



**CITY OF LINCOLNTON
PLANNING BOARD
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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, March 15, 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 Änd Lynn called the meeting to order and recognized that seven members were present and one was absent.

Approval of Minutes

Chair Änd Lynn asked the Board if there were any corrections or additions to the minutes of the February 16, 2016 meeting.

Motion: Anita McCall made a motion to accept the minutes as written and distributed. Gene Poinsette seconded. Motion carried unanimously.

CUP-2-2016

- **CUP-2-2016**-Application from TowerCom requesting a conditional use permit to construct a 244 foot telecommunications tower in the Residential-25 (R-25) District. The subject property is located on the east side of Hilltop Road approximately 0.25 miles north of the intersection of Hilltop Road and South Grove Street Extension. (457 Hilltop Road, Parcel ID 17929)

Mark Carpenter addressed the Board stating that TowerCom is requesting a conditional use permit to allow construction of a wireless telecommunications tower in the Residential-25 (R-25) district. The subject property is located on the east side of Hilltop Road approximately 0.25 miles north of the intersection of Hilltop Road and South Grove Street Extension.

Mr Carpenter noted that a community meeting was held between the applicant and the

neighboring property owners on March 3, 2016. After discussion with the neighbors, the applicant submitted a revised site plan lowering the height of the tower from 244 feet to 195 ft. (199 Ft. with lightning rod) and changing it from a lattice type tower with guy wires to a monopole tower without guy wires.

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 off Hilltop Road. The tower will be placed approximately 1000 feet east of Hilltop Road on property owned by the Ross Family. The property currently has a single family dwelling and several barns located on it.

The proposed tower location is approximately 480 feet east of the structure located on the property. The tower will be off the adjacent property boundaries approximately 421 feet to the south, 750 feet to the west, 239 feet to the north, and 191 feet to the east. No habitable structures will be within the fall zone of the tower. A letter has been submitted from a professional engineer stating the tower is designed to fall within a radius equal to 186 feet.

A 240 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 80 foot by 80 foot in area.

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 surrounded by mostly single family dwellings and vacant land. A wooded buffer surrounds the tower site to the north, east, and south.

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

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 Lincolnnton 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 staff's view with respect to the required findings of fact as follows:

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 186 foot wide fall zone.
2. The proposed use meets all required conditions and specifications with the exception of a landscaping plan.
3. Staff is unclear as to how this might injure the value of adjoining or abutting properties. There is some concern about the towers location adjacent to the residential areas. Evidence will need to be provided by the applicant to ensure compliance with this section.
4. The use is in general conformity with the Lincolnnton Land Development Plan. The land use plan shows this property in the Residential Suburban planning area. Towers are a conditional use for land in this 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 Lincolnnton/Lincoln County Airport for his review. He stated that "this tower will not adversely affect our airport operations." The tower will be lighted in accordance with FAA Standards.

Mr. Carpenter noted the following Staff Review Committee comments:

1. TowerCom shall maintain general liability insurance coverage of at least \$1,000,000.
2. Provisions should be made for the removal of the tower at the expense of the owners within one year of its discontinued use.
3. Erosion Control Permits must be obtained from Lincoln County.
4. Building Permits must be obtained from Lincoln County Inspections.

Mr. Carpenter stated that staff has concerns about the tower's effect on neighboring residential properties. The applicant needs to show evidence that the tower would not injure the value of adjoining properties.

Frank Longest, representing the applicant, addressed the Board noting that the location where the tower is proposed is wooded. Mr. Longest distributed a report to the Board stating the impact of the tower on adjoining properties will be minimal.

Jonathan Yates, representing the applicant, addressed the Board noting the below:

- The tower location has been approved by the FAA, the NC State Historic Preservation Office, six Native American tribes, and US fish and Wildlife.
- The initial proposal was for a 244 foot tall tower. Then we had a community meeting and decided to lower the height to 195 feet. That lowered height allows us to remove the lights from the tower.
- The location was designed to have as much setback as possible.
- We will add 28 new leyland cypress trees around the base.
- This will create no noise, no odor, no lights, no glare, and no vibration.
- We are providing infrastructure. Eighty percent of all 911 calls start from a wireless device.

Gene Poinsette asked about Lincolnton's coverage compared to Mecklenburg County. Mr. Yates responded that Lincolnton has deficiencies.

Motion: Anita McCall made a motion to approve the conditional use permit as amended and subject to the Staff Review Committee comments. Becky Burke seconded. Motion carried unanimously.

Adjournment

Motion: Gene Poinsette made a motion to adjourn the meeting. Jamel Farley seconded. Motion carried unanimously.

Laura Elam