

BOARD OF ALDERMEN

ITEM NO.: E(1)

AGENDA ITEM ABSTRACT

MEETING DATE: **MAY 21, 2002**

TITLE: CONTINUATION OF A REQUEST FOR A MINOR MODIFICATION TO THE TOWN HALL
TELECOMMUNICATIONS TOWER CONDITIONAL USE PERMIT

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: Yes __ No <u>X</u>
ATTACHMENTS: A. PLANS B. RESOLUTION C. PROJECT DESCRIPTION LETTER D. LETTER CONCERNING LUO REQUIREMENTS E. LETTER FROM MR. WILLIAM JOINES F. MINUTES FROM PERTINENT BOARD OF ALDERMEN MEETINGS G. AGENDA ITEM ABSTRACT FROM 8/13/96 MEETING H. LEASE AGREEMENT BETWEEN BELL SOUTH AND THE TOWN OF CARRBORO I. MEMO FROM MIKE BROUGH	FOR INFORMATION CONTACT: MARTY ROUPE – 918-7333

PURPOSE STATEMENT

Jay Zaragoza, representing Cingular Wireless (formerly doing business as BellSouth Telecommunications Incorporated), has applied for a minor modification to the Town Hall Telecommunications Tower Conditional Use Permit located at 301 West Main Street. The Town Hall Telecommunications Tower CUP was issued on June 25, 1996 and was last amended on June 20, 2000 (to allow BellSouth Telecommunications, Inc. to replace three antennas with three smaller panel antennas (as well as equipment at ground level). The proposed minor modification consists of adding six panel antennas to the tower as well as installing additional equipment on the existing concrete pad at ground level. Per Section 15-176 (15) of the Land Use Ordinance (LUO), any substantial change to on an existing tower must be approved through the minor modification process. The Administration requests that the Board of Aldermen review the request and make a decision regarding the minor modification.

INFORMATION

At the May 14, 2002 meeting, the Board of Aldermen requested that the proposed minor modification be brought back before the Board at its May 21, 2002 meeting so that the pertinent lease agreement could be further discussed in the context of the discussions that led to the lease agreement. To that end, please find attached excerpts from the minutes of the following Board of Aldermen meetings: June 4, 1996; June 18, 1996; June 25, 1996, and August 13, 1996 (**Attachment F**). On June 4, 1996, the Board held a worksession to discuss various aspects of telecommunications towers and antennas. On June 18, 1996, the Board held a public hearing and began deliberating two tower related proposals. At the June 25, 1996

Board meeting, the Board continued the public hearings and approved both proposals. Then, at the August 13, 1996 meeting, the Board discussed the lease agreement with Gearon & Company (acting on behalf of BellSouth).

Additionally, please find attached the Agenda Item Abstract from the August 13, 1996 meeting, when the Board voted to approve the resolution authorizing the Town to enter into a tower lease licensing agreement with Gearon & Company (**Attachment G**). The text of the adopted resolution is contained within the August 13, 1996 minutes (**Attachment F, page 6**).

Lastly, please find a copy of the completed lease agreement (**Attachment H**) and a memo from Mike Brough concerning the matter (**Attachment I**). Attachment H concludes with a copy of a letter indicating that the company (BellSouth Cellular Corporation – now doing business as Cingular Wireless) wishes to exercise its option to extend the term of its lease agreement for an additional 5-year term from September 1, 2001 through August 31, 2006 (**Attachment H, page 12**). The extension option is further described under number “20” (**Attachment H, page 7**).

(The remainder of the ‘Information’ section is identical to last week’s agenda item abstract.)

Jay Zaragoza, representing Cingular Wireless (formerly doing business as BellSouth Telecommunications), has applied for a minor modification to the Town Hall Telecommunications Tower Conditional Use Permit located at 301 West Main Street. The proposed minor modification consists of removing the three antennas that were added in the summer of 2000 (the antennas were not adequately serving the company’s needs). In their place, six new panel antennas would be added to the tower. Additionally, new ground level equipment would be added to the existing Cingular Wireless equipment pad at ground level.

The proposed antennas are slightly taller than the existing antennas (approximately 1 ³/₄-foot taller) (**Attachment B, Sheet C3**). The width and depth are virtually the same. Given the height of the proposed location for the antennas on the tower (approximately 143-feet above ground level), the difference in size is not expected to be perceptible from the ground. The number of antennas on the tower used by Cingular Wireless would increase from three to six. Again though, when viewed from ground level, the proposed antennas are not expected to have a substantial visual impact. In regard to the proposed additional ground level equipment, all new equipment would be placed on the existing concrete pad. The pad would not increase in size and none of the proposed equipment is any taller than existing equipment already in place. To that end, no consequential visual impact is expected in relation to the proposed ground level equipment. No grading and only minimal site work will be necessary as a result of this proposed minor modification. Again, all work would take place on the tower and on the existing Cingular Wireless equipment pad.

Section 15-176 of the LUO contains certain requirements that pertain to towers, certain requirements that pertain to antennas and certain requirements that pertain to both. Sections 15-176 (3, 4, 5, 6, 10, and 12) of the LUO are specifically applicable to this minor modification request. The applicant has supplied the Zoning Division a letter (**Attachment D**) that satisfies the requirements of Section 15-176. The letter states that the antenna and equipment will not interfere with the use or operation of radios, televisions, telephones, etc. on adjoining or nearby properties. The letter goes on to state that no commercial advertising will be placed on the tower, no outdoor storage will take place on the site, and that equipment will be removed if unused for a period of six months or more.

In order to satisfy the requirements of Section 15-176 (6) of the LUO, the applicant has submitted an RF analysis related to the proposed equipment. Mr. William Joines, the Town's consulting engineer for this type of analysis, has reviewed the information and has concluded that the proposed changes would not negatively impact human health (**Attachment E**).

The information submitted does demonstrate compliance with the requirements of the LUO for minor modifications to existing towers. As a result, the Administration recommends that the Board of Aldermen adopt the attached resolution (**Attachment B**) approving the minor modification to the Town Hall Telecommunications Tower Conditional Use Permit located at 301 West Main Street, which would allow the installation of six panel antennas and additional equipment on the existing pad at ground level.

ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached resolution approving the minor modification to the Town Hall Telecommunications Tower Conditional Use Permit located at 301 West Main Street, which would allow the installation of six panel antennas and additional equipment on the existing pad at ground level.