

PUTNAM COUNTY PLANNING AND ZONING COMMISSION



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Thursday, May 01, 2014

The Putnam County Planning & Zoning Commission conducted a public hearing on Thursday, May 01, 2014 at 6:30 PM in the new Putnam County Administration Building, 117 Putnam Drive, Room 203.

Present: James Marshall, Jr., Chairman, John Langley, and Alan Oberdeck.

Staff Present: Lisa Jackson, Karen Pennamon and Jonathan Gladden

1. *Call to Order*

Mr. Marshall called the meeting to order.

2. *Attendance*

Mrs. Pennamon called the roll.

Present: James Marshall, Jr., Chairman, John Langley, and Alan Oberdeck

Absent: Yvonne Hardy, and Tommy Brundage

Staff Present: Lisa Jackson, Karen Pennamon, and Jonathan Gladden

3. *Rules of Procedures*

Ms. Jackson read the Rules of Procedures

4. *Approval of Minutes – April 3, 2014*

Motion for approval made by: John Langley

Second by: Alan Oberdeck

Commissioner	YES	NO	ABSTAIN	RECUSE
Langley, John D.	X			
Marshall, James P.	X			
Oberdeck, Alan M.	X			

5. *Request by RETEL Services, agent for New Cingular Wireless, PCS LLC ("AT&T") for a conditional use for a telecommunication tower at 123 Village Lane. Presently zoned C-1. [Map 103, Parcel 003].**

Mrs. Kathy Kelly-Jacobs, Retel Services, agent for New Cingular Wireless, PCS LLC, represented this request. **Mrs. Kelly-Jacobs** stated that AT&T is in the process of trying to add coverage along Highway 44 in Putnam County to add better coverage and service. She said that they have two items on the agenda and one of them they are asking to have tabled until they can have a plat revised and the other they are asking to move forward with. The first site at 123 Village Lane is the one that they are asking to have tabled to the next hearing so that they can have a new survey recorded which basically separates the property from Highway 44. **Mr. Oberdeck** stated that he had visited that site and made a motion to accept the recommendation to table and **Mr. Langley** seconded. **Mr. Adam Nelson, Attorney for Fleming & Nelson LLP** stated that he had explained to the Chairman that this board has three options to vote it up, down or table item. He stated that he is not sure if everyone is aware of the history of where they are with the first proposed location. **Attorney Nelson** stated that there was a difference in some of the plats that were involved with the parcel and currently the parcel does have frontage on State Route 44 which would not be in accordance with the provisions for the conditional use for a cell phone tower under Section 58-5. He said that obviously allowing the table would keep the application before the board and that the facts may change considering on what actions the land owner takes between now and whenever the next opportunity to hear it would be. **Mrs. Kelly-Jacobs** stated that when they had applied for this originally they had to go back and re-record plats on the request of the Planning Commission which they did. She stated that originally, this plat was not fronting on Highway 44, it had a lot of subdivisions and smaller lots that were divided up in it, so they had to ask the land owner to eliminate the smaller lots so they would have the square footage that was needed in order to meet the ordinance. **Mrs. Kelly-Jacobs** stated that they had a plat from 2008 that was never recorded and when it was recorded, they realized that they had combined the property on that plat. She stated that the landowner has agreed to separate the properties again and re-record the plat as requested so that it would meet the ordinance. **Mrs. Kelly-Jacobs** said that this was in the process and should be completed next week. **Ms. Jackson** read the staff recommendation and stated that it was for denial based on the fact that the property does currently touch Highway 44 within the protected corridor of Highway 44. She stated that it would be her recommendation that they deny it and they resubmit the application when they have the plats resurveyed. **Mr. Marshall** asked about the implications involved if it was denied and if the applicant would have to complete the application process again, make an addition payment, and conduct another balloon test. **Attorney Nelson**, responded yes and said that he believes there is a period of time that would have to pass between the applications and explained that they would have to resubmit the applications as well. **Mrs. Kelly-Jacobs** commented that it was six months so that is why they are asking to have it tabled. **Ms. Jackson** stated that they could also withdraw it, as the Planning & Zoning Commission has done in the past, they have allowed the applicants to withdraw without prejudice. **Mrs. Kelly-Jacobs** stated that they would rather request a tabling so they could pursue it at the next hearing because they will have it corrected by next week. **Attorney Nelson** stated that he should have pointed out the options this body can take and obviously, Retel Services, the applicant, has options also. He stated that they have the ability to pull it back if they wanted to like Ms. Jackson spoke of or they can obviously ask this board to take action. **Attorney Nelson** stated that how this board acts may impact how Retel Services will act, vice-versa. **Mr. Marshall** stated that his understanding of the history of the application was that the application met all of the requirements until they discovered that the plat had not been recorded. **Ms. Jackson** stated that

the plat is recorded but the property abuts Highway 44 within the protected corridor. **Mrs. Kelly-Jacobs** stated that the original plat did not abut Highway 44 and they had made a subdivision out of it. She added that they could not meet their setbacks on one piece of property. When they asked the owner to re-record the plat they actually had one from 2008 that had never been recorded and recorded it showing it combined as one property. Now they are just going back and keep it as two pieces of property. **Attorney Nelson**, stated that he believed that the landowner, CFRG, owned a parcel that adjoined the original subdivision and abuts State Route 44. He said that when the plat was filed the lot sizes in the subdivision were not large enough for the placement of a tower. The applicants had also included a parcel that they owned when combining it. **Mr. Marshall** commented that it was the piece that abuts Highway 44. **Mr. Langley** stated that he thinks it is a wise decision to hear it at the next scheduled meeting. No one signed in to speak in objection to this request.

The proposed location for the above tower falls within the protected corridor on S.R.44 which only allows monopole towers at 100 feet or less in height as specifically stated under Section 58-5; towers are not permitted on "properties that are located on county roads Old Phoenix Road (within one mile of S.R. 44), Harmony Road (within one mile of S.R. 44), S.R. 44 (two miles south of intersection of Harmony and Old Phoenix Roads north to the Greene County line unless the tower is a monopole (100 feet or less in height) at least 200 feet from the roadway and separated from other towers at least 1,200 feet in all directions". Therefore, staff recommendation is for denial.

Motion made to table by: Alan M. Oberdeck
 Second by: John D. Langley

Commissioner	YES	NO	ABSTAIN	RECUSE
Langley, John D.	X			
Marshall, James P.	X			
Oberdeck, Alan M.	X			

6. Request by RETEL Services, agent for New Cingular Wireless, PCS LLC ("AT&T") for a conditional use for a telecommunication tower at 317 Greensboro Road, N.E. Presently zoned AG-1. [Map 075, Parcel 022]*

Mrs. Kathy Kelly-Jacobs, Retel Services, agent for New Cingular Wireless, PCS LLC, represented this request. **Mrs. Kelly-Jacobs** stated that the homeowners, Frank and Linda Bandel, were present. She stated that this request is for a cell tower site off of Greensboro Road and they are looking to build a 250 ft. self-support tower. **Mrs. Kelly-Jacobs** stated that she believes they meet all the Putnam County Ordinance recommendations, setbacks and so forth. Staff recommendation is for approval with the condition that, as stated in Section 58-6-15 of the Putnam County Telecommunication Ordinance, "The county shall be afforded the vertical real estate opportunity to place public safety radio equipment on the tower and the necessary ground real estate for all applicable supporting infrastructure at no charge (except for reinforcing the existing tower design)." **Mrs. Kelly-Jacobs** stated that this would not be a problem because typically the tower people building it will work out where on the tower they need to be and that can be written into the plan. No one signed in to speak in objection to this request.

Staff recommendation is for approval with the condition that, as stated in Section 58-6-15 of the Putnam County Telecommunication Ordinance, “The county shall be afforded the vertical real estate opportunity to place public safety radio equipment on the tower and the necessary ground real estate for all applicable supporting infrastructure at no charge (except for reinforcing the existing tower design).”

Motion for approval with conditions made by: Alan M. Oberdeck
Second by: John D. Langley

Commissioner	YES	NO	ABSTAIN	RECUSE
Langley, John D.	x			
Marshall, James P.	x			
Oberdeck, Alan M.	x			

7. *Adjournment*

ATTEST:

James Marshall
Chairman

Lisa Jackson
P&D Director