



Legislation Text

File #: [19-0253], Version: 1

Approve Rooftop Wireless Antenna Installation as a Use of and Exterior Modification to the 140 West Franklin Building.

Staff:
Ralph D. Karpinos

Department:
Town Attorney

Overview: The 140 West Franklin Condominium Association, Inc. ("Association") seeks to enter into a lease with Cellco Partnership, d/b/a Verizon Wireless, to install an antenna on the roof of the residential condominium building that the Association owns at 140 West Franklin Street ("Project"). The building is located on the Building Unit portion of the Lot 5 Land Condominium. The Town, which owns the underlying real property and is Declarant of the Lot 5 Land Condominium, ground leases the Land Condominium's Building Unit to the Association. The General Development Agreement for the 140 West Franklin development requires the Town, as Landlord, to approve improvements for other than retail and residential purposes as well as exterior building modifications. The Association already has received other required approvals from the Town (Community Design Commission, of design; and, staff approval under wireless communication facilities regulations).

☆ **Recommendation:**

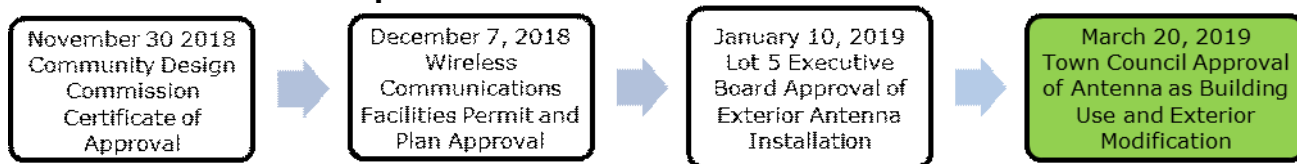
That the Council, acting as Landlord, approve a Rooftop Wireless Antenna Installation as a Use of and Exterior Modification to the 140 West Franklin Building.

Key Issues:







- Improve cell coverage in Chapel Hill
- Support Downtown residents and businesses
- Support 140 West Franklin Condominium Association, Inc. as Town Tenant

Fiscal Impact/Resources: Since the installation would be on private property and pursuant to a lease agreement between private parties, there would be no fiscal impacts to the Town.

Where is this item in its process?



Council Goals:

<input type="checkbox"/>		Create a Place for Everyone	<input type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



Attachments:

- Resolution
- December 18, 2018 Letter from the 140 West Franklin Condominium Association, Inc.
- Certificate of Community Design Commission Approval
- Wireless Communications Facilities Permit
- Project Illustrations

A RESOLUTION APPROVING INSTALLATION OF A ROOFTOP WIRELESS COMMUNICATIONS ANTENNA AS A USE OF AND EXTERIOR MODIFICATION TO THE 140 WEST FRANKLIN BUILDING (2019-03-20/R-2)

WHEREAS, the 140 West Franklin Condominium Association, Inc. seeks to enter into a lease with Cellco Partnership, d/b/a Verizon Wireless, to install an antenna on the roof of the residential condominium building that it owns at 140 West Franklin Street; and

WHEREAS, the building is located on the Building Unit portion of the Lot 5 Land Condominium, for which the Town of Chapel Hill is the Declarant and owner of the underlying real property; and

WHEREAS, the Town ground leases the Building Unit to the 140 West Franklin Condominium Association, Inc.; and

WHEREAS, the Community Design Commission approved the rooftop antenna project on October 23, 2018 and Town staff issued a Certificate of Approval on November 30, 2018; and

WHEREAS, Town staff approved the project plans and issued a Wireless Communications Facilities Permit on December 7, 2018; and

WHEREAS, by authority duly given and pursuant to the Declaration of Condominium for the Lot 5 Land Condominium, for which the Town of Chapel Hill is the Declarant, the Executive Board of the Lot 5 Land Condominium Owners Association Inc. granted permission for installation of the exterior rooftop antenna on January 10, 2019; and

WHEREAS, pursuant to the General Development Agreement by and between the Town and RAM Development Company, predecessor in interest to 140 West Condominium Association, Inc., the Town, as Landlord for the Ground Lease, must approve improvements other than for retail and residential purposes as well as exterior building modifications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approve installation of a rooftop wireless communications antenna as a use of and exterior modification to the 140 West Franklin building and consent to a Rooftop, Antenna and Cabling Space Lease Agreement between 140 West Franklin Condominium Association, Inc. and Cellco Partnership, d/b/a Verizon Wireless.

This the 20th day of March, 2019.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council, acting as Landlord, approves installation of a rooftop wireless communications antenna as a use of and exterior modification to the 140 West Franklin building.