MINUTES
PLANNING BOARD
TUESDAY, August 23, 2016
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL

PRESENT: Chair Steve Lee; Members Barbara Dement, Kress Query, Michael Ham , David Wieser, Kerry Lamson, and Gregory Lee; Alternate Member Jana Reeve; Town Attorneys Charles Buckley and Craig Buie; Planning Director Kathi Ingrish, Senior Planner Jay Camp, Planner Mary Jo Gollnitz, Administrative Assistant/Deputy Town Clerk Shana Robertson.

ABSENT: Youth Voice Carly Newton

CALL TO ORDER

Chairman Steve Lee called the meeting to order at 7:04 pm and welcomed the new Planning Board Alternate Member, Jana Reeve.

APPROVAL OF THE MINUTES

Barbra Dement motioned to approve the minutes of the July 26, 2016 meeting as submitted. Seconded by Kress Query and the motion was unanimously approved.

ZONING APPLICATION 2016-646 – Cross and Crown Lutheran Church, 300 Pineville-Matthews Rd, Revise R/I (CD) Conditions to Allow a 120' Bell Tower as a Stealth Communications Structure

Senior Planner Jay Camp addressed the Board. Mr. Camp stated that there had been no changes since the public hearing on August 8, 2016. Mr. Camp recapped the public hearing and public input. Mr. Camp addressed concerns the Board had regarding spacing requirements between towers saying that the proposed structure would be under the 200 foot Unified Development Ordinance requirement. He explained that communication tower and stealth structure were independently defined.

Mike Ham asked if the only difference in a stealth tower and communication tower was the appearance and not function. Mr. Camp clarified that a stealth structure could be a church steeple or bell tower, a tree, light post, or other disguised application that the Town defined as a structure. The spacing requirements in the ordinance are used to define the more obvious communication towers and to discourage single carrier towers.

Mr. Query asked if citizen Gordon Miller's public input during the August 8th hearing were researched. Mr. Camp stated that a rebuttal was requested by council. Mr. Camp stated that the information can be made available to the Planning Board.

Mrs. Dement suggested that staff consider a text amendment so there would be no confusion in the future to the Unified Development Ordnance and Mr. Camp agreed that was a point to consider and Staff is working to update the 20 year old communication text.

Chairman Lee asked if any research had been done on other communities' restrictions or ordinances and how the Town of Matthews compares. Planner Mary Jo Gollnitz answered that she had been researching other interpretations and how they compare for future updates to the Matthews ordinance.

Kerry Lamson asked if there were any concerns regarding fall zones. Mr. Camp answered that the bell tower's proposed location would be 200 feet from the property line. With the structure's proposed height being 120 feet there is no concern for street or adjacent property.

Mr. Query asked for clarification as he was unsure why the structure was not being defined as a tower. Planning Director Kathi Ingrish clarified by reading and explaining the definition for both Communication Tower and Stealth Structure within the Unified Development Ordinance. She continued that the church did not currently have a

structure allowed at this place on their property within its zoning conditions. Any structure over 80 feet within the R/I district would need to be submitted for review and Town approval to reach the 120 foot height limit. The town, 19 years ago, separated the definitions for stealth structure and communication towers to make stealth structures specific in appearance and encourage that use for visual effect. Mr. Query asked if the proposed structure would hide the antenna. Ms. Ingrish stated that the unit would be hidden as well as the ground equipment making it stealth.

Mr. Ham stated that his confusion was with the word communication and that in this structure it is less about the approval of a communication application but the look of the structure.

David Wieser asked if he could get clarification on what was being voted on, a 120 foot stealth cell tower. Mr. Camp clarified the two definitions, stealth structure and communication tower, stating that stealth can look like or be something else like a bell tower, light pole, building. These forms are disguised uses and more visually appealing versus a communication tower that would not be disguised to look like anything else but a tower.

Chairman Lee clarified that the use of the word stealth within our ordinance would only apply to a communication antenna type structure.

Gregory Lee asked how the proposed structure would fit into the definition of stealth, and this structure would be wholly or partially concealed. Mr. Camp stated that based on the information given during the public hearing, all communications equipment and wires would be hidden from view. Mr. Lee clarified that a person driving by would not know it was a communications structure and Mr. Camp stated that would be correct.

Mr. Lamson asked if there was a height limitation on stealth structures similar to the limitation on communication towers. Mr. Camp answered that there are height requirements that are based on the zoning district and were listed within the Matthews Unified Development Ordinance. Mr. Lamson asked that in regards to this application what would be the limitations in height. Mr. Camp stated that within the R/I district only a stealth structure would be allowed and 80 feet would be the standard. In 2013 Council approved a height extension option. The applicant is asking for the stealth structure and the height extension. Mr. Lamson clarified that if they were asking for a communications tower it would not be allowed and Mr. Camp stated that would be correct according to the Town ordnance for the R/I zoned district.

Representing Cross and Crown Lutheran Church, Susan Irvin, PO Box 2376, Davidson, NC addressed the Board. Ms. Irvin stated that she did not have any new information but was glad to address any questions the Board may have.

Mrs. Dement stated that she liked the architecture of the structure and hoped that it would be a model for future structures to follow. She did have concerns of the upkeep of the grounds within the church property such as broken fencing, underbrush, and weeds. She asked if a commitment could be made to keep the surrounding landscape manicured and asked if the church could do the same for their adjacent property. Ms. Irvin stated that she would make a note and inform the church of the request. Carolyn Gould of Vertical Bridge, 1190 North Coleman Rd., Roswell GA 30075 stated that there would be a grounds manager for the proposed structure and ongoing maintenance of the structure grounds was included in the lease agreement.

Mr. Query asked Town Attorney, Charlie Buckley, if the town could demand collocation of the structure before approval. Mr. Buckley stated that a request could be made but if a contract could not be obtained the mandatory requirement would be unreasonable.

Mr. Query asked if the MARA tower was owned by Vertical Bridge. Ms. Gould stated that it was not. Mr. Query asked if the MARA structure could be collocated with the proposed Cross and Crown structure. Ms. Gould answered that T-Mobile is collocated on the MARA structure and has collocated on other surrounding towers. Vertical Bridge is in active communication with other carriers to collocate on the proposed Cross and Crown structure. T-Mobile will be the first carrier.

Mr. Lamson asked how many carriers could be located on the proposed structure without being visible. Ms. Gould stated that the proposed structure could hold four total carriers completely concealed from view. Mr. Lamson asked if there was a way for the town to keep inventory. Mr. Lamson researched and found that there were currently 95 licenses in Matthews collocated on 15 towers or structures. Mr. Lamson feels that it is going to become more difficult for Board and staff to know what the town has and where to suggest colocation without an inventory system in place.

Mr. Ham asked if the applicant anticipates coming back in the future and asking for extended height to accommodate more carriers. Ms. Gould stated it was hard to know but did not see the need at this time.

Mr. Query asked if the structure had lights of any kind. Ms. Gould answered that there were no lights on the structure.

Mr. Lamson asked in regards to the Federal regulation 6409 and other changes, if the applicant were to come back for a change in height what would be deemed a significant change to warrant Town approval. Ms. Ingrish stated that zoning conditions are currently capped at 120 feet. The Board could ask that a note be added to this request that the height would not be extended without further revised rezoning.

Mr. Ham stated that he did not have any issues with the aesthetics of the structure. He asked staff if any citizen or property owner would be allowed to install a stealth structure. Mr. Camp referred to a section of the ordinance that referred to structures above height limit. The Town has height limits per zoning district. There are things that are exempt such as steeples, clock/bell towers, and smoke stacks/chimneys. Ms. Ingrish added that structure size is limited by zoning category. Residential districts have a lower height limit than commercial categories. Mixed use categories have higher that single use categories. Each property would depend on the zoning and use that is outlined in the Unified Development Ordinance.

Mr. Query asked the petitioner if they would consider adding to the conditions that 120 feet was a firm maximum height and if approved, they would never come back to ask for a height extension. Ms. Irvin stated that the 120 foot height is listed within the conditions and any changes would have to be approved by the Town. She added that her client could not commit to never coming back as the future is not predictable. Ms. Gould added that she also did not see increasing the size but could not tell what the future might bring. Mr. Query stated that he did not want this to follow the MARA structure of being approved then asking for a vertical extension years later. He said that he could not support the approval unless it was a firm 120 foot height and they could guarantee no extension in height anytime in the future. Ms. Irvin added that even if the condition was added to set a firm size limit, that condition along with other changes to the structure would have to come back to the Town for approval.

Ms. Ingrish informed the Board that there is a federal provision that overrules local standards that would allow for change once the structure is in place. These provisions could increase the height by a certain amount, such as ten percent, or expand the area for ground equipment. The maximum height of 120 feet is in the conditions and Town ordinance. The applicant would come back to ask for an increase in the future, this added conditional note would say the applicant would not take advantage of these federal provisions, and any changes would need to be submitted for Town approval. Ms. Irvin stated her recommendation would be to add a provision that if there was need to extend the height, they would come back through rezoning process. She will speak to her client about adding this condition.

Mr. Ham stated that the ordinance reads 120 max. If the applicant wanted to extend the 120 feet restriction then the Town's UDO would need to be changed. Mr. Buckley stated that a height change would be a twofold process. One to change the UDO text and the other to change the condition on this rezoning.

Mr. Query asked if they added more equipment that would be visible outside the structure would that be allowed. Ms. Ingrish stated that the structure would no longer be considered stealth.

Mr. Lamson said the two conditions that he would want added is the structure's height be set at 120 feet and that the structure stay stealth. Any changes would need to be approved by Town Board.

Mr. Query asked if the Town ordinance changed to allow 175 feet for example, would the applicant be able to increase without town approval. Mr. Buckley answered that it is a conditional zoning. The applicant, if approved, would be limited to the 120 foot height restriction. If they want to increase an application would need to be filed with the town to change their conditional R/I (CD) zoning.

Mrs. Dement recommend approval of Zoning Application 2016-646 as the change in zoning fits the definition of stealth structure, serves the Town and citizens with proper communication for both safety and daily functionality, and is consistent with Land Use Plan with a condition that any changes must be submitted to the Town of Matthews Board zoning process for review and amendment. Seconded by Mr. Wieser and the motion was approved six votes to one, with Kress Query in opposition.

ZONING MOTION 2016-2 – UDO Text Amendment, Revise Criteria for New Street Names at 155.405.4.P.

Mrs. Gollnitz addressed the Board. She stated that the text amendment was to revise the Town of Matthews Unified Development Ordinance criteria of street naming to be more consistent to the requirements of Mecklenburg County.

Mr. Query made a recommendation for approval of Zoning Motion 2016-2 as it is consistent with the Matthews Transportation Plan, Matthews Land Use Plan, and it would reduce confusion for public safety first responders. Mr. Lamson seconded and the motion passed unanimously.

ADJOURNMENT

Mrs. Dement motioned to adjourn. Seconded by Mr. Lamson and the motion passed unanimously. The meeting adjourned at 8:09 pm.

Respectfully submitted,

Shana Robertson
Administrative Assistant/ Deputy Town Clerk

APPROVED
9/27/2016