit, A. The site abuts N. 26th Avenue, which is a City of Cornelius ‘Collector’ Street. The applicant is proposing to lease a 718 SF area, from Cornelius Storage, a 6.36-acre site. The site has been developed to full City Standards, as part of CUP-02-18 and DR-27-18. As shown on the site plan, Sheet A-1 (Exhibit A) the leased area is within Tax lot 04400. From the leased area to the property lines of Tax lot 04400, the site is internally setback:

- Northern property line (side yard setback) - 272.5’
- Southern property line (side yard setback) - 215’
- Eastern property line (front yard setback) - 49’
- Western property line (rear yard setback) - 525’

The applicant held the required neighborhood meeting on February 22, 2025 (Exhibit A), and they had no attendance.

Notice of the proposal was published in the local newspaper and mailed to property owners within 250 feet of the subject property and affected agencies on May 29, 2025. The affidavit of mailing is within Exhibit C. As of the date of this staff report, no public comments have been received.

Conclusions: Based on the findings above, staff concludes this criterion can be met.

4. *The granting of the proposal will provide for a facility that is consistent with the overall needs of the city.*

Findings: The applicant is requesting conditional use approval for a new cellular facility. It will consist of a new 105’ tall cellular tower with ground equipment, as shown and described within Exhibit A. The applicant states, “...this is a valuable service to the community. Households and businesses are more reliant on wireless technology for day to day needs and it provides a source of communication in the event of an emergency.”

The new facility is consistent with Chapter 7 (Public Facilities and Services), of the Comprehensive Plan, by diversifying the City’s breadth of communication services.

Conclusions: Based on the findings above, staff concludes this criterion is met.

CONCLUSION

Based upon the findings above, staff concludes that the proposed development of the site can conform to the applicable chapters of the CMC, with conditions of approval.

DECISION

Based on the facts, findings, public testimony and conclusions found in this staff report, the City of Cornelius Planning Commission conditionally approves DR-46-25 and CUP-02-25, subject to the following conditions of approval:

1. This approval is for a Type III Site Design Review (DR-46-25), and Type II Conditional Use Permit (CUP-02-25) to develop a new cellular tower facility, as described within Exhibit A.

Prior to Building Permit Submittal

2. When building permits are submitted, a geotechnical report shall be incorporated in the submittal.
3. The applicant shall provide a revised site plan to the Community Development Department, for review and approval, showing at least one vehicle parking pad within the leased area. The parking pad shall be concrete or asphalt and be a minimum of 9' x 20' in size.

Prior to Building Permit Issuance

4. The applicant shall obtain all the necessary grading and erosion control permits for on-site and off-site work.
5. The applicant shall obtain an Erosion Control (EC) Permit from the City of Cornelius Engineering Department.
6. The applicant shall obtain any necessary Public Works Permits from the City of Cornelius for work within N. 26th Avenue.

Prior to Site Development

7. The applicant shall obtain all the appropriate Building, Plumbing, Electrical, and Mechanical Permits and shall meet all applicable Building Code requirements for the proposed development.

Prior to Final Inspection

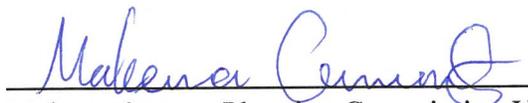
8. The applicant shall provide a FAA 1-A Survey Certification of the structure. The top of the lighting rod shall not exceed 105', as shown on the submitted plans. In the future, any proposed antenna, panel, lightning rod or structural extension of the monopole above 105' shall be reviewed and approved by the Planning Commission.
9. The vehicle parking pad shall be installed so it is a minimum 9' x 20' in size, it shall be a concrete or asphalt surface.
10. All required conditions of approval from this report shall be satisfied.
11. All landscaping, including street trees and irrigation, shall be installed per the approved landscaping plans. The installation of the irrigation system shall be in accordance with the City and State Plumbing Code.
12. Electrical conduit shall not be located in a manner that impacts tree roots and their ability to grow and remain healthy.
13. All new utilities serving the site shall be located underground.
14. The site shall comply with all applicable ADA requirements, as deemed necessary by the Building Official.
15. The applicant shall meet all applicable State, County, and City Building, Electrical, Plumbing, and Mechanical Code requirements.
16. All applicable Clean Water Services (CWS) standards shall be met.

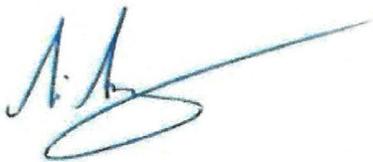
Other

17. The frequencies shall not interfere with emergency first responder frequencies.
18. The access gates to the cellular facility shall be opened and closed so it does not impede or block the main internal drive-aisle for Cornelius Storage.
19. If odors from the generator are detectable beyond the property lines, the applicant shall work with a consultant to provide corrective measures to maintain compliance with the CMC standards listed above.
20. The use and fueling of the back-up generator shall meet all applicable requirements as deemed necessary from the Building Official and Fire Department for fire protection and public safety.
21. Any damage to any public improvements or the public right-of-way as a result of construction shall be repaired and/or replaced to City Standards by the applicant/owner.

22. The existing approved landscaping plan for the Cornelius Storage site shall remain applicable, except where modified and enhanced with this application.
23. All other conditions of approval from CUP-02-18 and DR-27-18, for Cornelius Storage, shall remain applicable.
24. Future additions and/or modifications to the cell tower and site, shall be subject to the current applicable Cornelius Municipal Code provisions.
25. This approval is valid for two years, for substantial construction to occur.
26. The Community Development Director is authorized to suspend or revoke any permit if there is probable cause to believe that the conditions of the permit or any provisions of this decision have been violated or that the use is causing a nuisance to the public or surrounding properties. In any case where the Community Development Director finds a serious danger to the public health or safety, the Community Development Director may suspend the permit without a hearing. In all other cases, the applicant may appeal the Community Development Director's decision of revocation per the applicable Sections of the City Code.

Date of Decision: **June 24, 2025**


Makena Owens, Planning Commission Vice-Chair



Prepared by: Tim Franz, Senior Planner

Exhibits: A - Applicant's submittal
 B - City Engineer and Fire Department comments
 C - Affidavit of Mailing: Notice of Public Hearing
