



City of Mount Airy Board of Adjustment Special Meeting Minutes

February 27, 2018 – 5:30 PM
First Floor Conference Room, City Hall
300 S. Main Street – Mount Airy, NC 27030

Members Present: Elizabeth Martin, Chairwoman
Mary Botkin, Vice-Chairwoman
Roscoe Easter
Bob Chilton
Rixie Gordon
Mark King
Tim Devore

Members Absent: Sharon Gates
Luke Morrison

Staff Present: Andy Goodall Jr., CZO – Planning Director
Ben Barcroft – City Planner
Hugh Campbell – City Attorney

Guest(s): Joel McMillian, Carolina West Wireless

I. Call to Order

Chairwoman Elizabeth Martin called the meeting to order at 5:30PM.

II. Determination of a Quorum

With seven (7) members present, Chairwoman Martin determined there was a quorum.

III. New Member

Bob Chilton was sworn in as the newest member of the Board of Adjustment.

IV. Approval of Agenda

Roscoe Easter made a motion to approve the agenda as presented. Tim Devore seconded the motion. Motion was approved unanimously (6-0).

V. Board of Adjustment Cases

2018-CUP-01

Carolina West Wireless has submitted a request for a conditional use permit to construct a wireless telecommunications tower & facility (100' in Height). The property is located at 1218 State Street and is specifically identified as parcel number (PIN) 5929-10-36-5742.

Chairwoman Martin asked if anyone on the board had any conflict of interest. Mr. Bob Chilton questioned if he would be considered having a conflict of interest since he lived in eyesight of the location. It was determined that he could make a decision solely on the evidence provided and would not need to reclude himself.

Ms. Martin asked that all parties that plan to testify come forward and be sworn in. Mr. Goodall and Mr. Joel McMillian were sworn in.

Mr. Goodall went over the zoning of the property. He mentioned how the property is split zoned B3 (neighborhood business) and B4 (highway business) with the proposed area being zoned B4. He explained that wireless telecommunications is a conditional use and must follow all the special requirements listed in SR32. He also went over with the board what they had in their packets.

Ms. Martin stated they needed to accept the staff report and exhibits into evidence. Roscoe Easter made a motion to accept the evidence. Motion was seconded by Mary Botkin, which passed unanimously (6-0).

Chairwoman Martin then declared the public hearing open. She then asked Joel McMillian to start his testimony.

Mr. McMillian is the engineer and project manager for Carolina Wireless. He started off by reading the cover letter from Travis Bray, the radio frequency engineer for Carolina West Wireless. He said several other locations were reviewed however; none of them met the height requirement to provide service for the area.

Mr. McMillian explained how Carolina West Wireless currently has 320 sites in there whole service market with 32 sites in Surry County. He went on to give an example of a previous tower update on the Main Oak Emporium building. He then explained how the proposed tower would be ready for co-location for up to 3 more providers.

Mr. McMillian then read through each of the Special Requirements the city has for wireless communications towers and explained how Carolina West Wireless would meet those requirements. The list below (A-S) is the comprehensive list of all the requirements.

- A. Towers shall have a setback of one foot for each one foot in height of tower, plus an additional fifty (50) feet from all property lines and rights-of-way, as measured from ground level. (20.00)
 - *Sheet A -0 of the zoning drawings (pg. 5 of the binder) shows that the setbacks are met.*
- B. Towers shall not be located within a one-half (1/2) mile radius of any other wireless telecommunication tower, unless concealed in a church steeple, farm silo, or other architecturally designed encasement. Furthermore, towers located beyond a one-half (1/2) mile

radius and not exceeding three (3) mile radius from other wireless telecommunication tower shall not be permitted, unless the applicant can prove that co-location is not a viable option and no "stealth" location is possible.

- *Page 3 of the binder shows a map of the location of existing sites along with the distances. Mr. McMillian explained how increased demand for data has created the need for this tower. Nearby towers are unable to keep up with capacity.*

C. Towers shall not exceed five hundred (500) feet in height as measured from ground level.

- *The proposed tower is 100 feet.*

D. Towers with a height greater than one hundred-fifty (150) feet shall be constructed to permit the capability for the co-location of additional provider antennas as follows:

- *151 feet to 200 feet - two (2) additional antennas*
- *201 feet to 250 feet - three (3) additional antennas*
- *251 feet to 300 feet - four (4) additional antennas*
- *301 feet to 350 feet - five (5) additional antennas*

- *The tower is to be designed for 3 future carriers.*

E. The applicant shall be required to provide written documentation showing that no proposed tower lies within a thirty (30) foot to one (1) foot run to rise ratio from the nearest point of the nearest runway of a private airstrip or airport registered with the Federal Aviation Administration (FAA).

- *On page 4 and 5 shows the latitude and longitude and that the tower is not near any airport runway so it will not require lighting.*

F. No business signs, billboards, or other advertising shall be installed on a tower, nor shall any tower be painted or have a color considered obnoxious or offensive. All towers except stealth towers shall be of monopole construction.

- *There will not be any advertising on the pole. The tower will also not be painted.*

G. No offices or outdoor storage of equipment or materials are permitted on tower sites located in a residential district.

- *The site is split zoned B3 and B4 with the tower being in the B4 district.*

H. Accessory or component buildings shall be setback fifty (50) feet from all property lines and rights-of-way.

- *The plans meet all setbacks.*

I. All structures shall be enclosed by a chain link fence at least eight (8) feet in height and screened with a six (6) foot high, ninety percent (90%) opaque screening.

- *The tower will have fencing and screening.*

- J. The applicant shall be required to provide written documentation stating that the tower is in compliance with all applicable Federal and State regulations.
- *All State and Federal regulation are listed in the packet. Mr. McMillian stated that all towers they construct meet those requirements. All documentation will be provided to the city.*
- K. Notice shall be provided to the Zoning Administrator when any telecommunication tower is placed out of service. Towers not used for a period of six (6) months or more shall be removed by the owner within one hundred and twenty (120) days of receipt of notification to that effect. The applicant shall also provide the City with written documentation substantiating that the applicant has and will sustain the financial ability to disassemble and remove the tower, once no longer in operation.
- *Mr. McMillian said that it is very rarely that these towers are taken out of service. If for some reason they would leave, their lease agreement with the County states their time limit to remove the tower.*
- L. Additional provider antennas and equipment shelters associated with an approved telecommunication tower site are permitted, provided said changes do not increase the setback-requirement beyond the allowable limit according to tower height.
- *Co-location permits would need to be obtained through the planning department for any new antennas.*
- M. Tower lighting shall not exceed the minimum for obstruction lighting as administered by the Federal Aviation Administration (FAA).
- *The tower will not need to be lit.*
- N. All permits, for the construction of a wireless telecommunication tower are issued in reliance upon a presumption that the tower will in fact conform to the plans, which are submitted as the basis for the permit. Once constructed, the tower must continue to be maintained in compliance with the provisions of this ordinance.
- *N/A*
- O. The applicant shall be required to notify all property owners within a one-half (1/2) mile radius of a proposed tower with a height greater than two hundred-fifty (250) feet. The notice shall be by certified mail and shall include tower height and design type and date, time, and location of proposed meeting.
- *Tower is 100 feet tall and all adjoining land owners have been notified by the City.*
- P. The applicant shall be required to provide written documentation stating that it is not viable to co-locate on existing facilities within the coverage area. Facilities include other towers, elevated tanks, electrical transmission lines, or other structures.
- *As stated before, there is nothing they can co-locate on.*

Q. The applicant shall provide the City with proof of liability insurance, which protects against losses due to personal injury or property damage resulting from the construction or collapse of the tower, antenna, or accessory equipment. Such proof shall be supplied to the City by the applicant at the time of application.

- *There is a copy of the certificates in the binder.*

R. The applicant shall provide to the Zoning Administrator an inventory of its existing antennas and towers that are either within the jurisdiction of the City or within three (3) miles of the border thereof, including specific information about the location, height, and design type of each tower and antenna. The applicant shall also provide an inventory of potential future tower sites within the jurisdiction of the City. The Zoning Administrator may share such information with other applicants; however, that by sharing this information, it is not in any way representing or warranting that such sites are available or suitable.

- *They provided the information for 5 sites in the 3 mile radius.*

Charwoman Martin stated there were no citizen testimonies and no opposing requests.

Mr. Campbell asked about further contingencies that would be required. Mr. McMillian said there were several federal regulations they had to comply with. He said a copy of all documents would be shared with the city as well.

Mr. Goodall stated that he will still have to review everything again when the permit packet is submitted.

Chairwoman Elizabeth Martin stated there was no rebuttal or additional evidence. Ms. Martin then declared the public hearing closed.

Mr. Andy Goodall then proceeded to read the Findings of Fact:

1. *The use requested is among those listed as an eligible Conditional Use in the district in which the subject property is located.* Staff Comment(s): Per Section 6.5 (Table of Permitted and Conditional Uses) of the City of Mount Airy Zoning Ordinance, Wireless Telecommunications Towers & Facilities are permitted as a Conditional Use in the B-3 (Neighborhood Business) and B-4 (Highway Business) zoning districts subject to special requirements (SR 32). Tim Devore made a motion to accept the applicant's response. Motion was seconded by Roscoe Easter, which passed unanimously (6-0).
2. *That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed.* Applicant Response: "Applicant will comply with all applicable technical, safety and related codes". Staff Comment(s): Public health and safety shall be ensured through compliance with all applicable local (zoning), state (building) and federal codes and ordinances. Roscoe Easter made a motion to accept the applicant's response. Mark King seconded the motion, which passed unanimously (6-0).
3. *That the Conditional Use meets all required conditions and specifications.* Applicant Response: "Applicant meets all requirements of Section SR 32 of the City of Mount Airy Zoning Ordinance". Roscoe Easter made a motion to accept the applicant's response. Bob Chilton seconded the motion, which passed unanimously (6-0).

4. That the Conditional Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. Applicant Response: "The proposed tower provides increased coverage and helps reduce dropped calls to the adjoining landowners and business owners. As the public demand for better service increases the placement of more sites is needed to keep up with the demand". Roscoe Easter made a motion to accept the applicant's response. Rixie Gordon seconded the motion, which passed unanimously (6-0).
5. That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs. Applicant Response: "The proposed tower in a B-4 zoning district is a necessity to provide seamless communication in a high traffic volume area. The demand will continue to grow with technology constantly changing". Staff Comment(s): The proposed use on county owned property has been designed at a height (100') that will not be intrusive to public view and is in conformity with the City of Mount Airy Comprehensive Plan's 'High Intensity' future land use category. Roscoe Easter made a motion to accept the applicant's response. Mark King seconded the motion, which passed unanimously (6-0).

Mr. Goodall then read the following statement:

In granting a Conditional Use Permit, the Board of Adjustment may impose such additional restrictions and requirements upon such a Permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured, and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board of Adjustment shall authorize the issuance of the Conditional Use Permit, otherwise the Permit shall be denied. Any Conditional Use Permit so authorized shall be perpetually binding upon the property included in such Permit unless subsequently changed or amended by the Board, as provided for in Article 12 of the City of Mount Airy Zoning Ordinance.

Mr. Roscoe Easter made a motion to approve the conditional use permit as-is. Mr. Bob Chilton seconded the request, which passed unanimously (6-0).

VI. Other Business

None

VII. Adjourn

With there being no further discussion, the meeting was adjourned at 6:30PM by a motion made by Mr. Easter.