



**CITY OF LINCOLNTON
PLANNING BOARD
PO DRAWER 617, LINCOLNTON, NC 28092
www.ci.lincolnton.nc.us**

BOARD MEMBERS: Änd Lynn, Chair, andmlynn@gmail.com; Gene Poinsette, Vice-Chair, poinsetteg@charter.net; Anita McCall, anitahome@bellsouth.net; Kathryn Yarbrow, kathryny@charter.net; Jamel Farley, afarley2351@gmail.com; Thomas Hawk, thomasrhawk@aol.com; Becky Burke, beckyburke@charter.net; Jerry Hoffman, jlskhoffman@charter.net

Tuesday, January 19, 2016 Meeting

PRESENT: Becky Burke, Jamel Farley, Jerry Hoffman, Änd Lynn, Anita McCall, Gene Poinsette and Kathryn Yarbrow.

ABSENT: Tom Hawk.

Call to Order

Chair Anita McCall called the meeting to order and recognized that seven members were present and one was absent.

Approval of Minutes

Chair Anita McCall asked the Board if there were any corrections or additions to the minutes of the December 15, 2015 meeting.

Motion: Becky Burke made a motion to accept the minutes as written and distributed. Kathryn Yarbrow seconded. Motion carried unanimously.

Election of Officers

Gene Poinsette nominated Änd Lynn for Chair. Kathryn Yarbrow seconded. Motion carried unanimously.

Änd Lynn nominated Gene Poinsette for Vice Chair. Kathryn Yarbrow seconded. Motion carried unanimously.

CUP-1-2016

CUP-1-2016- Application from Thomas Johnson, representing Skyway Towers, requesting a conditional use permit to construct a 195-foot tall (199 feet with lightning rod) wireless telecommunication tower in the General Business (GB) District.

Mark Carpenter addressed the Board stating that Skyway Towers is requesting a conditional use permit be issued by the City Council allowing them to construct a 195-foot tall (199 feet with lightning rod) wireless telecommunication tower in the General Business (GB) District. The subject property is located on the south side of Jackson Drive approximately 500 feet west of the intersection of Jackson Drive and Lithia Inn Road. (133 Jackson Drive, Parcel ID 52159).

The tower, if approved and constructed, will serve as a communications tower for mobile phone companies. It will be designed with the capacity to accommodate additional wireless service providers.

The site is located on Jackson Drive which is a private unpaved street off Lithia Inn Road. The property is approximately one acre in size and has a 2,400 square foot metal building used for warehousing located on it.

The proposed tower location is approximately 67 feet west of the structure located on the property. The tower will be off the adjacent property boundaries approximately 126 feet to the south, 69 feet to the west, 90 feet to the north, and 138 feet to the east. No habitable structures will be within the fall zone of the tower. The tower is designed to fall within the limits of the parent tract. A letter is attached from a Professional Engineer stating that the tower is designed to collapse within a 50 foot radius. A 360 square foot equipment shelter will be located at the base of the tower.

The applicant will lease a 100 foot by 100 foot area for the tower compound. The proposed compound will be secured by an 8-foot high chain link security fence 60 foot by 60 foot in area. The fenced area will be landscaped with a 20 foot wide landscaping buffer.

The proposed tower and compound will be able to accommodate multiple wireless carriers. An agreement is in place currently with an existing carrier that will occupy the highest portion of the tower if the permit is approved.

The property is adjacent to a single family residential neighborhood (Lithia Hills) to the south, vacant land to the west, commercial uses to the north and east. A day care center is located approximately 250 east of the site at the corner of Lithia Inn Road and Jackson Drive. A wooded buffer is located between the residential neighborhood and the tower site.

Section 153.236 of the Unified Development Ordinance requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets the requirements of Section 153.236.

Section 153.237 of the Unified Development Ordinance requires that four findings be determined by the City Council. They are as follows:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Section 153.238 (f) requires the following finding in regards to communication towers:

- That the tower will not result in the interference with the safe operation of aircraft in relation to existing or planned airport facilities.

Mr. Carpenter noted the following with respect to the findings of fact:

1. It does not appear that the use will endanger the public health or safety based on the evidence provided by the professional engineer which shows that the tower would collapse within a 50 foot wide fall zone.
2. The proposed use meets all required conditions and specifications.
3. Staff is unclear as to how this might injure the value of adjoining or abutting properties. There is some concern about the tower's location adjacent to the residential neighborhood. Evidence will need to be provided by the applicant to ensure compliance with this section.
4. The use is in general conformity with the Lincolnton Land Use Plan. The land use plan shows this property in the mixed use residential/commercial planning area.
5. A letter was submitted by the applicant from the FAA Southwest Regional Office stating that the structure does not exceed obstruction standards and would not be a hazard to air navigation. This information and the plan were submitted to Joe Tate, Manager of the Lincolnton/Lincoln County Airport for his review.

Mr. Carpenter summarized the Staff Review Committee comments as follows:

1. Tower should be changed from a lattice metal structure to a stealth type structure.
2. Skyway Towers shall maintain general liability insurance coverage of at least \$1,000,000.

3. Provisions should be made for the removal of the tower at the expense of the owners within one year of its discontinued use.
4. Erosion Control Permits must be obtained from Lincoln County.
5. Building Permits must be obtained from Lincoln County Inspections.
6. Jackson Drive also serves as a utility right of way. This shall be noted on the plans.

Mr. Carpenter noted that he had been asked whether the tower would include lighting at the top of the tower and that it will not.

Mr. Carpenter stated that staff has a concern about the type of tower and its effect on neighboring residential properties. The applicant needs to show evidence that the tower would not injure the value of adjoining properties and it is recommended that the tower be modified from a lattice steel type tower to a stealth type tower.

Gene Poinsette asked if the tower would be stealth. Mr. Carpenter stated it is not.

Anita McCall asked if staff had heard from any neighbors. Mr. Carpenter stated staff had not heard from neighbors but that some neighbors are present at the meeting.

Jerry Hoffman asked if staff had any pictures of camouflaged towers. Mr. Carpenter noted that the applicant could propose some type of stealth application for the proposed tower.

Tom Johnson distributed a report from a realtor addressing the concern about impact on property values and noted that the realtor would attend the hearing. He noted that we are seeing more towers constructed because of more cell phone and data usage. A good strong signal is important, 4g coverage is important. The location is similar to a previous cell tower site approved by the city on Bethel Church Road.

Mr. Johnson noted that the proposed tower will not have guy wires. He addressed the proposed landscaping plan, displayed an aerial view of the proposed site, showed a simulated view of the proposed tower and showed the view from the day care center site.

Mr. Poinsette asked if the tower would have guy wires. Mr Johnson stated it would not.

Mr. Johnson showed the view from the end of Julia Drive and from Doris Court and stated that due to trees and the elevation, the tower would not be visible.

Mr. Johnson stated the proposed tower will not endanger safety and would actually enhance safety due to enhanced communications. He also noted that the application meets the specifications of the ordinance, will not impact property values and is in compliance with the Land Use Plan.

Ms. McCall asked if converting the proposed type of tower to a monopole would impact the effectiveness of the service or impact future use by carriers. Mr. Johnson said it could because it would fill up quicker.

Mr. Hoffman asked if there are any possible health effects. Mr. Johnson noted that under state law, health effects cannot be considered. RF cannot be a consideration under state law. Cellular towers have been shown to be safer than many common household objects.

Mr. Hoffman asked if there is impact to tv reception. Mr. Johnson said there is no impact to tv reception. That is regulated by the FCC and they require no interference.

Alden Sutton, resident of Lithia Hills, addressed the Board stating that he owned property adjacent to the proposed tower. Mr Sutton noted that the pictures being shown were taken when the trees were full of leaves. Most of the year, there would be no leaves on the trees. Mr. Sutton stated that he did not want the tower and that if he were going to buy a house, he wouldn't want to buy near a tower. He noted that he will want to sell his house at some point in the future. Mr. Sutton noted that people like to break into the equipment sheds and steal the copper and that his cul-de-sac offers a good hiding place for potential thieves right beside his house. Mr. Sutton stated that he liked the monopole design better than the lattice design but his biggest concern is the potential crime issue. He would like to make sure shrubbery screens everything.

Mr. Lyn asked if there is a regulation that you have to disclose the tower when you go to sell. Mr. Johnson stated there is not but that it would be obvious that it is there.

Mr. Johnson stated that his client does not want copper theft either. The equipment shelter will be locked and have barbed wire on top. They will be glad to work with Mr. Sutton and they can install plantings of his choice and they will do the monopole design instead of the lattice type tower. Mr. Johnson also noted he can document that the tower will not harm property values.

Mr. Hoffman asked if the Board could specify evergreen plantings on the residential side and asked Mr. Sutton how high the plantings would need to be. Mr. Sutton noted about 8 feet.

Ms. McCall asked Mr. Sutton whether there is land that could be vegetated to provide a better screen. Mr. Johnson said they will plant around the compound and they can cover the fencing. Ms. McCall noted that if they mandate leyland cypress, that also shields criminals.

Motion: And Lynn made a motion to approve the conditional use permit subject to staff recommendations, the monopole design, additional evergreen trees and landscaping at a height suitable to block the view of the fence and buildings. Jerry Hoffman seconded. Motion carried unanimously.

ZTA-1-2016

ZTA-1-2016 -Application from the Planning Department requesting an amendment to the UDO for signage in the CB and CBT districts

Laura Elam addressed the Board stating that the City's existing sign regulations for the Central Business (CB) and Central Business Transitional (CBT) districts allow walls signs, projecting signs and canopy and awning signs as follows.

Wall Signs

In the CB and CBT districts, signage is allowed on building walls subject to the following limitations:

- Signs on building walls that face a public street are limited in size to 10 % of the wall area and a maximum of 100 square feet.
- Signs on building walls that face an alley or parking lot are limited in size to a maximum of 8 square feet.
- Wall signs may project no more than 18 inches from the building wall, and
- Wall signs may not cover any window or part of a window.

Projecting Signs

In all zoning districts including the CB and CBT districts, the Ordinance allows for substitution of part or all of the allowable wall signage to be substituted for a projecting sign subject to the following standards:

- Projecting signs may not extend into the right of way, and
- Projecting signs may not project more than four feet from a building.

In the CB district, the ordinance includes the following additional provisions:

- Projecting signs must be at least eight and one half-feet above the surface of the sidewalk and
- Projecting signs are limited in size to three square feet.

Canopy and Awning Signs

In the CB and CBT districts, signage on canopies and awnings is permitted subject to the following limitations:

- A sign message on a canopy or awning can contain only the name of the business, street address and/or the type of business, type of goods sold or services rendered.

- Each business is permitted up to one sign hung under a canopy or awning provided the message on the sign is perpendicular to the building and the sign is at least eight and one-half feet above the surface of the sidewalk and is no more than three square feet in size, and
- A business is permitted to use up to one canopy or awning sign provided that the sign message does not extend in any direction above, below or beyond the canopy or awning edge.

Ms. Elam noted that Staff is recommending three changes to the Unified Development Ordinance in order to allow added flexibility to the available signage options for downtown property owners and businesses. The proposed changes could serve to make downtown businesses and services more visible to passing drivers and pedestrians while still maintaining the intent of the ordinance to prevent sign clutter and keep the sidewalk clear for pedestrian activity.

The proposed amendment includes the following three changes:

1. Wall Signage

The current restriction on the size of signs on building walls facing a parking area or alley (eight square feet) would be replaced with the same size limit for signs located along a public street (10 % of the building wall area, not to exceed 100 square feet). This would result in all building walls being permitted the same maximum allowable signage area of 10 % of the wall area, not to exceed 100 square feet. The additional signage area on the sides and/or rear walls of buildings could serve to heighten visibility and awareness of downtown businesses to drivers and pedestrians.

2. Projecting Signs

The current provision which limits projecting signs in the CB district to no more than three square feet in area with an eight and one-half foot clearance from the sidewalk would be amended to allow a projecting sign of up to eight square feet in area with a clearance from the sidewalk of eight feet. This revision would allow projecting signage similar to the signs for Southern Charm Winery and The Salty Petal without the requirement for a variance from the Board of Adjustment.

3. Canopy and Awning Signs

The standards for signs in the CB and CBT district that are hung under a canopy or awning perpendicular to the building would be revised to align with the proposed revised standards for projecting signs in the CB district. This change would increase the allowable sign area from three square feet to eight square feet and decrease the required vertical clearance from the sidewalk from eight and one half feet to eight feet. This

would allow projecting signs under a canopy or awning similar to projecting signs attached to a building wall.

Ms. Elam noted that the staff views the proposed amendment as consistent with the policies set forth in the Lincoln Land Use Plan and Staff recommends amendment of the UDO to incorporate the proposed additional signage options for downtown property owners and businesses.

Mr. Hoffman asked if this would impact murals on downtown buildings and Ms. Elam noted that murals are considered art rather than signs.

Ms. McCall asked whether there are any standards for how a projecting sign is attached to a building. Ms. Elam noted there are not but the amendment could include provisions for that.

Motion: Gene Poinsette made a motion to approve the amendment. Jerry Hoffman seconded. Motion carried unanimously.

Adjournment

Motion: Kathryn Yarbrow made a motion to adjourn the meeting. Becky Burke seconded. Motion carried unanimously.

Laura Elam, Secretary