

FINAL



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Planning Board Meeting

May 20, 2019

5:30 p.m., Pitts Center

MEETING MINUTES

I. CALL TO ORDER:

Chairperson Elizabeth Morey called the meeting to order at 5:30 p.m. Planning Board Members Ed Lawler, Joe McGraw, Elizabeth Morey, Andy Ward, alternate member Michael Basilone, and Deputy Town Manager/Planning Director Wes Haskett were present. Michael Basilone served as a regular member in the absence of David Neal.

II. PLEDGE OF ALLEGIANCE:

Chairperson Morey led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Joe McGraw motioned to approve the agenda. Ed Lawler seconded the motion. The motion passed unanimously (5-0).

IV. APPROVAL OF MINUTES:

Andy Ward suggested minor revisions to the March 18, 2019 and April 23, 2019 draft meeting minutes and motioned to approve both. Ed Lawler seconded the motion. The motion passed unanimously.

V. PUBLIC COMMENT:

None.

VI. NEW BUSINESS:

None.

VII. OLD BUSINESS:

- A. CUP-19-01, an application from American Towers LLC/Verizon Wireless to amend an existing Conditional Use Permit to extend the height of the existing wireless facility located at 148A Ocean Blvd.

Chairperson Morey introduced the application and called on the Applicant to present his application.

David Allen, Attorney with American Tower Corporation stated that the existing tower was approved in November, 2013 and American Tower is now requesting to extend the height of the tower from 130 ft. to 150 ft. in order to alleviate current coverage issues and dropped calls. The request includes a reduced setback of 1/3 of the new height of the tower which can be addressed in an engineer's certification in a condition of approval. The reduced setback requirement would be 50 ft.

Andy Ward and David Allen addressed a typo in the application.

Chairperson Morey and Ed Lawler asked about the submitted structural analysis and engineer's certification that references failure due to hurricanes or tropical depressions. David Allen stated that the structural analysis was done to meet State, FCC, and other Federal requirements. He stated that he would have to defer to the licensed engineer regarding failure being uncommon.

Chairperson Morey asked if the appearance of the tower would be the same, including the gold ball at the top. David Allen stated yes.

Andy Ward stated that one local news source reported that the tower extension was not related to service improvement and asked if that was true.

Mark Landers, Sales Manager with American Tower Corporation stated that Verizon faces two challenges with the site: Coverage and capacity and the requested extension would address both.

Chairperson Morey called on Wes Haskett to present the Staff Report (attached).

Wes Haskett presented the Staff Report and addressed the 1/3 reduced setback requirement which includes an engineer's certification that the fall zone of the tower would be within the requested setback. A second engineered certification is required to certify that the proposed height of the tower does not exceed the minimum height necessary to accomplish the purpose for which the tower is constructed.

David Allen confirmed that one engineer's letter can be used for both certifications.

Elizabeth Morey motioned to recommend approval of the application to the Town Council. Andy Ward seconded the motion.

Andy Ward clarified that the suggested recommendations from Town Staff be included in the Board's recommendation as well as a letter, submitted within 7 to 10 days, with an engineer's certification that the fall zone of the tower would be within the requested reduced setback and certification that the proposed height of the tower is the minimum height necessary to accomplish the purpose for which the tower is constructed.

Chairperson Morey called for a vote and the Board voted unanimously to recommend approval of the application to the Town Council with conditions.

VIII. PUBLIC COMMENT:

None.

IX. PLANNING BOARD MEMBER COMMENTS:

Chairperson Morey stated that she was happy that the Town Council voted 5-0 to approve ZTA-19-01 PB. The Board needs to keep in mind that someone may be trying to get around what was adopted and no one wants to see that happen again.

Andy Ward stated that he spoke as a citizen at the last Town Council meeting and thanked them for their vote on ZTA-19-01 PB. He stated that he also addressed an ordinance that addresses special events that the Town Council considered in 2016 which should be revisited.

X. ANNOUNCEMENTS:

Wes Haskett stated that the next scheduled meeting is June 17, 2019.

XI. ADJOURNMENT:

Joe McGraw motioned to adjourn. Andy Ward seconded the motion and the meeting adjourned at 6:10 p.m.

ATTEST:



Elizabeth Morey, Chairperson

RESPECTFULLY SUBMITTED:



Wes Haskett, Deputy Town
Manager/Planning Director

STAFF REPORT

To: Southern Shores Planning Board
Date: January 14, 2019
Case: CUP-19-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: American Towers LLC/Verizon Wireless
 10 Presidential Way
 Woburn, MA 01801

Requested Action: Amendment of an existing Conditional Use Permit to extend the height of the existing wireless facility located at 148A Ocean Blvd.

PIN #: 986708785800
Location: 148A Ocean Blvd.
Zoning: RS-1, Single-Family Residential District

Existing Land Use: “Residential”

Surrounding Land Use & Zoning:

- North-** Residential; RS-1, Single-Family Residential District
- South-** Residential; RS-1, Single-Family Residential District
- East-** Residential; RS-1, Single-Family Residential District
- West-** Residential; RS-1, Single-Family Residential District

Physical Characteristics: Developed (existing park owned and maintained by the SSCA)

Applicable Regulations: Town Zoning Ordinance: Article III, Interpretation and Definition of Terms; Article IV, Application of Regulations; Article VI, General Provisions; Article VII, Schedule of District Regulations; Article X, Administration and Enforcement.

ANALYSIS

The applicant is requesting to amend an existing Conditional Use Permit to extend the height of the existing wireless facility located at 148A Ocean Blvd. CUP-13-01 was issued on November 6, 2013 to construct a new Wireless Telecommunications Site (130 ft. tall stealth flag pole and accessory equipment). The proposed plans show that the intent is to replace the 100 ft. to 130 ft. section of the existing tower and add a new 20 ft. Verizon Wireless antenna to the top, resulting in a final tower height of 150 feet.

Section 36-175 states that in no case shall a wireless support structure of any kind or any attached wireless facilities exceed 195 feet. However, the ordinance also states that the height of stealth structures designed to look like another structure or naturally occurring thing, i.e. a tree, shall not unreasonably exceed the height allowed for the type of structure or the typical thing they are designed to look like. The reasonableness of excess height shall be considered on an application by application basis and shall take into account the totality of the circumstances including specifically, the height needed to provide communications services and the wireless support structure's visual consistency with the area in which it will be located. In no case shall a

wireless support structure of any kind or any attached wireless facilities exceed the minimum height necessary to accomplish the purpose it is proposed to serve.

A Wireless Telecommunication Site is a permitted use in the RS-1, Single-Family Residential District provided that a Conditional Use Permit is granted by the Town Council following a recommendation made by the Town Planning Board. In granting any Conditional Use Permit, the Town Council may prescribe appropriate conditions and safeguards in conformity with Article X, Administration and Enforcement. Before granting any Conditional Use Permit, the Town Council shall make affirmative findings that:

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
- b. That the use as proposed will conform with the Town's Land Use Plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.
- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the Town Volunteer Fire Department fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

RECOMMENDATION

The Land Use Plan identifies this area as Residential in the RS-1, Single-Family Residential zoning district which is consistent with the existing use. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that are applicable to this application have been identified or are addressed in the following recommended conditions from the original Conditional Use Permit:

1. The Conditional Use Permit shall expire if the improvements permitted are not completely constructed within 24 months of the date of the approval of a Building Permit.
2. If the Wireless Telecommunications Site is not operated for 180 continuous days in a 12-month period, it shall be considered abandoned and the applicant shall be responsible for the removal of all structures and equipment on the site within ninety (90) days of receipt of such notification by the Town.
3. The applicant must strictly abide by all other requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.