

**MINUTES
PLANNING BOARD
TUESDAY, FEBRUARY 25, 2020
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chairman David Wieser; Vice-Chairman Kerry Lamson; Members Mike Foster, Natasha Edwards, Jana Reeve, and Mike Rowan; Alternate Member Jonathan Clayton; Acting Town Attorney Craig Buie; Senior Planner Mary Jo Gollnitz; Senior Administrative Specialist/Deputy Town Clerk Shana Robertson.

ABSENT: Alternate Member Scott Query; Youth Voice Matheus Sadovsky.

CALL TO ORDER

Chairman David Wieser called the meeting to order at 7:00 pm.

Natasha Edwards motioned to appoint Alternate Member Jonathan Clayton as a voting member for the February 25, 2020 Planning Board meeting. The motion was seconded by Mike Foster and unanimously approved

APPROVAL OF THE MINUTES

Mike Rowan motioned to approve the minutes from the January 28, 2020 Planning Board meeting as presented. Jonathan Clayton seconded the motioned and it was unanimously approved.

TEXT AMENDMENT APPLICATION 2019-705 – APC Towers, LLC - Request to increase maximum stealth tower height in the Industrial District when adjacent to residential zoning

Senior Planner Mary Jo Gollnitz said that there had been no updates since the Public Hearing to report. Ms. Gollnitz reviewed the request to increase the height of stealth towers in the I-1 (Light Industrial) use districts that are adjacent to residential zoned areas. The applicant was requesting an increase in height from 80 feet to 120 feet. Ms. Gollnitz said that this was for a stealth tower application. Stealth towers were defined as a hidden tower or a type of tree structure. Ms. Gollnitz reminded the Planning Board members that this was one of two applications that the applicant had submitted. The first being the text amendment and the second was the rezoning that would apply to the text amendment.

Kerry Lamson asked if R/I districts were the only other zoning in Matthews that had similar language. Ms. Gollnitz said that was correct and reviewed the R/I and proposed I-1 footnote three in Section 155.506.41.C.5 of the Unified Development Ordinance (UDO). That note states when utilizing a stealth tower application, the above given height limits may be increased up to an additional 40 feet at the time of initial construction. She stressed that the 40 foot increase in height would have to be done when the tower is first constructed.

Mr. Lamson clarified that if the text change was approved, it would apply to all current and future I-1 zoned properties. Ms. Gollnitz said that was correct and reviewed some of the current I-1 zoned properties around town.

Ms. Edwards asked if the tower companies would need to seek approval before installation. Ms. Gollnitz said that they would need to come to the Town Board to have the site plan reviewed and approved.

Mr. Rowan asked if they would need to apply for additional 40 feet. Ms. Gollnitz said that 80 was currently permitted and if they wanted to increase to 120 feet on the initial installation construction, the application would have to go before the Board of Commissioners.

Mr. Foster asked if it would still be at the discretion of Board. Ms. Gollnitz said that if the application met the requirements of the UDO then the application would have to be approved.

Mr. Lamson asked to review the foot notes again and further expand on the meaning. Ms. Gollnitz reviewed the foot notes and said that this was only for a stealth application that was adjacent to residentially zoned properties. The 80

feet was allowed but could be increased to 120 feet in height if done so at the time of initial construction. Mr. Lamson asked what was footnoted for I-1 zoning currently. Ms. Gollnitz said that footnote one was what was currently allowed. Mr. Lamson clarified that currently the tower could be installed at 80 feet in height and could be increased in 20 foot increments up to 40 additional feet. Ms. Gollnitz said that was only when there were existing nonresidential structures.

Mr. Rowan asked how many properties would be affected by the text amendment. Ms. Gollnitz said that any current or future I-1 zoning would be affected. Ms. Gollnitz reviewed the zoning map and said that most I-1 properties were developed but that did not mean that they could not be redeveloped.

Johnston Allison & Hord, PA Attorney Susanne Todd said she was representing the applicant APC towers. Ms. Todd reviewed the request for an additional 40 feet only when adjacent to residentially zoned properties. Ms. Todd added that the text amendment would impact seven parcels adding that the impact did not account for properties that were already conditionally zoned.

Mr. Foster clarified that if the text amendment was approved, a tower company could build a structure that was 120 feet in height with an automatic approval from Town Council. Ms. Gollnitz said that the text basically said that the site plan would be reviewed and approved by the Board and was highly unlikely to be disapproved because it was listed as an approved use. Mr. Foster said that there would have to be a compelling reason to deny and Ms. Gollnitz said that was correct.

Mr. Lamson asked if the text amendment was not approved, could the applicant ask for a variance. Ms. Gollnitz said that variances for uses were not allowed.

Mr. Lamson inquired as to the lowest point on the tower where technology could be placed. APC Towers Senior Director of Development Mike Gallagher said that the tree canopy was at about 65 feet and placement could be placed at the 75 foot mark. Mr. Lamson asked if the tree canopy was higher would it limit or block the signal. Mr. Gallagher said that it would not block the signal completely but it would shrink the cell coverage area.

Mr. Lamson asked if there was other technology that could be used. Mr. Gallagher said that other options were not cost effective. Scott Brantley with Tower Engineering said that the other option was called DAS systems and they were strictly used for high density areas.

Mr. Rowan asked about technology abandonment. Ms. Gollnitz said that there was an abandonment policy within the UDO and a process for what would need to be done in such a case. Mr. Lamson asked how the Town would know if a tower was abandoned and how it was defined in Town code. Mr. Gallagher said that they have to be listed with the FCC.

Mr. Lamson said that he was not comfortable with approving a blanket text for all I-1 zoning that was adjacent to residential. Mr. Rowan said that there was a balance between ascetics and the community's need of technology. The Board continued discussions on the height of towers adjacent to residential districts and the technology needs of the citizens.

Ms. Edwards asked if the tower design would be reviewed before construction. Ms. Gollnitz said that it would be reviewed by the Town.

Mr. Foster motioned that Text Amendment Application 2019-705, Communication Tower Height Allowance, be recommended for approval as currently amended and had been found to be consistent with the Matthews Land Use Plan as it allows for the integration of a stealth communication tower on any industrially zoned site that will be a service to the community. The request was found to be reasonable because there are limited locations where a stealth tower can currently be located within the Town of Matthews and will require colocation of additional antennae. Ms. Reeve seconded the motion and it passed six to one with Mr. Lamson in opposition.

ZONING APPLICATION 2019-708 – Couchell Family Properties, 2447 East John Street – I-1 (CD) Change of Conditions to allow for the placement of a stealth cell tower

Ms. Gollnitz said that there were no updates to the site plan or the zoning request since the Public Hearing. Ms. Gollnitz reviewed the property location, current site plan, tower design, and the vegetation survey with the Planning Board members. Ms. Gollnitz said that the applicant would meet the landscaping and fencing requirements. There will be access to the property by a gravel drive. Ms. Gollnitz said that the mono pine would be 118 feet tall with a two foot tall lighting rod.

Mr. Foster asked if there were residential homes around the structure and Ms. Gollnitz reviewed the single-family homes in the area and reminded the Board that the property did not have to have a house on it to be zoned residential and did not need to be within the Town limits.

Mr. Wieser asked about tree save requirements. Ms. Gollnitz said that they would meet the tree save and the tree save area was located directly behind the structure and buffered the property line.

Mr. Lamson asked if this type of application was defined in the Land Use Plan. Ms. Gollnitz said that cell towers was not a consideration within the Land Use Plan.

Mr. Rowan asked about the additional plantings around the structure. Ms. Gollnitz said that where the fence was proposed around the tower, landscaping was required and would be reviewed by staff.

Ms. Reeve motioned that Zoning Application 2019-708, Couchell Family Properties, I-1 (CD) Change in Conditions, be recommended for approval. The request was found to be consistent with the Matthews Land Use Plan because it allows for a stealth communication tower on any industrially zoned site that will be a service to the neighboring properties. It is reasonable because the property is underdeveloped and is at the back of property away from the public realm. Mr. Rowan seconded the motion and it passed six to one with Mr. Lamson in opposition.

REQUEST FOR REAPPLICATION: Home Depot, 1837 Matthews Township Parkway

Ms. Gollnitz said that in December of 2019, the Town Board of Commissioners viewed and denied the change of condition request for Home Depot, located at 1837 Matthews Township Parkway. The Home depot has requested a waiver of the one year waiting period requirement to resubmit. Ms. Gollnitz said that the applicant has worked with staff to reduce the area for the outdoor storage and display of their large rental equipment. The applicant also sited that the change of Commissioners warranted a change in circumstances. Ms. Gollnitz said that the applicant had supplied a general site plan but review of the changes was unnecessary until a waiver was granted. The Planning Board needed to make a recommendation to the Board of Commissioners and Council would have the final vote on the requested waiver.

Mr. Foster clarified that they were not reviewing the site plan but felt that it needed to be taken into consideration to warrant substantial changes. Ms. Gollnitz said that the UDO required substantial changes or change in circumstance. Mr. Foster said that he reviewed the plan and did not feel the changes were substantial. He added that the plan seemed similar to what was presented in December. Mr. Foster said that nothing was removed after the denial of the initial application.

Adam Essink of Kimley Horn represented Home Depot. He said that the applicant had some confusion between the corporate office and the local management staff. Mr. Essink said that he recently learned of mulch also being placed on the site and planned to speak to the applicant about the issue. Mr. Essink said the biggest concern during the initial rezoning was the aesthetics and screening.

Mr. Wieser said that he agreed with Mr. Foster and he also did not feel that there were substantial changes made to the site. Mr. Wieser asked if the applicant was planning on making additional changes. Mr. Essink said they were willing to negotiate site improvements with fence or planting screening, but those had not been detailed out at this point.

Mr. Lamson said that as he understood, this would be a brand-new application request and would go through a Public Hearing and Planning Board review. Ms. Gollnitz said that was correct. Mr. Lamson said that he had visited the site and the seasonal mulch was occupying 20 parking spaces close to the building. He suggested that the local store staff be available during the rezoning process and all options be reviewed.

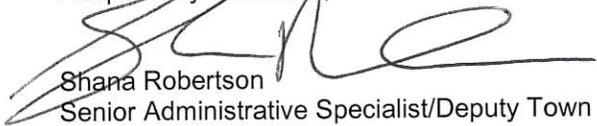
Mr. Lamson motioned to recommend waiving the one year resubmittal period for Home Depot to file a new rezoning application within the next 30 to 60 days. Mr. Clayton seconded and the motion passed six to one with Mr. Foster in opposition.

Mr. Lamson said that he felt that Home Depot provides a great resource for the Town but it was not astatically pleasing.

ADJOURNMENT

Ms. Reeve motioned to adjourn and Mr. Clayton seconded. The motion passed unanimously and the meeting adjourned at 7:59 pm.

Respectfully submitted,



Shana Robertson
Senior Administrative Specialist/Deputy Town Clerk