

MINUTES
RANDOLPH COUNTY PLANNING BOARD
September 28, 1999

There was a special meeting held at 6:30 p.m., on Tuesday, September 28, 1999, of the Randolph County Planning Board in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. Chairman **Maxton McDowell** called to Order the Randolph County Planning Board meeting at 6:30 p.m.

2. **Hal Johnson**, Planning Director, called roll of the Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice-Chairman, present; Larry Brown, present; Lynden Craven, present; Al Morton, present; Tommy Boyd, absent; Phil Ridge, present; and Mark Brower, Alternate, present (substituting for regular member Tommy Boyd).

McDowell welcomed new alternate member Mark Brower to the Board.

3. **Swearing in of the Witnesses:**

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

25 people took this Oath.

4. **REQUESTS FOR A SPECIAL USE PERMIT:**

Johnson explained that this meeting was called to handle several cases that have been filed requesting telecommunication tower sites in the County. Johnson said that the telecommunication tower standards became an issue of concern for Randolph County and back a few months ago the County Commissioners placed a moratorium to allow for new standards to be developed. Until a now the County had relatively minimum regulations regarding telecommunication towers. Johnson explained that the Federal Government doesn't allow us to say no towers but the County can restrict their location. Johnson said that we have worked closely with the representatives of this industry to see that they are in compliance with the restrictions adopted by the County Commissioners.

Discussion from Asheboro Airport Authority

Walter Gordon, Asheboro Airport Authority, addressed a few issues concerning obstructions in and around the airport. Gordon discussed a case in Greensboro with a water tower, a case in Asheboro (Hwy 49 across from MatLab) with a water tower, and another case in Asheboro (Klaussner Furniture) with a radio tower. Gordon explained that of the cases being heard tonight they were most concerned with that site located on Poole Town Road because of the expansion plans of an additional 500 ft. to the runway and lowering the grade of the runway. Gordon said after reviewing the information concerning this site they determined that this site would not have any interference with their projects. Gordon did say they would recommend temporary lighting (at the top of the tower) be put in place once the structure reaches tree top level.

A. **GENERAL TOWERS**, Oviedo, Florida, is requesting a Special Use Permit to construct 300 ft. lattice telecommunications tower facility on Roby Coe Road on 15.88 acres, Columbia Township, Zoning Map # 8712, Zoning District RA. Property Owner: William Pate, Jr.

Anthony Duka, Miami, Florida, (representative for General Towers), said that they have received preliminary approval from the FAA for this site. Duka described the tower as having a dual lighting system with one possible carrier and 2 possible paging companies. Duka explained that they were asking for a tower of 250 ft. with the possibility of going to 300 ft. in the future. Duka said the tower is designed for 5 to 7 PCS carriers and an additional 30 to 60 antennas.

Dorsett asked if they had any plans for temporary lighting during construction. **Duka** answered that they would be willing to do so.

Johnson asked General Towers if they realized that this could not be a spec tower, that they must have carriers prior to issuance of a building permit. **Duka** answered yes.

James Canoy, Roby Coe Road, said that his property is 3/4 mile east of this site. Canoy questioned if this would interfere with his television reception and asked the Board (if approved) to provide him with a letter of guarantee. Canoy said if these 2 towers (speaking of another tower in close proximity that is to be heard tonight also) was approved he would be concerned that this may prevent him from being able to have a tower on his property.

Gray Styers, 3737 Glenwood Avenue, Raleigh, (attorney representing SBA) said that they had no position on this request pro or con. Styers said that this would possibly be 2 towers within 1 1/2 miles and they (SBA) have contracted Carriers for their proposed site. Styers named those carriers as BellSouth and Nextel. Styers also said that due to the location of their other tower sites (Franklinville) this proposed site from General Towers would not work as a substitute site for SBA's proposed site along Hwy 64. Styers added that they would be happy to add to their conditions on their request that they provide in writing a letter stating that their tower would in no way interfere with any television reception or any other electrical components. Styers explained that these tower sites proposed by SBA tonight would provide for the initial coverage, for those carriers currently not providing coverage (BellSouth, Sprint, and Nextel) except AT&T at this time, along the major highways within Randolph County. Styers explained that the new standards did reduce the original number of possible tower sites. Styers said that tonight is the greatest effort of co-location he has ever seen. Styers said that these sites will enable them to have a good footprint of coverage. Styers had **Jason Rouse**, with BellSouth of Greensboro, to address the number of calls and channels possible for each tower site.

Morton expressed concern of 4 possible towers being located so close together. **Styers** presented maps explaining how each tower would hand off to each other. These maps included the existing coverage and the proposed coverage. Styers explained that they are required to provide continuous coverage and explained that each tower was designed for at least 4 carriers. Styers said that he didn't know what carriers General Towers had but he could tell you that SBA has 3 carriers that can be named and that they have received final approval from FAA on all of their sites.

Johnson asked General Towers about their site in Seagrove (that they have got permits for - outside of County Zoning Jurisdiction) across from the Pottery Museum. Johnson asked if they had any carriers for that site. General Towers answered no but they are negotiating with a carrier. Johnson commented that they took advantage of the fact that this community had no regulations to prevent the site across from the N.C. Pottery Museum.

Morton said he felt they should have multiple carriers prior to issuing a Special Use Permit for these sites.

Brown said that if you look at our requirements it would be hard to approve this one (General Towers site).

Morton said that he felt the Board should postpone this request until such time that they had a carrier.

Dorsett said that in the request's present condition the Board would be encouraging spec towers if this was approved. Dorsett said that the FCC requires us to allow continuous coverage but doesn't require us to approve speculative sites.

Morton made the motion to **table** this request until the applicant provides the Board with a lease for a carrier and final FAA approval for the site. **Brown** seconded the motion and the motion passed unanimously.

B. SBA TOWERS, INC., Greensboro, North Carolina, is requesting a Special Use Permit to construct a 285 ft. guyed telecommunications tower facility on Poole Town Road on 252.27 acres, Back Creek Township, Zoning Map # 7731, Zoning District RA. Property Owner: Joe Farlow.

Grey Styers, Regional Zoning Council for SBA, provided a written proposal for each of the Board members. Styers explained that they tried to find sites that were as remote as possible, locate in the center of the tract, and double the required setbacks.

Dorsett questioned if they had exclusive use of the property. **Styers** answered no they have only leased the proposed fenced compound area of 100 ft. x 100 ft. and the drive access.

Brown expressed concern for this location due to its close proximity to the Asheboro Airport. **Styers** reminded the Board that the site has been approved by FAA and the Asheboro Airport Authority. **Styers** said that Mr. Graham Herring, telecommunication towers/real estate specialist, was present and had visited all the sites if there were any questions for him.

Morton said that he had a problem with the guide-wire towers and asked if these were built because of the expense of other types of towers. **Styers** answered that they are constructed because they are necessary due to the fact that mono-poles are only 190' in height and these type towers are structurally sound at a greater height. **Styers** said guide-wire towers allows them to maximize flexibility and coverage. **Styers** said it would require double the amount of mono-pole towers for the same coverage. **Styers** said guide-wire towers are never proposed in at City by his clients.

George Davis, SBA of Greensboro, said they feel this is a less visible tower due to the fact that it is not a solid structure but still allows them to modify coverage and increase carriers. **Davis** added that there would not be any structures within the guide-wire radius.

B.R. Bulla, Greensboro, North Carolina, asked what would happen if the tower is no longer used. **Johnson** answered that the County would require it to be disassembled and removed from the site. **Bulla** expressed concern for the Airport and the location of the access road.

Craven made the motion, seconded by **Dorsett**, that the Special Use Permit to approved with the conditions that the tower be required to be lighted once the construction reached tree top height. The motion passed by a 6 to 1 vote - **Brown** voted against the motion.

C. **SBA TOWERS, INC.**, Greensboro, North Carolina, is requesting a Special Use Permit to construct a 265 ft. lattice telecommunications tower on Scotton Road on 58.40 acres, Columbia Township, Zoning Map # 8734, Zoning District RA. Property Owner: Kenneth & Margaret Welker.

Johnson questioned the access that would be used for this site and if Scotton Road did they have appropriate easement. **Styers** said that they would be using the access off Scotton Road. **Davis** said that the lease is on the far west side of the property and they would have to place an access road across the entire property if they used Franklinville Street. This would also require that more of the natural trees would have to be removed. **Styers** said that they have received an attorney's opinion in a letter that they do have appropriate access and have also received title insurance from Chicago Title Insurance. **Styers** said that if a dispute arises they would have to handle this through litigation by the property owners. **Styers** stated that they would maintain Scotton Road in at least as good condition as it is now. **Styers** said that they would have no problem with a condition being added to their request that would stated that they cannot adversely affect Scotton Road. **Styers** presented a map of their existing tower coverage and how this tower would effect the current coverage. **Styers** also included letters from Nextel of their intent to locate on this towers (on other sites being heard tonight).

Brower asked SBA if they had an access/maintenance road agreement with the property owners of Scotton Road. **Styers** said that he would be willing to work out an appropriate maintenance agreement with the property owners.

Brooks Bossong, Attorney, Westmont Drive, (representing those residents of Scotton Road), said that they were not opposed to the site but they were opposed to the use of the road. **Bossong** described the road as an easement and not a State Road. **Bossong** said that their research showed that the easement is for local residences and agricultural uses. **Bossong** said that it is not an easement for commercial purposes. **Bossong** said that they were attempting to work out an agreement with SBA about the road maintenance.

Styers said that they would agree to the condition that they not adversely effect Scotton Road.

Dorsett asked if they would also agree to a condition of temporary lighting during construction. **Styers** said that they would like the Board at this time to say that all towers approved tonight have this stipulation.

Brown made the motion to approve this request for a Special Use Permit with the condition that they would not adversely effect Scotton Road. **Dorsett** asked **Brown** if he would amend his motion to include the requirement of

temporary lighting during construction (once the construction reaches tree top height). **Brown** amended his motion to include this requirement. **Craven** seconded this motion and the motion passed unanimously.

D. **SBA TOWERS, INC.**, Greensboro, North Carolina, is requesting a Special Use Permit to construct a 300 ft. guyed telecommunications tower facility on US Hwy 64 West (just past Misty Drive) on 53.76 acres, Tabernacle Township, Lake Reese Watershed, Zoning Map # 6783, Zoning District RA. Property Owner: John Hughes.

Johnson asked **Styers** with this much property why they chose to locate so close against the adjoining residence. **Styers** said that the sites are primarily chosen trying to work with the property owners wishes and the elevation on the site.

Styers introduced other representatives present for BellSouth.

There was no one present in opposition to this request.

Morton expressed his concern of the location of the tower in relation to Hwy 64.

Johnson explained that the location does meet all of our required setbacks.

Craven made the motion, seconded by **Ridge**, to **approve** this request for a Special Use Permit.

Dorsett said that they should give them permits to build their towers but not a blank check. **Dorsett** added that he felt they should be made to come back with reason why they can't move the tower back off Hwy 64 and away from that residence.

Morton said that he felt that the Board is setting a precedence here tonight.

Johnson said that we need to look at the fact that this meets all the standards that were recently adopted.

Dorsett commended SBA for their efforts on most of the sites and described them as good locations. **Dorsett** said this is a good site but it could be better.

Styers said that the lease exhibit controls where the location for the tower and they don't have control to move the proposed site. **Styers** said that the precedence was set by the recently adopted ordinance and they have tried to meet all of the requirements.

Dorsett said that he felt the property owners could negotiate this site.

Morton said he didn't feel that they could deny any of these sites if the Board is just looking at if they meet these standards.

The motion passed with a vote of 6 to 1 - **Dorsett** voted against the motion.

E. **SBA TOWERS, INC.**, Greensboro, North Carolina, is requesting a Special Use Permit to construct a 250 ft. lattice telecommunications tower facility on US Hwy 64 East (on left past Andrew Hunter Road) on 21.90 acres, Franklinville Township, Zoning Map # 7782, Zoning District LI. Property Owner: Schwarz Properties LLC.

Styers explained that BellSouth, Nextel, and Sprint would all be located on this site. **Styers** explained that this would be a lattice tower.

Morton asked **Styers** why he didn't use lattice towers at all the sites. **Morton** said he wouldn't have a problem with them.

Styers said that the other sites were taller and this was just a 250 ft. tower.

Darrell Phillips, 507 Greensboro Street, Asheboro, asked if this tower would have any effect on things such as microphones, etc.

Styers said that it would not effect any electronic equipment.

Brown made the motion, seconded by **Brower**, to approve this request for a Special Use Permit. The motion passed unanimously.

F. **SBA TOWERS, INC.**, Greensboro, North Carolina, is requesting a Special Use Permit to construct a 300 ft. guyed telecommunications tower facility at 6693 NC Hwy 47 on 143.78 acres, New Hope Township, Zoning Map # 6687, Zoning District RA. Property Owner: Louella & Linsey Caison.

Styers explained that the nearest property line would be over 800 ft. from the tower. **Styers** said that Nextel, Sprint, and BellSouth would all be on this tower also.

There was no one present in opposition to this request.

Brown made the motion, seconded by **Ridge**, to approve this request for a Special Use Permit. The motion passed unanimously.

G. **SBA TOWERS, INC.**, Greensboro, North Carolina, is requesting a Special Use Permit to construct a 300 ft. guyed telecommunications tower facility on US Hwy 64 East (on right past Wright Country Road) on 86.75 acres, Columbia Township, Zoning Map # 8712, Zoning District RA. Property Owner: Arlie Culp, Jr.

Styers explained that this is a cleared site and they have been working with the County Planning Staff to come up with an appropriate landscaping plan for this site.

Brower questioned how the Hwy 64 expansion project would effect the setbacks of this tower. **Styers** answered that it is currently 800 ft. of the existing road but it will be at least 750 ft. still when the new 4-lane is completed.

James Canoy, 6744 Roby Coe Road, said he would like to request again a letter that states that this tower will not interfere with their television reception. **Styers** said that he would provide this letter. **Canoy** then asked who owns the airway. **Canoy** said that he has 115 acres and he would like some of this "gravy" money. **Canoy** said he objects to this request on the grounds that the County may not grant him one if this one is approved.

Bobby Coe, 6748 Roby Coe Road, asked if this would effect their PrimeStar. **Coe** asked why here instead of across the road (on more land that Culp owns). **Styers** answered that being placed inside a curve would allow for more area to be covered.

Brower made the motion, seconded by **Morton**, to approve this request for a Special Use Permit. The motion passed unanimously.

H. **SPRINT PCS/SBA INC.**, Greensboro, North Carolina, is requesting a Special Use Permit to construct a 250 ft. lattice telecommunications tower facility on Lassiter Mill Road on 9.90 acres, Cedar Grove Township, Zoning Map # 8725, Zoning District RA. Property Owner: Richard Johnson.

Jerry Eatman, Raleigh, Attorney for Sprint, introduced several representatives of Sprint (Mike Tang, Joel Rabbits, Graham Herring, Catherine Wilkerson, and Sawn Tocars). **Eatman** presented a map of their existing sites and the sites being proposed tonight. **Eatman** gave the County and Johnson credit for the job they did on the new regulations and thanked them for the opportunity to work with them in developing these regulations.

Eatman said this site will be behind the REMC substation and will have BellSouth Nextel and Sprint co-locating. **Eatman** said they have discussed this site with Walter Gordon, Asheboro Authority and they didn't have any problems with the site. **Eatman** explained that this would be a lattice tower that would be unmanned with a 100 ft. x 100 ft. compound (no water or sewer) and only visited 1 to 3 times per month. **Eatman** said due to the lateness of the evening he would cut his discussion short unless any Board members had questions.

Morton questioned if they considered the Farmer Water Tank. **Eatman** said that site would be prohibitive because it is over 2 ½ miles from the search area.

Dorsett asked if they planned to disturb this area of trees. **Eatman** answered no.

Johnson said that the Science Hill Church sent a letter stating they had no opposition to the request.

There was no one present in opposition to this request.

Craven made the motion, seconded by **Brown**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

I. **SPRINT PCS/SBA INC.**, Greensboro, North Carolina, is requesting a Special Use Permit to construct a 250 ft. lattice telecommunications tower facility on Scott Road on 29.84 acres, Richland Township, Zoning Map # 7664, Zoning District RA. Property Owner: June Farlow.

Eatman explained that this site would also be a self supported lattice tower. **Eatman** explained that this would cover the Seagrove area all the way to the County line. The property was described to have good buffering.

Bruce Shaw, 529 Peachtree Street, said he want to be sure that this would not interfere with their television. **Eaton** said they would provide a letter to that effect.

Mr. McRae, Seagrove, expressed his concern also.

Dorsett asked if they would be willing to use temporary lighting during construction. **Eatman** answered they would be happy to do so and said this was Sprint's policy.

McDowell questioned the tower being proposed in Seagrove Town Limits. **Johnson** explained that the difference in that tower and this tower is that one is a "spec" tower and is being located in a town that has no regulations, where this is a well planned site.

Eatman said that the Seagrove site would create a gap in their coverage (if they used that site in lieu of this one).

Dorsett asked how many more towers did they feel they would need if these were all approved tonight. **Eatman** answered 1 more along the Hwy 64 west side of the County. **Eatman** said that due to their existing tower network this is the one site they will not be able to co-locate.

Alice & Lawrence McRae, 8876 U.S. Hwy 220 South, said he felt this would depreciate their property values. **McRae** said that he planned to sale 13 acres of his property for a housing development.

Eatman asked **Herring** to look at this issue. **Herring** (an appraiser) said that there is no potential to adversely impact the area as it is currently zoned and the projections of the Land Use Plan for this area. **Herring** described similar situation that have no adverse impact on a similar community.

Craven said he would be concerned if this was just 200 ft. or 400 ft. off the property line but he didn't personally feel that this would affect property values being 900 ft. off the property line. For this reason **Craven** made the motion, seconded by **Brown**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

J. **SPRINT PCS/SBA INC.**, Greensboro, North Carolina, is requesting a Special Use Permit to construct a 250 ft. lattice telecommunications tower facility on Willard Road on 69.80 acres, Liberty Township, Rocky River Watershed, Zoning Map # 8725, Zoning District RA. Property Owner: Bobby & Betty Lowe.

The site was described as a well buffered site for a tower with no guide wires. **Eatman** said given the late hour he would leave it open for any questions the Board may have.

There was no one present in opposition to this request.

Craven made the motion, seconded by **Brower**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

5. The meeting adjourned at 9:49 p.m. There were 61 people were present for this hearing.

**NORTH CAROLINA
RANDOLPH COUNTY**