

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD
REGULAR MEETING
Town Hall – 9 South Main St., Waynesville, NC 28786
May 18, 2015

THE WAYNESVILLE PLANNING BOARD held a regular meeting on May 18, 2015 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Patrick McDowell
Shell Isenberg
Robert Herrmann
Danny Wingate
Jon Feichter
Phillip Gibbs

The following staff members were present:

Eddie Ward, Deputy Town Clerk
Paul Benson, Town Planner

Also present was Ron Sneed, Attorney to the Planning Board.

2. Minutes of April 20, 2015

Board Member Robert Herrmann made a motion, seconded by Board Member Phillip Gibbs, to approve the minutes of April 20, 2015 as presented. The motion passed unanimously.

B. NEW BUSINESS

3. Special Use Permit: Prime Tower Development LLC Monopole Wireless Communications Tower

Chairman McDowell addressed the Protocols for Quasi-Judicial Hearings. He asked any witnesses that wished to speak to come forward and administered the oath. After the swearing in, Chairman McDowell polled the membership about ethical considerations. There were no objections concerning the impartiality of the Board.

Paul Benson, Town Planner – Town of Waynesville
9 South Main St
Waynesville, NC 28786

Mr. Benson gave the following summary of the application from Prime Tower Development, LLC:

- Application Date: April 24, 2015
- Proposed Development: 176' high monopole tower with equipment cabinet and equipment H-frame, within 100' X 100' fenced compound
- Proposed Location: Mosaic Place (off Hazelwood Avenue)
- PIN: 8615-76-0359
- Property Owner: Hazelwood Investment Properties, Inc.
- Acreage Site: 0.5 (proposed)
- Zoning: Hazelwood Business District
- Existing Development: vacant

Mr. Benson stated that Monopole Wireless Communication Towers require a Special Use Permit in all zoning districts within the Town of Waynesville jurisdiction. Proposed towers are required to meet number of specific location and design standards (LDS section 3.10.4) and six general standards (LDS section 15.10.2) regarding impact on surrounding properties and infrastructure.

Mr. Benson stated that staff had reviewed the information submitted, and the material indicated compliance with the specific standards of Section 15.10 of the Land Development Standards.

A. General Requirements

1. All monopole communications towers must comply with FCC and FAA guidelines. The communications tower owner shall provide the town each year with a copy of any FCC and FAA licenses required.

The applicant has provided a Certificate of AM Regulatory Compliance from Matt Butcher, PE with Sitesafe Inc., and has stated that the facility will be in compliance with all FAA and FCC regulations.

B. Location/Site Design

1. Monopole wireless communications towers may only be located above an elevation of three thousand five hundred (3,500) feet or on property owned by the Town of Waynesville or Haywood County.

The proposed site is to be acquired by the applicant and conveyed to the Town with a lease agreement.

2. Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size in residential districts (RL, RM, NR, UR). In all other districts the minimum lot size shall be established by 2.4.2 Table of Dimensional Standards by Mixed-Use/Non-Residential District.

The proposed tower is to be located on a lot zoned HBD (Hazelwood Business District); there is no minimum lot size.

3. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the land development district to the extent consistent with the

function of the communications equipment. Monopole towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical.

The proposed location is a former industrial site and is bordered to the east by an industrial warehouse and bordered to the south by single family residences.

4. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

The site has been graded and cleared, there is no significant existing vegetation that would be impacted, and disturbance of the existing topography would be minimal.

5. Minimum yard requirements shall be in accordance with the yard requirements set forth in the development standards for the land development district in which the location of the tower is proposed, provided that all buffering requirements can be met. Additionally, monopole towers must set back from any property in a residentially zoned district a distance equivalent to the height of the tower being erected or one hundred (100) feet whichever is greater.

The proposed setback from all property lines is approximately 50'. The maximum setback in the H-BD district is 20'.

6. Monopole wireless communications towers shall be landscaped with a buffer of plant materials that effectively screens the view of tower compound from adjacent property. Where the site of the tower compound is adjacent to residentially zoned or used property such buffers shall meet the standards of section 8.4.2 for a Type A buffer yard. In all other cases such buffers shall meet the standards of section 8.4.2 for a Type C buffer yard.

A "Type C" buffer is required on the outside of the fence along all sides. The Landscape Plan (sheet L-1) needs to be revised accordingly.

7. Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located within buildings, equipment shelters or cabinets shall be fenced, screened and landscaped to screen views from adjacent properties. Accessory equipment facilities located on the roof of buildings shall be enclosed so as to be shielded from view. Accessory equipment facilities may not be enclosed with exposed metal surfaces.

The plans show the equipment compound at the base of the tower to be fenced.

8. Security fencing, if used, shall be painted or coated with a non-reflective color.

The applicant's Statement of Compliance indicates that fencing material will have a black, non-reflective finish.

9. Proposed ingress and egress to the tower shall produce the least disturbance for adjoining uses as is practicable.

The proposed access will be a driveway connecting to the end of the existing street – Mosaic Place; no existing uses will be impacted.

C. Design of Tower

1. The use of colors and facility designs shall be compatible with the surroundings (buildings, vegetation, etc.) or the surroundings likely to exist in the area and should prevent the facility from dominating the area in which it is located.

The tower is proposed to have a galvanized steel finish designed to blend with sky colorings.

2. The use of stealth design technology is required. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and/or camouflaging architectural treatment. The Planning Board may condition approval on the use of specific concealment techniques where it determines that doing so is necessary or desirable.

The applicant states that the galvanized steel finish is designed to blend with sky colorings, and the monopole is the lower profile tower design.

3. The maximum height allowed for a monopole tower is one hundred and eight (180) feet.

The plan and application indicate the tower height to be 176' with a 4' lightning rod.

4. Macro facilities are the largest attached wireless communications facilities allowed on a monopole tower.

Based on the plans the attached antennas meet Macro facility standards.

5. Antennas may not extend more than fifteen (15) feet above any monopole tower.

The plans show attached antennas extending 4' above the top of the tower.

6. Towers shall not be artificially lit unless required by the FAA or other applicable authority. If lighting is required, the Board of Adjustment may review the available lighting alternatives and approve the design that will cause the least disturbance to surrounding views.

The plans and applicant's statements propose no lighting.

7. Security lighting for equipment shelters or cabinets and other on-ground accessory equipment is also permitted, as long as it is appropriately down-shielded to keep light within the boundaries of the site.

The application states that no security lighting will be installed.

8. No equipment shall be operated so as to produce noise levels above forty-five (45) dB as measured from the nearest adjacent, residentially zoned property. Operation of a back-up power generator in the event of power failure, or the testing of a back-up generator between 8:00 a.m. and 9:00 p.m. are exempt from this standard.

The application states that sound will be generated, and that the backup generator will only be tested between 8am and 9pm.

9. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a telecommunications tower or attached antenna other than as required by FCC regulations regarding tower registration or other applicable law.

The application states that no advertising will be posted only required signage on gate and fencing.

D. Collocation

1. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can reasonably accommodate the applicant's proposed tower or antenna.

The application states that no existing towers or structures are located within the geographic search area with excess capacity.

2. Applicants and permittees shall make a good faith effort to share wireless communications, structures, facilities and sites where reasonable and appropriate. Such good faith shall include sharing technical information and application information to evaluate the feasibility of collocation. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the town may require a third party technical study at the expense of either or both the applicant and permittee.

The application states that the tower will be constructed to accommodate up to four wireless carriers and that the county will be provided opportunities to use the tower for county departments and emergency services.

John Behnke – Prime Tower Development LLC Memphis, Tennessee

Mr. Behnke gave a brief overview of the background leading up to the proposed project. He stated Prime Tower had looked at several properties, and the Mosaic Place property met the requirements of the Town of Waynesville ordinances. Prime Tower will purchase the property, then quick claim it to the Town, and then prepare a lease back to the Town.

Mr. Behnke presented photographs and surveys of the property and location of the tower. He addressed the issue of the landscaping buffer for the site, and stated that Prime Tower agreed to a Type C buffer.

Chairman McDowell asked for a motion to close the hearing. A motion was made by Danny Wingate, seconded by Robert Herrmann to close the hearing. The motion passed unanimously.

In deliberation, the Board agreed that all requirements of the Land Development Standards, Section 3.10.4 and 15.10.2 had been met. with a condition of completion of the purchase of the property.

It was the consensus of the Board that a Special Use Permit be granted to the applicant, Prime Tower Development LLC with the following conditions: 1) The applicant place a Type C buffer on the property and 2) The completion of the purchase of the property, quick claim deed, and lease to the Town.

4. Special Use Permit: U.S. Cellular Monopole Wireless Communication Tower

Chairman McDowell addressed the Protocols for Quasi-Judicial Hearings. He administered the oath to witnesses that wished to give testimony during the hearing. After the swearing in, Chairman

McDowell polled the Board about ethical consideration. There were no objections concerning the impartiality of the Board.

Paul Benson, Town Planner
9 South Main St
Waynesville, NC 28786

Mr. Benson gave the following summary of the application from U. S, Cellular.

- Application Date: March 26, 2015
- Proposed Development: 115' high monopole tower, with 12'X20' equipment shelter, and associated above-ground equipment
- Proposed Location: End of Reservoir Road
- PIN 8615-76-0359
- Property Owner: Town of Waynesville
- Acreage of Site: 2.17
- Zoning: East Waynesville Urban Residential
- Existing Development: Water tank, wireless communication tower with accessory equipment and buildings

Mr. Benson stated that Monopole Wireless Communication Towers require a Special Use Permit in all zoning districts within the Town of Waynesville jurisdiction. Proposed towers are required to meet number of specific location and design standards (LDS section 3.10.4) and six general standards (LDS section 15.10.2) regarding impact on surrounding properties and infrastructure.

Mr. Benson explained that the burden of demonstrating compliance with the specific and general findings lies with the applicant. The staff has reviewed the application materials including an Environmental Survey by Terracon Consultants, Inc. dated 4/14/14, and follow-up letter from Terracon dated 5/12/15 responding to comments regarding migratory bird impact from the U. S. Fish and Wildlife Service. The staff has also reviewed site, tower, and landscape plans prepared by Civil & Environmental Consultants, Inc. Based on this review the staff finds the following with regard to the specific standards of Section 3.10.4:

A. General Requirements

1. All monopole communications towers must comply with FCC and FAA guidelines. The communications tower owner shall provide the town each year with a copy of any FCC and FAA licenses required.

The applicant has provided a letter from Ronald W Lageson, Jr. of Wireless Applications Corp. to demonstrate compliance with this standard.

B. Location/Site Design

1. Monopole wireless communications towers may only be located above an elevation of three thousand five hundred (3,500) feet or on property owned by the Town of Waynesville or Haywood County.

The proposed site is owned by the Town of Waynesville.

2. Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size in residential districts (RL, RM, NR, UR). In all other districts the minimum lot size shall be established by 2.4.2 Table of Dimensional Standards by Mixed-Use/Non-Residential District.

The proposed tower is to be located on a 2.17 acre property zoned East Waynesville Urban Residential.

3. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the land development district to the extent consistent with the function of the communications equipment. Monopole towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical.

Application plans and photographs show the proposed development to be of the same character as the existing tower and associated structures.

4. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

Application plans and photographs show that existing vegetation will be preserved and the disturbance of existing topography will be minimal.

5. Minimum yard requirements shall be in accordance with the yard requirements set forth in the development standards for the land development district in which the location of the tower is proposed, provided that all buffering requirements can be met. Additionally, monopole towers must set back from any property in a residentially zoned district a distance equivalent to the height of the tower being erected or one hundred (100) feet whichever is greater.

The site plan calls the tower to be set back from residentially zoned property a distance equal to the tower height of 115'.

6. Monopole wireless communications towers shall be landscaped with a buffer of plant materials that effectively screens the view of tower compound from adjacent property. Where the site of the tower compound is adjacent to residentially zoned or used property such buffers shall meet the standards of section 8.4.2 for a Type A buffer yard. In all other cases such buffers shall meet the standards of section 8.4.2 for a Type C buffer yard.

The revised Landscape Plan dated May 2015, shows an existing vegetative buffer on all sides of the tower compound fence with the exception of the northeast in the vicinity of the existing tower compound.

7. Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located within buildings, equipment shelters or cabinets shall be fenced, screened and landscaped to screen views from adjacent properties. Accessory equipment facilities located on the roof of buildings shall be enclosed so as to be shielded from view. Accessory equipment facilities may not be enclosed with exposed metal surfaces.

The plans show the equipment compound at the base of the tower to be fenced. The equipment shelter is proposed to have concrete walls.

8. Security fencing, if used, shall be painted or coated with a non-reflective color.

The plans indicate that the fencing materials is to have a galvanized finish, but information has been submitted indicating the degree of reflectivity.

9. Proposed ingress and egress to the tower shall produce the least disturbance for adjoining uses as is practicable.

The proposed access is to be provided by an extension of the existing access driveway.

C. Design of Tower

1. The use of colors and facility designs shall be compatible with the surroundings (buildings, vegetation, etc.) or the surroundings likely to exist in the area and should prevent the facility from dominating the area in which it is located.

The tower is proposed to have a galvanized steel finish designed to blend with sky colorings.

2. The use of stealth design technology is required. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and/or camouflaging architectural treatment. The Planning Board may condition approval on the use of specific concealment techniques where it determines that doing so is necessary or desirable.

The tower will be located within the existing wooded area of the site. The antennas are to be close mounted within 18" of the tower.

3. The maximum height allowed for a monopole tower is one hundred and eight (180) feet.

The proposed tower height is 115'

4. Macro facilities are the largest attached wireless communications facilities allowed on a monopole tower.

Based on the plans the attached antennas meet Macro facility standards.

5. Antennas may not extend more than fifteen (15) feet above any monopole tower.

The plans show attached antennas extending 4' above the top of the tower.

6. Towers shall not be artificially lit unless required by the FAA or other applicable authority. If lighting is required, the Board of Adjustment may review the available lighting alternatives and approve the design that will cause the least disturbance to surrounding views.

The plans and applicant's statements propose no lighting.

7. Security lighting for equipment shelters or cabinets and other on-ground accessory equipment is also permitted, as long as it is appropriately down-shielded to keep light within the boundaries of the site.

Security lighting will be directed downward and fully shielded.

8. No equipment shall be operated so as to produce noise levels above forty-five (45) dB as measured from the nearest adjacent, residentially zoned property. Operation of a back-up power generator in the event of power failure, or the testing of a back-up generator between 8:00 a.m. and 9:00 p.m. are exempt from this standard.

The application states no sound will be generated, and no generator will be used.

9. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a

telecommunications tower or attached antenna other than as required by FCC regulations regarding tower registration or other applicable law.

The application shows compliance with this standard.

D. Collocation

1. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can reasonably accommodate the applicant's proposed tower or antenna.

The application states that this standard is met based on an audit of the existing tower by Tower Engineering Professionals.

2. Applicants and permittees shall make a good faith effort to share wireless communications, structures, facilities and sites where reasonable and appropriate. Such good faith shall include sharing technical information and application information to evaluate the feasibility of collocation. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the town may require a third party technical study at the expense of either or both the applicant and permittee.

The plans show two additional antennas available for co-location.

**Chuck Burton – Site Acquisitions
U S Cellular
Knoxville TN**

Mr. Burton explained to the Board that the existing tower on Reservoir Drive is “full” and cannot be upgraded to accommodate the needs of U. S. Cellular. He stated that U. S. Cellular is installing new LTE technology and there is no where to place the antenna. U. S. Cellular would like to place all the new technology on one tower so the signals do not hit the trees and go no where. He presented to the Board a map that demonstrates the difference in the coverage between the old tower and the proposed new tower. He said the new tower would allow two additional cell vendors to utilize the tower.

The Board had questions for Mr. Burton concerning the construction and assembly of the proposed tower and the vegetation in the area.

Attorney Patsy Brison, representing U. S. Cellular, referenced the checklist given to the Board by Attorney Ron Sneed, and indicated which exhibits pertained to the requirements of a Special Use Permit. She asked these exhibits, 1 – 4, be admitted as evidence.

**Mary O’Brien
305 25th Street West
Bradenton, Fl. 34205
And 201 Reservoir Drive
Waynesville, NC 28786**

Ms. O’Brien presented a power point showing the location of houses, streets, and properties located on Reservoir Drive. She stated some of her concerns about constructing a new tower in addition

to the existing tower. Ms. O'Brien presented the Board with videos showing the existing structure and the noise involved with the generator for that tower.

Ms. O'Brien read a letter from Fred Spencer, Appraiser, addressing the negative value on her property with the proposed tower. Attorney Brison objected to entering the letter as evidence, and also objected to the reading of the letter. The letter stated there would be a negative value impact on properties in the immediate area. The Board accepted the letter as hear-say evidence, because the applicant could not cross examine the appraiser.

Patrick Lapham
305 25th Street West
Bradenton, Fl. 34205
And 201 Reservoir Drive
Waynesville, NC 28786

Mr. Lapham voiced concerns with the site pertaining to main water lines, and right of ways. He also had questions about water run off and the number of cell towers that could be supported on the piece of property.

Allen Hopper
191 Reservoir Drive
And 65 Reservoir Drive
135 Reservoir Drive
Waynesville, NC 28786

Mr. Hopper stated he was concerned with the amount of units that might be placed on the new tower. He said the old tower looked like a monstrosity because of the additions over the years. He expressed that he would like to see the existing tower removed and replace with a bigger tower instead of adding a new one. He added that he felt the road was not big enough to accommodate the proposed tower.

Daniella
Reservoir Drive

She is concerned about the amount of traffic going up Reservoir Drive to the towers. She stated there are children in her family, and she is worried about cars and trucks speeding on the road.

Mr. Burton asked the Board to be able to address some of the concerns that had been brought up by witnesses. Concerning the water lines, Mr. Burton said there are two water lines on the property. Mr. Burton stated U. S. Cellular was required by the Water Utility Board to have 15 feet of space between the tower and the water mains. Reservoir Drive is a public road up to the property line, and then U. S. Cellular would have an easement agreement on the private road. He said that unless there was a problem, the only time U. S. Cellular technicians would visit the site would be to check the tower about once a month. He also said U. S. Cellular would be responsible for repairing any damage to the road caused by the installation of the tower.

Chairman McDowell asked for a motion to close the hearing. A motion was made by Board Member Robert Herrmann, seconded by Board Member Shell Isenberg to close the hearing. The motion passed unanimously.

Chairman McDowell asked for deliberations among the Board. Board members asked that certain conditions be met concerning non-reflective paint, maintenance of the road after construction, and restrictive generator use for new vendors having access to the tower.

Chairman McDowell asked for a motion to reopen the hearing to address certain conditions for the Special Use Permit.

A motion was made by Board Member Danny Wingate, seconded by Board Member Robert Herrmann to reopen the hearing. The motion passed unanimously.

The Board discussed what conditions were to be placed on the issuance of the Special Use Permit.

A motion was made by Board Member Jon Feichter, seconded by Board Member Phillip Gibbs to close the hearing. The motion passed unanimously.

A motion was made by Jon Feichter, seconded by Shell Isenberg to grant the applicant, U. S. Cellular a Special Use Permit for the installation of a monopole wireless communication tower at the end of Reservoir Drive, with the following conditions:

1. U. S. Cellular will be responsible for repairing any damage to the road caused by the installation of the tower.

2. Non-reflective paint will be used on the security fencing.

3. A request that battery back up be the primary mode of power in the absence of electricity for the carriers that might be added to the tower. If that is not possible, the most current technology in a generator will be used.

The motion passed unanimously.

C. ADJOURN

With no further business, it was the consensus of the Board to adjourn the meeting at 7:47 p.m.


Patrick McDowell, Chairman


Eddie Ward, Deputy Town Clerk