



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development

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The regular monthly meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, July 28, 2011, in the Council Chambers, Beaufort County Administration Building, at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Edgar Williams, Vice Chairman
Mr. Kevin Mack
Mr. Timothy Rentz

Mr. William Mitchell
Mr. Chester Williams

MEMBERS ABSENT

Mr. Thomas Gasparini, Chairman
Mr. Philip LeRoy

STAFF PRESENT

Ms. Hillary Austin, Zoning Administrator
Mr. Anthony Criscitiello, Planning Director
Mrs. Tamekia Judge, Zoning Analyst I

CALL TO ORDER: Mr. Edgar Williams called the meeting to order at 5:10 p.m.

PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE: Mr. Edgar Williams led those assembled in the Pledge of Allegiance, and a moment of silence in honor of our country's military service members.

REVIEW OF AGENDA:

MOTION: Mr. Mack made a motion to adopt the agenda. Mr. Rentz seconded the motion. The motion passed (FOR: Mack, Mitchell, Rentz and E. Williams).

OPTIMA TOWER IV, LLC – SPECIAL USE

Mr. Johnathan Yates, representative for Optima Tower IV, LLC stated, that they are requesting a Special Use permit from Beaufort County, to erect a Communication Tower. Mr. Yates stated, that the Dale community has been left out of the wireless infrastructure, because of the low population density. Mr. Yates stated, that the good news is, that the federal government has sought to rectify the situation, by allowing wireless facilities where the population is low. Mr. Yates stated, that the Dale community has not enjoyed the wireless coverage, because of the low population density, which did not allow wireless facilities. Mr. Yates stated, that there is a lot more to wireless, and one of the aspects of wireless are; over 300,000 calls to 911 service calls start with using a mobile wireless phone. Mr. Yates stated, that in South Carolina, more than 20% of the homes are wireless, and they don't have a landline; also, police cars have a mobile data terminal, that pulls information up on a person, which is also wireless. Mr. Yates stated, that through the federal funding, Optima Tower selected a 2.88 acre piece of property in the Dale community, which will house the Cricket wireless services. Mr. Yates stated, that the Cricket wireless services are needed in the Dale community area because, the service is not good as it is with the other Cell Tower locations in Beaufort County, and this is why a cell tower

is needed in the Dale community area. Mr. Yates stated, that they have designed this facility at 190 feet, so it will be able to hold up to three spaces for the competing carriers. Mr. Yates stated, that the proposed Communication Tower will have lights, however, the lights will be done differently. The facility will have a day white, night red system; the light is white during the daytime and red at night. Mr. Yates stated, that with the Candela light, the light is equivalent to a 60 watts bulb when seen in the dark.

Mr. Keith Powell, representative of Optima Tower IV, discussed the landscape plan, and that the requirements call for a 50' forested buffer, and there is some existing vegetation which will take care of the buffer requirement. Mr. Powell stated, that a tree survey was done of the trees on the existing property, and roughly there are 399 caliper inches of existing trees. Mr. Powell stated, that he contacted the Beaufort Planning group, whom will help him integrate the landscape forested buffer, with the existing trees on the site.

Mr. Yates stated, that they designed a collapse or fall zone into the facility, so that in a high wind or catastrophic event, this collapse or fall zone will collapse on the parent property that it's erected on. Mr. Yates stated, that they had the facility reviewed and certified by Mr. B.J. Zuray. Mr. Yates stated, that Optima Towers is required to have a two square foot sign indicating the emergency information, in which they will have on the property. Mr. Yates stated, that they fully agree to abide by the rules for when a tower is abandoned, and they are required to set the tower back 240 feet from a residential area.

Mr. C. Williams arrived to the meeting at 5:29 p.m.

Mr. Yates also stated, that the facility was reviewed by Teracon, which found no problem with the environment. Mr. Yates stated, that no Community Impact statement was required; however, they forwarded a copy of the Community Impact statement, which was prepared by Dynamic Environmental Associates to the Beaufort County staff.

Mr. E. Williams asked Mr. Powell, "Is the buffer going to be replanted?"

Mr. Powell answered, "Part of the buffer will be new plants, and a tree survey was done to incorporate a 30 inch white oak, and things along Porches Hill Road that will also be incorporated".

Mr. E. Williams asked Mr. Yates, "Are you going to have two types of lighting?"

Mr. Yates answered, "Yes, it is a dual mode lighting system; the light will be white during the day, and red during the night."

Mr. E. Williams asked Mr. Yates, "What type of safety will be provided at the tower site?"

Mr. Yates answered, "The site will be protected with fencing, and an anti-climbing device."

Mr. Criscitiello, Beaufort County Planning Director, read the Staff recommendation report into the record. Mr. Criscitiello stated, that this issue comes in four parts; the first is the compatibility from the Comprehensive Plan. The legislative intent was aired by the Planning Commission and County Council; specifically, item number 8, in Section 106-1357(d)(8), it states that, "New uses are strictly prohibited in the Corridor Overlay District, Historic Overlay Districts, and Community Preservation districts, unless expressly provided for in a Community Preservation district", and it was specifically pointed out by Mr. Yates, that the Dale CP plan was amended to

allow this use. Mr. Criscitiello stated, that people are giving up landlines and having the wireless communication, which is becoming a trend. Mr. Criscitiello stated, that the opportunity to address the coverage areas in the Dale community has been taken into consideration for this board in the deliberations. Mr. Criscitiello stated, that the aesthetics in the rural area is dominated by communication towers. Mr. Criscitiello stated, that in regards to buffers, it was discussed by the Development Review Team, and the buffers were not adequate; since then, the buffers have been discussed more fully. Mr. Criscitiello stated, that the Development Review Team felt that the Rural character, and a dominating structure of 190 feet was not good, and they asked if a tower less than 150 feet would suffice; but according to the letter dated July 21, 2011 from Cricket, it explains that the tower of 190 feet is necessary in order to provide for the coverage. The Development Review Team was concerned about the 190 foot tower; they felt that the height of the tower should be evaluated, whether it would be functional if less than 150 feet, and the buffers, which were previously addressed would be good. Mr. Criscitiello stated, that this board may want to consider these four topics; 1) does the preponderance or the benefits weigh in favor of creating this tower, 2) Does the compatibility of the Comprehensive Plan meet the requirements, 3) What are the issues in regards to Economic development, and 4) Does the coverage provided outweigh any negatives provided, that may arise in regards to the aesthetics in the rural area, and the dominating character with the lighting pollution that may arise as a result of this and the buffers that are there for the purpose of screening the tower from the neighborhood; and if in fact the board feels that the preponderance of evidence weighs in favor of this, then the Development Review Team would encourage the decision of the board to go in that direction. Mr. Criscitiello stated, that at the time the Development Review Team met, they didn't feel that they had a sufficient amount of evidence to make a favorable decision, so they forwarded it onto the board without a recommendation at all, not to deprive the applicant with due process, and that they would bring the information that the DRT was looking for to the meeting tonight.

Mr. E. Williams asked Mr. Criscitiello, "The letter dated July 21, 2011, determines that you had insufficient evidence to make a recommendation, are you now saying that with this letter, the evidence has been satisfied?"

Mr. Criscitiello replied, "Yes, the letter from Cricket came after the Staff report, which was not available to the DRT; rather than saying that the DRT would favor a recommendation, I couldn't because, obviously they didn't have this information dated July 21, 2011."

Mr. E. Williams asked Mr. Criscitiello, "In your Staff recommendation, was the impact statement required; because as I recall from the applicant, the impact statement was not required."

Mr. Criscitiello stated, that the impact statement was required by the DRT, and the applicant addressed some of the issues, such as, Traffic Impact, Environmental Impact, and a letter from Amanda Flake in regards to Natural Resources and Historic issues.

Mr. E. Williams asked Mr. Criscitiello, "So, those four main topics that you have alluded to has been addressed to the County?"

Mr. Criscitiello stated, that he only summarized it, and that all four of those parts were before the board this evening.

Mr. C. Williams asked Mr. Criscitiello, "How often does the DRT meet?"

Mr. Criscitiello answered, "Once a week."

Mr. C. Williams stated to Mr. Criscitiello, the voting members of the DRT are, Ms. Austin, Mr. Klink, Mr. Cummings and Ms. Frazier; my concern is that under the ZDSO Section 106-522 there is a sentence that states that the DRT shall review the Special Use plan and provide a recommendation of approval or non approval to the ZBOA, and right now we have before us no recommendation from the DRT.

Mr. Criscitiello stated to Mr. C. Williams, that was correct as of July 11, 2011.

Mr. C. Williams stated, that personally he would feel more comfortable moving forward with this Special Use application with a recommendation from the DRT.

Mr. E. Williams stated, that he recognizes Mr. Chester William's concerns, but Mr. Criscitiello covered the four items that were probably presented to the DRT for recommendation, and it eludes to the fact that he has no concern with that; and as the Planning Director, we should take his word for it, and we as a board should not make a decision, unless we do it without prejudice, that way it won't haunt us in the future as we take the position to recommend approval.

Mr. Criscitiello stated, that the DRT would not like to delay the project, because any missing information.

Mr. C. Williams stated, that personally he would be more comfortable sending it back to the DRT, and then come back to the board with a recommendation; as Mr. Criscitiello mentioned, he is not a voting member of the DRT, but if Ms. Austin would like to weigh in, we would be willing to listen.

Mr. E. Williams stated, that if they could make a decision, whether it is right or wrong, the applicant would not have to wait until next time.

Mr. C. Williams asked Mr. Criscitiello, "Under the staff recommendation, the July 11th memo from the DRT, item #5 the community impact statement, are you saying that the information has been provided?"

Mr. Criscitiello answered, "Personally I am , and we were really concerned about the height and the lighting for the tower, which was addressed in the July 21, 2011 letter."

There being no further comments from the applicant or the County, and no further questions from the Board, Mr. E. Williams called for public comment, and limited the comments to 3 minutes each.

Mr. Marvin Thompson, resident of Dale stated, he is in favor of the tower.

Mr. Joseph Kline, resident of Dale stated, he is in favor of the tower.

Mr. C. Williams made a motion to approve the application, based on the July 11, 2011 memorandum from the DRT, and the July 21, 2011 letter from Cricket communication, and that we find this application meets the criteria for a Special use permit, as set forth in Section 106-522 of the Zoning & Development Standards, and it meets the criteria, as set forth, in Section 106-1357.

MOTION: Mr. C. Williams made a motion to approve the Special Use permit request as submitted, based on the July 11, 2011 memorandum from the DRT, and the July 21, 2011 letter from Cricket communication. This application meets the criteria for a Special Use permit, as set forth in Section 106-522 of the Beaufort County Zoning & Development Standards Ordinance, and it meets the criteria as set forth in Section 106-1357. Mr. Mitchell seconded the motion. The motion passed unanimously (FOR: Mack, Mitchell, Rentz, C. Williams and E. Williams).

REVIEW OF MINUTES (APRIL 28, 2011):

MOTION: Mr. Rentz made a motion to adopt the April 28, 2011 minutes as submitted. Mr. Mitchell seconded the motion. The motion passed (FOR: Mitchell, Rentz, C. Williams and E. Williams ABSTAIN: Mack).

REVIEW OF MINUTES (MAY 26, 2011):

MOTION: Mr. C. Williams made a motion to adopt the May 26, 2011 minutes as submitted. Mr. Mack seconded the motion. The motion passed (FOR: Mack, Mitchell, C. Williams and E. Williams, ABSTAIN: Rentz)

ADJOURNMENT

MOTION: There being no further business to come before the Board, Mr. C. Williams made a motion to adjourn. Mr. Rentz seconded the motion. The motion passed unanimously (FOR: Mack, Mitchell, Rentz, C. Williams and E. Williams).

The meeting adjourned at approximately 6:15 p.m.