

**Planning and Zoning Board  
Town of Fairview  
July 16, 2013  
6:30 p.m.**

The following members were present: Jesse Hargett, Vice Chairman; Patricia Kindley; Nancy Randall; Patti Freeman; John Crowell and John Phifer.

Vice Chairman Hargett opened the meeting. The agenda was amended to place New Business after Public Comments.

There were no Public Comments.

**New Business**

**Request by Crown Castle for Condition Use Permit (# CUP 13-031)** to extend an existing 171 foot telecommunications tower to 199.9 feet. The existing tower is located on property owned by Earl and Ruth Pigg at 306 Brief Road East Midland NC. Parcel ID # 08180006. The extension will allow AT&T to provide the town of Fairview with increased telecommunications coverage.

Henry C. Campen, Jr. an attorney with Parker Poe explained the request for Crown Castle and going over the requirements from our Land Use Ordinance

Vice Chairman Hargett suggested a different format for the Conditions and removal of some verbiage. The Conditions are as follows:

***Brief Road Site – 171’ to 199.9’ Monopole Telecommunications Tower Extension***

These conditions contain sufficient detail to establish that the proposed special use meets or

exceeds the standards and intent contained in the Land Use Ordinance. Pursuant to Article XI,

Supplementary Use Regulations, Section 180E, Telecommunications Towers and Facilities of

the Town of Fairview Land Use Ordinance, please find the following information:

1. TOWER DESIGN. Pursuant to the Ordinance, the tower will be of a monopole design and construction. The tower is designed to “telescope” or collapse inward if structural failure occurs.
2. INTENT TO CO-LOCATE. Applicant will negotiate in good faith with any provider wishing to co-locate on the extended tower.
3. MAXIMUM TOWER HEIGHT. The extended tower will be 199.9 feet in height, which does not exceed the maximum allowable height of towers within the RA-40 zoning district.
4. TOWER LOCATION. At all times the property owners will maintain a 12-foot or wider access easement for use by service and emergency vehicles.

5. WILL MEET RADIO FREQUENCY EMISSION STANDARDS per the attached "FCC Compliance Certification" Statement.
  6. ACCESSORY STRUCTURES. The accessory structures on the ground are and will remain architecturally compatible with the surrounding buildings and land uses in the RA-40 zoning district. These accessory structures will blend in with the existing characteristics of the site.
  7. FENCING. The existing (as of July, 2013) 8-foot chain link and barbed wire fence will be modified as necessary to include the entire extended 199.9 foot telecommunications tower and equipment. Access to the tower will remain through a locked gate.
  8. MINIMUM SETBACK. The extended telecommunications tower shall continue to meet the minimum setback requirements.
  9. PROXIMITY TO DWELLING UNITS. The tower will not be within 300 feet of the nearest residential dwelling unit, with the exception of any units existing at the time of this application.
  10. CESSATION OF USE/TOWER REMOVAL. The applicant and/or property owner will remove the tower and related facilities should they be abandoned for a period of greater than 90 consecutive days. Such removal will take place within six months of the first day the tower was abandoned and will be completed within the same six month period.
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11. ANTENNAE STATUS. Upon approval of the Conditional Use Permit, AT&T will certify to the Land Use Administrator on January 1<sup>st</sup> of each year the status of the antenna (operational or not in use).
  12. LIGHTING. The telecommunications tower shall not be lit except as directed by the Federal Aviation Administration. If lighting is required, it shall be directed towards the telecommunications tower and/or accessory uses to reduce glare onto adjacent properties.
  13. SILHOUETTE AVOIDANCE. The telecommunications tower will remain situated so as to avoid casting a dominant silhouette on ridges or in open fields.
  14. SIGNAGE. No free-standing signs will be installed and warning signs shall be installed and/or mounted only on the perimeter fence and/or tower base. Posted signs will be limited to identification signage less than nine square feet in size and warning signs to discourage trespass by unauthorized persons.
  15. OUTDOOR STORAGE. There will be no outside storage associated with the telecommunications tower extension.
  16. INTERFERENCE WITH AIR TRAVEL. The extended telecommunications tower will not restrict or interfere with air traffic or air travel to or from any existing or proposed public or private airport. The extended telecommunications tower will comply with all Federal Aviation Administration standards.

The applicant accepted the changes in the conditions

Patti Freeman made a motion to recommend that CUP 13-031 be forwarded to the Council for approval, including the above conditions, call a Public hearing and include the following statement:

The proposed zoning amendment under consideration **IS** found to be reasonable and consistent with the recommendations of the Town's adopted comprehensive plan, the Town of Fairview Land Use Plan(Revised September 13, 2010), and the Town of Fairview Land Use Ordinance (effective July 1, 2005)

Nancy Randall seconded the motion. All Board members voted yes (6-0).

**Discussion**

The Animals in Residential Amendment is not ready and will be presented at a future meeting. (Section 175A)

**Minutes**

Patti Freeman made a motion to approve the minutes of June 18, 2013 as amended. Patricia Kindley seconded the motion. All Board members voted yes (6-0).

Vice Chairman Hargett adjourned the meeting.

Respectfully submitted,

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Ed Humphries  
Land Use Administrator

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Jesse Hargett  
Vice Chairman

**Approved this 20th day of August, 2013.**