



Agenda Abstract

Department: Planning
Submitting Official: Jason Sullivan

Meeting Date: 4-19-10
Authorizing Signature: _____

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| Subject: | Request by Dorothy Heard for First Plat approval of "Heard Cell Tower", consisting of one (1) non-residential, 40,000 square foot subdivision lot containing an existing telecommunication tower, located off Hwy 64 W., Hickory Mountain Township |
| Action Requested: | See Recommendation |
| Attachments (List individually): | 1. Application Booklet including plat titled "Heard Subdivision – First Plat", prepared by Van R. Finch, Land Surveys, P. A., dated July 7, 2009. |

Introduction & Background

The Heard property, parcel # 11929, 43.26 acres, contains one residential dwelling and an existing telecommunication tower. On July 12, 1999 the Board of County Commissioners approved a request by SBA, Inc. for Claude J. Heard, for a telecommunication tower on 43 acres off U. S. 64 W, in Hickory Mountain Township.

Discussion & Analysis

The request currently before the Board is for First Plat approval to create one (1) non-residential subdivision lot of 40,000 square feet containing an existing 300 foot tall lattice cage telecommunication tower. The applicant has completed the Subdivision Concept Plan process, which included a mandatory meeting with neighbors and community. This meeting was held on September 28, 2009 at 5:30 p.m. at the offices of Bradshaw & Robinson, LLP. Informational letters with a map attached were mailed to all adjacent property owners within 400 feet of the property and the property was posted with an informational sign. No one attended the meeting. The applicant's attorney, Nick Robinson, met with the Technical Review Committee (county staff

and others) on October 14, 2009 for review of the proposed subdivision. The six staff members attending the meeting asked questions of Mr. Robinson and had no other comments. Staff received an e-mail from Jane Pyle, Chatham County Historical Association, dated October 13, 2009 stating "It doesn't look like there is anything we should be involved in here. Thanks for the notification." The applicant then prepared the General Environmental Documentation Form and submitted the information to the Environmental Review Board for review. A copy of this documentation is included in the First Plat application booklet. The ERB reviewed the information on December 17, 2009. An e-mail from Elaine Chiosso and Tara Allden, Co-Chairs, dated 12/17/09 states "that the Environmental Review Board believes that this proposed division of land, which involves no land disturbing activities, will have no new environmental impacts on the property in question. Therefore, the Environmental Review Board has no objections to this proposed change."

The applicant submitted for First Plat Review on January 11, 2010. The Technical Review Committee met on February 20, 2010 (2nd review) to discuss the application. No comments were received. The Planning Board heard the request initially as a Subdivision Public Hearing with public comment as required by the Subdivision regulations, along with staff presentation of results of the recommendations from the Environmental Review Board, Board of Education and Planning Department. Per Fred Royal, no additional review or comments are necessary from the ERB. Staff sent an e-mail to David Moody with the Board of Education notifying him of the proposed subdivision. No comments were received from the BOE. After the Public Hearing, the Planning Board had the option to discuss the issue and make a recommendation at the March 2nd meeting or to postpone for up to three (3) additional meetings.

As part of First Plat review the applicant is required in Section 6.2, Additional First Plat Information, (D) and (E) to submit a stormwater plan, an erosion control plan and a utility plan for review, if applicable. Per e-mails (included in booklet) from Fred Royal, Environmental Resource Director, Jim Willis, Erosion Control Inspector, and Roy Lowder, Utility Director, these reviews are not applicable to this request. There was not a request from the Board of County Commissioners or the Planning Department for review by the Appearance Commission or the Green Building Task Force. The applicant completed the GBTF worksheet and it is included in the application booklet.

The lot will be accessed by way of a private, perpetual easement across property owned by Mrs. Heard. Based on the use of the property, no Environmental Health review is required. Fred Royal did a riparian buffer review of the property on October 14, 2009. No surface waters were found. Per the county GIS information, the property does not have any steep slopes. The plat meets the requirements of the Subdivision Regulations. There are no additional permits or construction necessary to complete this subdivision. Staff recommends that the construction plan and final plat be reviewed and approved by county staff.

The Subdivision Public Hearing was held. Staff presented the notes. Some questions raised by Planning Board members included required lot size, reason for the request, and zoning district associated with the creation of the lot. Staff stated that the lot met the minimum lot size for a communication tower and that the zoning district will be Light Industrial. Mr. Wayne Barr, son-in-law of Mrs. Heard addressed the Planning Board regarding the request and stated that the reason for the request was for future planning for the family. No one else spoke at the public hearing.

Budgetary Impact

None

Recommendation

The First Plat meets the requirements of the Subdivision Regulations. The Planning Department and Planning Board (by unanimous vote) recommend granting First Plat approval as submitted and recommends allowing county staff to review and approve the Construction Plan and Final Plat.