

April 24, 2014
Charlotte, NC
Wireless Communications Transmission Facilities – Code Update
Stakeholder Meeting (5:30 – 7:00 p.m.)

Attendees

1. Gary Pennington, Esq. (AT&T)
2. Liz Hill (American Tower)
3. Bonnie Newell (Berkley Group)
4. Todd Lanham (AT&T)
5. Susan Stancil (Juvo Telecom)
6. Tom Egan (Egan RS)
7. Engineer that works with Tom Egan
8. Shelby Foley (AT&T)
9. Julio Wong (Verizon)
10. Nicholas Limberopoulous – Crown Castle (PA)
11. Jason Mayo– Crown Castle
12. Crown Castle employee #3
13. Doris Boris (former City employee)
14. Katrina Young (Charlotte)
15. Scott Scholtz (Sprint)
16. Richard Fading (AT&T)

Comments received:

- Cautions that most existing WCTF ordinances are antiquated ordinances and that a good model/best practices do not exist.
- A meaningful rewrite of the ordinance must look at the application and permitting process.
- B/c more cell phone usage occurs inside the home, towers need to be located closer to the home.
- Suggests 60 ft height in any zoning district (rather than 40 ft), by right.
- Offers alternative approach to height — allow towers to extend 30-50 ft above tree canopy (done in past, did not catch where or when).
 - Bonnie (Berkley Group) and Liz Hill (American Tower) are not fans of this approach because of tree growth.
 - This is currently a provision in a VA code.
- Instrumental in NC Model Ordinance (worked with AT&T & PCIA to draft this model).
 - Two communities have adopted the model ordinance wholesale:
 - Wendell
 - Burdall (sp?)
- Any codes pre-2007 are antiquated because technology used during that time can't accommodate current data needs. So, neither can the codes.
- Outright bans (bad idea), because cell phones are used everywhere.
- Proponent of building flexibility into codes.
- Incentives needed in place of variances.
- Winston-Salem - Good characteristics:
 - regulations contain an alternative compliance provision

- process includes City Council
 - clearly defined criteria
- Raleigh – new UDO did not address WCTF standards.
- Johnston County has good concealment techniques allowing a provider to use existing landscape, topography, and other site context to satisfy concealment requirement rather than requiring a stealth (tree, steeple, flag, etc.) design.
- Greensboro has a “proportionality” provision, allowing towers to be built “in proportion” to surrounding buildings, but proportionality is not defined.
- Stresses that a tower is a utility structure (Bonnie stresses the same).
- A proponent of presenting a hierarchy of tower type preference in the code; worked with planners in Cary on that code and hierarchy.
- Major Issues with Charlotte code:
 - 200 ft. setback from R — what is the intent behind this because a 200 ft. hard setback does not necessarily help protect neighborhood aesthetics?
 - The requirement that towers 400 ft. from residential districts must be stealth is overkill.
 - Define stealth.
- What does the city want cell tower development to look like (what does community want to see is the better question)?
 - Is the goal not to see a tower?
 - Sandy responds that the city wants to move the code forward to adapt to new technology.
 - Communities interests (not those of city staff) are the real issue.
 - Bonnie suggests an educational component (by providers) at upcoming neighborhood meeting (Liz would be happy to attend and provide this education).
- Believes any revisions that enable developers, carriers, (and the city) to better interpret the code is progress
- A 500 ft. separation distance (Denver) is excessive. Asked how that distance was determined?
- How/Who defines adverse visual impact? Poor design to one may be acceptable to another.
 - Need objective (grounding) criteria in the ordinance.
- Curious about how this discussion occurs with other utilities (is goal to not see the tower?).
- Got many folks to attend this stakeholder meeting.
- Presents himself as the “big picture” guy.
- 40% of U.S. depends on mobile phone (no land line).
- Towers have a finite capacity — because fewer land lines, encroachment on R areas.
- Challenging to find parcels that meet setback and aesthetic goals in Charlotte.
- Observes a dramatic shift in use of cellular devices.
- There is a need to get infrastructure to people (safety issue).
- The industry needs to be flexible.
- Education is key — stressed that a critical part of education is to inform the community not only about what the providers want to do, but what they don’t want to do (Winston-Salem is a good example of where this education was done).
- Described his work as the person that goes door-to-door informing folks that a cell tower is proposed near their home.
- Acceptable stealth standards and definition are critical in a code.

- Charlotte’s current siting process is unpredictable without this clarification because the permitting department is unable to interpret what is intended by “stealth” towers.
- Because the City does not favor trees or church steeples a cross was proposed which met all the requirements (400 ft. from R) but was not approved because it was not an acceptable form of “stealth.”
 - trees, church steeples, crosses are not favored by the City.
- Include a slick stick definition (not defined b/c new technology).
- New code must clearly define what towers can be built.
- Suggests relief/flexibility from strict requirements if not or can’t locate in a residential area.
- Not looking for a lower setback.
- But a more streamlined process if not locating in a residential district.
- If “adverse” impacts are the concern, adhering to strict standards without any form of alternative compliance does not necessarily address adverse impacts.
- E.g., a single tree centered on a parcel in order to adhere to setbacks draws more attention to the tree than if on a lot line nearer to other utility lines and a forest edge.
- Because the permitting process is unpredictable, applicants much spend a lot of time on the front end trying to figure out the process with the City, which has a hard time interpreting its own ordinance.
- Questions the 40 ft. tower height permitted by right in any zoning district? This is based on building height, but not reasonable. Asks what is a reasonable height for the community?
- Suggests code has content issues, but most of his comments are based on readability.
 - Cumbersome
 - Not logical
 - Spends a lot of time on phone with planners because regulations lack clarity
- Hopes revised code is streamlined and easier to interpret.
- Mentions that the industry has recently worked with residential groups and the result has been positive because both sides are willing to give a little (advocate for joint neighborhood-provider meetings).
 - Neighborhood education has been done in:
 - Durham County
 - Winston-Salem
- Explained that he works more on the technical side.
- Challenges today are not only coverage related, but that existing towers without new technology can’t provide the same quality of service as newer towers.
- Reiterates that increasing capacity needs in residential areas (again, because fewer and fewer land lines) requires towers to be sited closer to residential districts.
- Stresses that it is a challenge to site in residential areas.
- Suggests administrative relief from setback requirements (when appropriate).
- Collocation should be at top of hierarchy list.
- Suggests master planning for cell coverage (others disagree that master planning is a good idea, because it prolongs the process).
- Reiterate that code clarifications are needed for applicants and the city because standards are vague.
- Mention incorporation of Distributive Antenna Systems (DAS)
 - Staff Response – No, b/c Public Works deals with this.
 - AT&T Atty - Likes DAS to be excluded from code.

- Crown Castle (CC) works up and down the east coast and finds antenna size to be a common zoning issue (e.g., Rockville, Maryland).
- CC mostly does tower modifications, so an expedited modification process is high on their wish list.
- Note that Mecklenburg County process has improved (not sure if referring to modification process specifically or overall siting process generally).
- Concerned about nonconformity issues with existing towers.
- Concerned about application process slowing tower speed to market.
- A separate application process is necessary (required by law) for new towers v. collocations.
- Stealth towers (sometimes worthwhile)
 - Can be limiting from a technology standpoint.
 - Stealth does not necessarily mean well concealed (example of this provided earlier).
 - Revise stealth conformance standards and definitions.
- Consider a stealth manual approach.
- Johnson County terminology — “concealment strategies.”
 - Focus is on concealment not technology.
- Concern over the fact that regulations sometimes force subdivision of a property in residential areas (i.e., b/c of the single-family residential accessory use restriction, providers will subdivide a property so that a tower is a principal rather than an accessory use).
 - Not done often (e.g., of this on Park Road, YWCA site).
 - Not ideal from providers perspective.
 - This approach often creates road frontage issues.
 - Provider preference is to place a tower on a large track of land that does not have to be subdivided.
- Question about the transition period between the old and new code.
 - Clarion’s general advice to a community is that existing applications go through the current process.
 - Set an effective date for the newly adopted code.
- Another question as to whether safety concerns are the driving factor behind city standards.
- A provider notes that the taller towers reduce health concerns (which they stress shouldn’t be a concern to begin with).