

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>				
<b>Docket #</b>	W-3495			
<b>Staff</b>	<a href="#">Gary Roberts, Jr.</a>			
<b>Petitioner(s)</b>	Claude Allred, Jr.			
<b>Owner(s)</b>	Same			
<b>Subject Property</b>	Portion of PIN 6854-75-5353			
<b>Address</b>	The address for the proposed tower will be 3747 High Point Road.			
<b>Type of Request</b>	<p>City Council Special Use Permit for a Transmission Tower in RS9. Specifically, the request is for a 150-foot Concealed Tower/Canister Pole.</p> <p><b>NOTE:</b> Approval of a Special Use Permit is contingent upon an affirmative finding of all Findings of Fact as outlined in the Other Applicable Plans and Planning Issues section below.</p>			
<b>GENERAL SITE INFORMATION</b>				
<b>Location</b>	Southeast quadrant of Interstate 40 and High Point Road			
<b>Jurisdiction</b>	Winston-Salem			
<b>Ward(s)</b>	East			
<b>Site Acreage</b>	± .25 acre			
<b>Current Land Use</b>	The subject property is an undeveloped portion of a larger tract used for a single-family home and farming.			
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	North	RS9	Interstate 40 and large-lot residential	
	East	RS9	Large-lot residential	
	South	RS9	Large-lot residential	
	West	RS9	Large-lot residential	
<b>Physical Characteristics</b>	The largely undeveloped site has a moderate slope downward toward the west.			
<b>Proximity to Water and Sewer</b>	The site has access to public water and sewer beneath High Point Road.			
<b>Stormwater/ Drainage</b>	There are no known stormwater or drainage issues at the site.			
<b>Watershed and Overlay Districts</b>	The subject property is not located within a water supply watershed.			
<b>Analysis of General Site Information</b>	The subject property is an undeveloped portion of a larger tract. It has a moderate slope and frontage along a major thoroughfare. It is not located within a water supply watershed or within a designated floodplain area.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
High Point Road	Major Thoroughfare	30 feet	6,400	13,800

<b>Proposed Access Point(s)</b>	The site will access High Point Road directly.	
<b>Planned Road Improvements</b>	The <i>Comprehensive Transportation Plan</i> recommends a three-lane cross section for this segment of High Point Road with wide outside lanes, curb, gutter, and sidewalks.	
<b>Trip Generation - Existing/Proposed</b>	The proposed transmission tower will not generate a noticeable increase in traffic.	
<b>Sidewalks</b>	There are no sidewalks in the general area.	
<b>Transit</b>	WSTA Route 101 serves the intersection of High Point Road and Broadbay Drive approximately 1.1 miles northwest.	
<b>Analysis of Site Access and Transportation Information</b>	The site fronts along a major thoroughfare with ample capacity. The proposed use generates very few trips, and staff foresees no transportation-related issues associated with this request.	
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>		
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>
	1 space	2 spaces
<b>Transmission Tower Height</b>	150 feet	
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>• Section 3.2.13E: Special Use Permit by Elected Body</li> <li>• Section 5.2.92: Transmission Tower (use-specific standards)</li> <li>• Section 4.9.3: TO Thoroughfare Overlay District</li> </ul>	
<b>Complies with Section 3.2.11</b>	<b>(A) Legacy policies:</b>	N/A
	<b>(B) Environmental Ord.</b>	N/A
	<b>(C) Subdivision Regulations</b>	N/A
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	<p>The proposed site plan indicates the proposed tower will be located on an undeveloped portion of a larger farm. The required Type III bufferyard is shown surrounding the compound at the base of the tower. The minimum setback of the proposed tower from any adjacent residential zoning line is the tower height (150 feet in this case), plus an additional 20 feet from any occupied single-family residential structure. The proposed tower location complies with these setback requirements except for the setback from Interstate 40. The proposed tower is set back ± 106 feet from the interstate right-of-way rather than 150 feet. As per UDO Section 5.2.92 D.3, the petitioner has requested Alternative Compliance for this reduced setback. The petitioner has submitted an engineered “fall zone” letter, stating that in the case of a catastrophic event, the tower would fail at the height of the engineered collapse point and fall within the lease entitlement area (see Attachment A).</p> <p>Because the tower lease area does not directly adjoin the Interstate 40 right-of-way, Thoroughfare Overlay District plantings are not required. However, the petitioner has volunteered to install these plantings to improve screening from the roadway.</p>	

	For towers over 120 feet in height where an Elected Body Special Use is required, the petitioner is required to provide photo simulations depicting the tower within its surrounding context (see Attachment B). The petitioner is also required to provide documentation that a neighborhood meeting has been held prior to the hearing before the Elected Body (see Attachment C).
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 – Suburban Neighborhoods
<b>Relevant Legacy 2030 Recommendations</b>	<i>Legacy 2030</i> has no relevant recommendations pertaining to Transmission Towers.
<b>Relevant Area Plan(s)</b>	<i>Southeast Suburban Area Update (2016)</i>
<b>Area Plan Recommendations</b>	The area plan recommends low-density residential uses for the site.
<b>Site Located Along Growth Corridor?</b>	The site is not located along a growth corridor.
<b>Site Located within Activity Center?</b>	The site is not located within an activity center.
<b>Other Applicable Plans and Planning Issues</b>	<p>The City Council shall issue a special use permit only when it makes an affirmative finding as follows (<i>Planning staff comments in italics</i>):</p> <p><b><u>City Council Findings:</u></b></p> <ol style="list-style-type: none"> <li>That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved. <p style="margin-left: 40px;"><i>The proposed use, Transmission Tower, is not a threat to public health or safety.</i></p> </li> <li>That the use meets all required conditions and specifications. <p style="margin-left: 40px;"><i>Yes, provided the Alternative Compliance request is granted, the petition is compliant with all UDO requirements.</i></p> </li> <li>That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, <p style="margin-left: 40px;"><i>Planning staff does not have the expertise to make property value determinations.</i></p> </li> </ol>

	<p>4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with <i>Legacy 2030</i>.</p> <p><i>The site is located within a low-density, large-lot residential setting along an interstate highway. Staff believes the request is generally in keeping with its surroundings. Legacy 2030 has no relevant recommendations pertaining to Transmission Towers.</i></p>
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
With approval of the Alternative Compliance request, the petition meets UDO requirements.	The proposed transmission tower will have some visual impact on the surrounding properties.
All antennas will be housed inside the proposed transmission tower.	
The proposed transmission tower will allow improved cell phone service in the general area.	
No zoning change is requested.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>The following proposed conditions are from interdepartmental review comments and are proposed to meet codes or established standards, or to reduce negative off-site impacts.</p> <ul style="list-style-type: none"> <li>• <b><u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u></b> <ul style="list-style-type: none"> <li>a. Developer shall obtain a driveway permit from the City of Winston-Salem and NCDOT; additional improvements may be required prior to issuance of the driveway permit(s).</li> <li>b. Copies of lease agreements and access easements shall be submitted to the Inspections Division.</li> </ul> </li> <li>• <b><u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u></b> <ul style="list-style-type: none"> <li>a. Developer shall complete all requirements of the driveway permit.</li> </ul> </li> </ul>	

**STAFF RECOMMENDATION: Approval**

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# CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR W-3495 OCTOBER 14, 2021

Desmond Corley presented the staff report.

George Bryan expressed concern that the safety issues that had been debated and addressed through an ordinance amendment regulating Transmission Towers were being undermined. He did not see reason to accommodate this request unless there was overwhelming evidence that the tower could not be moved 50 feet.

Chris Murphy clarified the Planning Board's role in addressing the request for Alternative Compliance. Brenda Smith indicated that she felt comfortable moving forward with this request if a note was made concerning the Alternative Compliance request. Melynda stated that she felt the plan does not comply with the UDO.

Victoria Farmer, 584 Laurel Lane, Lancaster, PA 17601

- I just wanted to point out that the only place we are not meeting setback requirements is up against the I-40 interchange. The fall zone does allow that the collapse-engineered fail point is at 100 feet, and we are more than 100 feet away from the I-40 interchange.
- If the requirement for the Alternative Compliance is not allowed, I can ask if we can move the center of the tower toward the rear of the compound, staying within the leased area as shown on the site plan. I think the question became where would it be more suitable visibly, and I think that moving it more toward the south end was for the benefit of the people who live in that part of the community. It would be less obtrusive to the interstate. I'm just guessing, but I believe that is why they went with that 100 feet off the interstate versus any of the other compass points.

MOTION: Clarence Lambe moved to certify that the site plan meets UDO requirements.

SECOND: Jason Grubbs

VOTE:

FOR: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: George Bryan, Melynda Dunigan

EXCUSED: None

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Chris Murphy, AICP  
Acting Director of Planning and Development Services