

# Town of Waynesville

## TOWN OF WAYNESVILLE

### Planning Board – Regular Meeting

Town Hall, 9 South Main St, Waynesville, NC 28786

**February 16, 2015**

**Monday – 5:30 PM**

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#### A. CALL TO ORDER

1. Welcome/Calendar/Announcements
2. Adoption of Minutes

***Motion:*** *To approve the minutes of November 17, 2014 as presented (or as corrected)*

#### B. NEW BUSINESS

3. Consideration of Land Development Standards text amendment – Monopole Wireless Communication Tower
4. New Planning Board Member Application

#### C. ADJOURN

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD  
REGULAR MEETING  
Town Hall – 9 South Main St., Waynesville, NC 28786  
November 17, 2014

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**THE WAYNESVILLE PLANNING BOARD** held a regular meeting on Monday November 17, 2014 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  
Jon Feichter  
Shell Isenberg  
Robert Herrmann  
Brooks Hale  
Bucky Dykes  
Danny Wingate

The following staff members were present:

Eddie Ward, Deputy Town Clerk  
Paul Benson, Interim Planning Director

**2. Minutes of October 20, 2014**

*Board Member Robert Herrmann made a motion, seconded by Board Member Bucky Dykes, to approve the minutes of October 20th, 2014 as presented. The motion passed unanimously.*

**B. NEW BUSINESS**

**3. Public Hearing: Miscellaneous Land Development Standards text amendments to correct technical errors**

Chairman Patrick McDowell asked Interim Planning Director, Paul Benson, to go over the items needing correction. Mr. Benson said that these were primarily “housekeeping” amendments to correct mistakes or inconsistencies within the Land Development Standards. He said Jason Rogers had gone over the items, and the Board had voted to amend the Land Development Standards in the meeting held on October 20, 2014. He asked if Board members had any questions concerning the Miscellaneous Land Development Standards text amendments. No one had any questions.

Chairman McDowell opened the Public Hearing. No one had any comments. Chairman McDowell closed the public hearing.

**4. Public Hearing: Permit political signs along Town maintained street right of ways under the same standards as State streets**

Mr. Benson explained that the Political Sign amendment entails a substantive change since it would permit political signs along Town maintained street rights-of-ways under the same standards as State streets. He said most thoroughfares in the Town of Waynesville are State maintained, so the change is not expected to be significant. The change offers the advantage of consistency in Town and State regulation of these signs.

Currently, The Town of Waynesville requires a \$100.00 deposit for any political sign placed inside Town Limits. This has been difficult to administer and track, especially during national elections, and it has become very ineffective.

Mr. Benson said that now there is a dual system in place, regulating Town rights of way, and regulating State rights of way. That makes enforcing political signage very difficult. Following State standards on all streets for political signs will clear up any controversy, and make enforcing the placement and removal of political signs much easier.

There was much discussion concerning the \$100.00 fee and if the Town profited from that money. They discussed the possibility of the \$100.00 being a fee instead of a deposit.

Chairman McDowell opened the Public Hearing. No one had any comments. Chairman McDowell closed the Public Hearing.

***Board Member Robert Herrmann made a motion, seconded by Board Member Danny Wingate, to amend the text of the Land Development Standards of the Town of Waynesville, regulating political signs to conform to North Carolina General Statute 136-32. The motion passed with six ayes (Danny Wingate, Bucky Dykes, Robert Herrmann, Shell Isenberg, Brooks Hale, and Patrick McDowell), and one nay (Jon Feichter).***

Chairman McDowell said that with the passing of Board Member Lee Bouknight, a new Vice Chairman needed to be appointed for the Board. Board Member Herrmann nominated Board Member Danny Wingate. The consensus of the Board was to appoint Mr. Wingate as Vice Chairman.

Mr. Benson said that unless there was some urgent business that needed the Board's attention, the meeting scheduled for December 22, 2014 would be cancelled.

**C. ADJOURN**

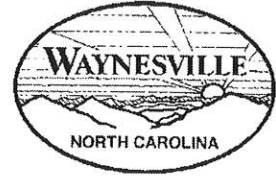
***With no further business, a motion was made by Board Member Danny Wingate, seconded by Jon Feichter to adjourn at 5:53 p.m. The motion passed unanimously.***

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Patrick McDowell, Chairman

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Eddie Ward, Deputy Town Clerk



## TOWN OF WAYNESVILLE PLANNING DEPARTMENT

### Application for Land Development Standards Text Amendment

Application is hereby made on January 7<sup>th</sup>, 2015 to the Town of Waynesville for the following amendment:

Designate the specific section(s) of the Land Development Standards being requested for change:

*Sec 3.10.4 B(2) "Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size"*

Description of the requested amendment, (attach additional sheets if necessary):  
*Strike subject clause from the Ordinance*

The reasons for the requested amendments, (attach additional sheets if necessary):

*The wireless industry has moved almost exclusively to self support towers (monopole or lattice styles) in the past decade and if land mass for guys/anchors was an intent of the clause then it is therefore presently moot since self support structures are placed on small leasehold footprints.*

*If setbacks were the original intent, then they are already addressed in Sec. 3.10.4 B(5). Much of the Town of Waynesville is densely developed and as future growth continues it will be increasingly difficult to locate 1+ acre tracts of land and meet RF engineering requirements. The RF engineering factor cannot be ignored because the RF design for any given site location comes with highly sophisticated design models which are very specific to location. Therefore, the Town will be better served to let industry professionals, typically called Site Acquisition Specialists, research and submit site candidates, of any size, to the Planning Dept. for consideration. This will yield a good, efficient result since RF, landowner needs and the zoning development standards for any given site are analyzed together in advance.*

### Applicant Contact Information

Name: Prime Tower Development LLC  
c/o John Behnke

Mailing Address: P.O Box 770065, Memphis, Tennessee 38177

Phone(s): 901-494-1559

Email: [jbehnke@primetowerdevelopment.com](mailto:jbehnke@primetowerdevelopment.com)

A handwritten signature in blue ink, reading "John Behnke", is written over a horizontal line.

Note: Text Amendment Requests require a fee of \$500.00. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Planning Department, 9 South Main Street, Waynesville, NC 28786.



## Planning Board Staff Report

Subject: LDS text amendment – Monopole Wireless Communication Tower  
Section: 3.10.4  
Applicant: Prime Tower Development LLC c/o John Behnke  
Meeting Date: February 16, 2015

### Background:

Monopole Wireless Communication Towers require a Special Use Permit in all zoning districts within the Town of Waynesville's jurisdiction. Proposed towers are required to meet a number of specific location and design standards (LDS section 3.10.4) and the Planning Board must make findings of fact that they also meet six general standards (LDS section 15.10.2) regarding impact on surrounding properties and infrastructure.

The location standards, specifically 3.10.4.B.2, require a minimum lot size of 1 acre.

The applicant, Prime Tower Development LLC, requests that this minimum lot size be eliminated for the reasons stated in the attached application.

### Staff Recommendation:

Currently, in non-residential districts (NC, BD, RC and CI) there are generally no minimum lot sizes and minimal setbacks to encourage a denser development pattern. Residential districts typically have minimum lot sizes ranging from 1/6 to 1/2 acre. Presumably the larger lot size required for Monopole Wireless Communication Towers is intended to mitigate adverse impacts on neighboring properties from structures that are significantly taller than most permitted structures.

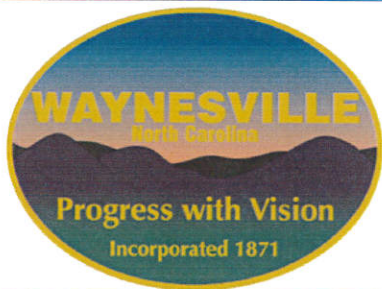
Staff agrees with the applicant that potential adverse impacts are better addressed by minimum setbacks rather than minimum lot size. In addition, buffer standards and stealth technologies are also more effective ways to control adverse impacts. Accordingly, staff recommends:

1. That section 3.10.4.B.2 be amended to read: "Monopole wireless communication towers may only be located on a lot size of one (1) acre or greater in residential districts (RL, RM, NR, UR)."
2. That section 3.10.4.B.6 be amended to read: "Monopole wireless communications towers shall be landscaped with a buffer of plant materials that effectively screens the view of tower compound from adjacent property. ~~The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.~~ Where the site of the tower compound is adjacent to residentially zoned or used property a Type A buffer yard as per section 8.4.2 is required between the external fence of the tower compound and all such adjacent property lines. In all other cases a Type C buffer yard as per section 8.4.2 is required between the external fence of the tower compound and all adjacent property lines."

3. That section 3.10.4.C.2 be amended to read: "The use of stealth design technology is required. ~~At a minimum this would require the towers to have a flat gray or galvanized finish unless the Planning Board determines that another color scheme would be a preferable aesthetic alternative. If due to topography, existing vegetative canopy, or other local conditions, the Planning Board determines that a tower disguised as a coniferous tree is a preferable aesthetic alternative, it may require such camouflage treatment as a condition of approval.~~"

Note: existing text is in black, text to be deleted is shown with strikethrough and new text is in red.

Finally, in section 3.10.4.D.1 the reference to Board of Adjustment should be corrected to Planning Board as the agency that reviews Special Use Permits.



## TOWN OF WAYNESVILLE, NORTH CAROLINA

### Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

aowens@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Hunter Murphy

STREET ADDRESS 11 Balsam Dr., Waynesville, NC 28786

MAILING ADDRESS 11 Balsam Dr., Waynesville, NC 28786

PHONE 828.550.2752

E-MAIL huntermurphy@gmail.com

***Please consider me for appointment to the following board(s) or commission(s):***

<input type="checkbox"/> Alcoholic Beverage Control Board	<input checked="" type="checkbox"/> Planning Board
<input type="checkbox"/> Community Action Forum	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Waynesville Housing Authority
<input type="checkbox"/> Historic Preservation Commission	

I am interested in serving on this board or commission because:

I have always had an interest in civic planning and zoning. Throughout my career I have worked in real estate litigation and have a strong understanding of property laws.

I have experience/expertise in the following areas and/or have served on the following board or commission: Legal Practice for 9 years (see attached resume). I have served on the Board of Trustees for Full Spectrum Farms in Cullowhee, NC.

I feel that I can contribute the following to this board or commission

In high school and college I took a number of classes in architecture and civic planning. As a resident of Waynesville for the last twenty years, I have seen our town grow in both good directions and bad. I want to make sure that Waynesville is a town my children will be proud to call their hometown.

Tell us about yourself and your background: I have practiced law in Haywood and Jackson Counties for the past 9 years. My wife, Kellie and I live in town with our four year old boy-girl twins, Brayden and Eden. Last Fall, I had the opportunity to run in a statewide election for the NC Court of Appeals and have seen a lot of this State. My background and knowledge of things that work and do not work will help the Planning Board moving forward as we plan for the long term.

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

/s/ J. Hunter Murphy

1.28.2015

Signature

Date

Upon appointment to a Board/Committee, the information contained herein becomes a matter of public record per NCGS 132-1.

**- Return Application to Town Clerk's Office -**



## **EDUCATION**

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NORTH CAROLINA BAR ADMISSION DATE: August 25, 2006, No. 35470

UNIVERSITY OF THE PACIFIC, McGEORGE SCHOOL OF LAW  
JURIS DOCTOR, MAY 2006

- ◆ Dean's List 2004-2006, Traynor Honor Society
- ◆ Certificate of International Studies from the University of Salzburg, Austria, July 2004
- ◆ Studied under US Supreme Court Justice Anthony Kennedy
- ◆ Intramural Sports Chairman

UNIVERSITY OF NORTH CAROLINA  
BACHELOR OF ARTS IN ECONOMICS, May 2003  
BACHELOR OF ARTS IN RELIGIOUS STUDIES-INTENSIVE IN COMPARATIVE STUDIES, May 2003

- ◆ Sigma Phi Epsilon Fraternity
- ◆ Fall 2000 Orientation Counselor

## **EXPERIENCE**

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HUNTER MURPHY LAW, PC, Waynesville, NC  
SOLO PRACTITIONER, May 2012 – Present

- ◆ Have a thriving State Court practice, including a great deal of experience in District Court.
- ◆ Litigated Civil and Criminal jury cases in Superior and Tribal Courts.
- ◆ Represented persons accused of crimes from Speeding Tickets to Trafficking in Controlled Substances.
- ◆ Administered Estates and served as Guardian for incompetent persons.
- ◆ Represented persons accused of crimes from Speeding Tickets to Trafficking in Controlled Substances.
- ◆ Real Estate closings and advice.

RIDENOUR & MURPHY, PA, Sylva, NC  
ASSOCIATE ATTORNEY, August 2006 – October 2008  
MANAGING PARTNER, October 2008 – April 2012

- ◆ Gained experience in my current practice areas.
- ◆ Assisted my Partner, as attorney for the Town of Sylva, in municipal law and county tax foreclosures.

CONSTANGY, BROOKS & SMITH, Macon, GA  
SUMMER ASSOCIATE, Summer 2005

- ◆ Researched and created Fair Labor Standards Act compliance materials for universities and helped develop a mock union campaign for a large manufacturer.
- ◆ Conducted research, drafted, and edited articles for DEVELOPING LABOR LAW Volume V and the MERCER UNIVERSITY LAW REVIEW.



## EXPERIENCE CONTINUED

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CALIFORNIA OCCUPATIONAL HEALTH & SAFETY APPEALS BOARD, Sacramento, CA

LEGAL COUNSEL INTERN, Spring 2005

- ◆ Wrote a decision on a case pending before the Board: researched statutory and case law, studied the lower court's decision, examined the evidence, and led the discussion concerning the case at the bimonthly Board meeting. 2005 CA OSHA App. Bd. LEXIS 43.
- ◆ Assisted legal counsel in research and actively participated in Board meetings.

BROWN, QUEEN, PATTEN, & JENKINS, Waynesville, NC

LEGAL ASSISTANT, Summers 2003 and 2004

RUNNER AND OFFICE ASSISTANT, Summer 1998

- ◆ Drafted Wills, Codicils, Deeds, and Deeds of Trust.
- ◆ Conducted real estate closings and performed numerous title searches.

WILSON TOBS BASEBALL, Wilson, NC

DIRECTOR OF STADIUM OPERATIONS, Summer 2002

- ◆ Negotiated with pre-existing and new clients for event sponsorship and sold advertising space.
- ◆ Managed twenty-five employees throughout the stadium.