



**AGENDA**

**Thursday, June 20, 2024: 6:00 PM**

**Planning Board**

**Douglass Community Center: 1185 W. Pennsylvania Ave**

**1. CALL TO ORDER**

**2. APPROVAL OF MINUTES**

**3. PUBLIC HEARING**

**a. Z-01-24 Proposed Zoning Map Amendment**

**4. UNFINISHED BUSINESS**

**5. NEW BUSINESS**

**6. PUBLIC COMMENTS**

**7. ADJOURNMENT**

## Agenda Item

**To:** Planning Board

**Via:** BJ Grieve, Planning Director

**From:** Alaina Mallette, Senior Planner

**Subject:** Z-01-24: Request to amend conditions on an existing General Business Conditional Zoning District located at 7672 Highway 22 (4.24 acres est. by file #Z-05-04) to Permit a 156-foot telecommunications tower

**Date:** June 20, 2024

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### I. SUMMARY OF APPLICATION REQUEST

Marc Tucker of Fox Rothschild, LLP, has submitted a request on behalf of Sullivan Property, LLC, to amend conditions on an existing General Business Conditional Zoning District permitted under rezoning file #Z-05-04 to allow a 156-foot telecommunications tower on 10,000 square feet of the property. The proposed tower is intended to broaden wireless cellular service coverage in the area. The application includes a narrative, site layout plan, tower illustration, and additional technical documentation. The subject parcel is identified as PIN 857404921656 (PARID 35333) and located on the Highway 22 between both entrances of Waynor Road.

### II. PROJECT INFORMATION

<b>A. Physical Address</b> 7672 Highway 22 Carthage, NC 28387 Parcel ID: 00035333 (PIN 857404921656)	<b>B. Property Owner</b> Sullivan Property, LLC 9050 Spanish Wells Court, Fort Mills, SC 29708	<b>C. Applicant</b> TowerCo 2013, LLC 5000 Valleystone Drive, Suite 200 Cary, NC 27519
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#### D. Existing Zoning

The subject property is currently zoned General Business Conditional Zoning District (see F. Prior Development Approval on the Property below for more information). It is within the Extra-Territorial Jurisdiction, the Urban Transition Highway Corridor Overlay District, and the Watershed Protection Overlay District (specifically, the Protected Area). Protected area standards for this parcel include a maximum built-upon area of 24% considering that the build-upon surface area appears to be approx. 0.64 acres, according to Planning staff's calculations (i.e., tower's leased area, access easement, and existing improvements as described in Moore County Property Records Search).

**E. 2040 Comprehensive Plan Designation for General Framework, Conservation and Development, and Character Districts**

*General Framework*

Generally, the parcel is located in an Area to Preserve, which is meant to safeguard rural and environmentally-sensitive lands; link residents with parks, recreation facilities, and nature; and protect open space, natural areas, and rural viewsheds in the community.

*Conservation and Development/Character District*

The proposed development is located in the Rural Living character district and conservation and development area, which the comprehensive plan states “are characterized by large lots, low-development intensities, and a high degree of separation between buildings.” Building types anticipated to be in a Rural Living Character District include institutional land uses like churches and schools. The building placement and frontage are intended to prioritize preservation, separated uses with 1- to 2-story maximum building height.

Lots should generally be large with large front, rear, and side setbacks providing a high degree of separation between buildings on adjacent lots. Small nodes of commercial activity are considered appropriate, sporadically, if the design and character reinforce the surrounding rural landscape and are unique, but complementary to the town's culture, history, and traditions. Future development in rural living areas should be sensitive to existing natural resources including tree stands. Mass grading or tree clearing should be avoided in rural areas.

**F. Prior Development Approval on the Property**

*Z-05-04 Elizabeth Lyerly (Attachment 6)*

In 2004, application of Z-05-04 rezoning from Rural Residential to GB-CD included the following conditions for the district.

- Permitted use restricted to veterinarian clinic with no outside kennels (i.e., current LBCS 2418 veterinary services);
- 6’ chain-link fence shall enclose outdoor pet relief and exercise areas;
- A buffer of wax myrtle bushes for screening land use shall be provided;
- Animal use of outdoor exercise area is limited to daylight hours; and
- No more than four animals can be outside at once.



**III. STAFF REVIEW**

**1. Application Review Dates**

- Application Submitted: **January 17, 2024**
- Application Complete: **January 23, 2024**
- Administrative Continuance Requested: **February 22, 2024**
- Additional Materials Submitted: **June 10, 2024**
- Planning Board Public Hearing Notice
  - Publication: **June 5 and June 12, 2024**
  - Mail: **May 31, 2024**
  - Signage: **May 30, 2024**
  - Internet: **May 29, 2024**
- Planning Board Regular Meeting: **June 20, 2024**

**2. Staff Consistency Evaluation Based on Criteria for the Rezoning of Subject Parcel for Zoning Map Amendment Review per UDO § 2.17.9**

When reviewing an application for zoning, the hearing bodies (Planning Board and Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.9 and outlined below. Furthermore, additional standards are expected of a conditional zoning district—a reclassification of property subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties—such as the one being proposed by the applicant. Conditional zoning is voluntary.

*(A) Consistency. Rezoning shall be consistent with the adopted Comprehensive Plan.*

Staff did a word search of the 2040 Comprehensive Plan for “internet,” “broadband,” “cell,” “coverage,” “communication,” and “tower” and no language returned that addressed the community’s view on towers. The applicant’s narrative argues that their proposed rezoning supports economic goals by providing opportunities to expand reliable wireless coverage, internet access, and digital capabilities (see Table 1 below). The applicant’s narrative also states that “The proposed Tower is a low impact use, as it is an unmanned facility that is not open to the public.” Lastly, the applicant argues that the proposed amendment supports the 2040 Comprehensive Plan Policy 2.4, 4.10, 6.1, 6.4, 6.6, 7.1, 9.3, 9.4, and 9.7.

Planning staff agree that towers are a lower-impact commercial use than most commercial land uses and that wireless and internet coverage are essential to modern life. Planning also agrees the 2040 Comprehensive Plan Policy 6.6 that calls for the Town to look for opportunities to use smart city technology to improve efficiency and the effectiveness of capital projects could benefit from more communications towers. Lastly, Planning agrees that the proposed rezoning could address aspects of 2040 Comprehensive Plan Policy 9.3, which aims to support local businesses and entrepreneurship in the community.

Planning staff have not identified any inconsistencies with the 2040 Comprehensive Plan.

**Table 1. Applicant's Coverage Maps**

Applicant's Map of AT&T Coverage without the Proposed Tower	Applicant's Map of AT&T Coverage with the Proposed Tower



*(B) Adverse Impacts on Neighboring Lands. The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.*

The applicant has submitted letters and studies addressing potential safety-related concerns (executive summaries, letters, and conclusions included in Attachment 5). Sabre Industries checked for compliance with telecommunications industry standards for towers and antennas and stated “it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.” They continue that in a worst-case scenario, “... the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft [which would] result in the portion of the monopole above leaning over and remaining in a permanently deformed condition.” The letter ends by saying that in this worst-case scenario, the monopole would have a fall radius “less than or equal to 50’.”

AT&T states that the monopole and associated antenna and equipment will comply with the Federal Communications Commission’s rules for acceptable human exposure to radiofrequency interference. They further state that the equipment will not interfere with emergency communications, radio, or television reception in the vicinity, and if an issue arises, they will take steps to current the reported interference. The Federal Aviation Administration concluded in their study that the monopole would not exceed obstruction standards, thus would not be a hazard to air navigation.

A viewshed analysis was conducted and provided showing the proposed tower visible from several residential properties in the vicinity. Regarding potential concerns of impact to property values, MPB Real Estate, LLC conducted a real estate impact study, which was not an appraisal, but was designed to follow Uniform Standards of Professional Appraisal Practice and their associated code of ethics. They state, "Given the existing external influences for the neighborhood, the proposed development will not injure the use and enjoyment of properties in the area. The market provides no evidence that the special use will impede the orderly development along the NC 22 corridor. Based on the quantitative and qualitative analysis provided, the proposed special use will not substantially diminish or impair the property values in the area."

Lastly, MartinEnviro concluded that there were not site conditions that would trigger a more in-depth environmental assessment consistent with the National Environmental Policy Act, based on historical and regulatory records, wetland maps, floodplain maps, reconnaissance of the site and surrounding areas, and consultations with appropriate agencies.

Considering the supplemental materials provided by the applicant, Planning staff did not find any adverse impacts on neighboring lands that were not appropriately addressed in the provided materials.

*(C) Suitability as Presently Zoned. The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.*

As presently zoned, only one land use is permitted on the parcel: veterinary services. Considering the need for reliable broadband for both public and business use, the proposed communications tower would be suitable on the parcel in question. The location in the rear yard of the parcel and the retention of existing mature pines surrounding the leased area make the proposed change more suitable to the area, as well. No unsuitable factors have been identified by Planning staff.

*(D) Health, Safety, and Welfare. The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*

See ***Adverse Impacts on Neighboring Lands*** above for comments on application materials submitted relating to safety aspects of the monopole. Considering these materials, no health, safety, or welfare concern has been identified. Staff has not

identified any additional concerns based on a site visit and routine analysis of the subject parcel and surrounding area. There are no historic or archeological sites on the subject property to the applicant's and Planning staff's knowledge.

(E) **Public Policy.** *Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.*

See comments under **Consistency**. The proposed monopole does not appear to be in direct conflict with any stated public policies, especially considering the changes to the UDO to reduce monopole setbacks from residential districts (file #OA-02-24).

(F) **Size of Tract.** *The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*

The rezoning is for a 10,000 square foot leased portion of the 4.24-acre parcel. There has been a 3.4% population growth between 2020 and 2022, according to the 2040 Comprehensive Plan that cites the Triangle Business Journal (2023). Therefore, presumably, there is a larger demand for reliable broadband and cellular services. The size of tract appears to be appropriate for the proposed use.

(G) **Other Factors.** *The Hearing Body may consider any other factors relevant to a rezoning application under state law.*

(H) **Applicant Representations.** *Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

The rezoning request is for a conditional zoning district to add an additional permitted use for a telecommunications tower taller than 50 feet (i.e., LBCS 4233b) as depicted in the attached site plan (see Attachment 4). Therefore, the Planning Board may review and consider the applicant's representations.

### 3. Outside Agency Comments

A request for comments was emailed to agencies on May 29, 2024. Agencies notified include Town of Southern Pines Streets, Public Works, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), United States Fish and Wildlife Services (US FWS), the Moore County Airport, and the North Carolina Department of Transportation (NCDOT). The only comment received (as of the writing of this staff report) was from RLUAC stating that Fort Liberty aviation officials had issues accessing the plans, but were able to and are in the process of analyzing operational impacts based on the monopole height and location. If any additional comments come in prior to the public hearing, they will be presented by Planning staff during the public hearing.

### 4. Staff Comments and Recommendation

Approval of a conditional zoning district approves a specific use with reasonable conditions that mitigate the negative impacts of the proposed development and ensure compatibility with the surrounding area. Only conditions approved by the Town Council and consented to by the petitioner in writing may be incorporated into the conditional zoning district. If the applicant ever wishes to change an approved condition, they must follow the same rezoning procedure required to amend the official zoning map unless considered a minor change per UDO §2.17.11(K).

Planning staff recommend that the hearing bodies approve the amended conditions on the General Business Conditional Zoning District under file #Z-05-04 for Parcel ID 00035333 to include:

- **Condition 1 (Proposed).** Permitted uses are restricted to veterinarian clinic with no outside kennels (i.e., LBCS 2418 veterinary services) and wireless telecommunications towers and antennas taller than 50 feet (i.e., LBCS 4233b) as depicted on site plans submitted with files #Z-05-04 and #Z-01-24;
- **Condition 2 (Existing).** For the veterinary services land use:
  - 6' chain-link fence shall enclose outdoor pet relief and exercise areas;
  - A buffer of wax myrtle bushes for screening land use shall be provided;
  - Animal use of outdoor exercise area is limited to daylight hours; and
  - No more than four animals can be outside at once.

## IV. ATTACHMENTS

The following materials are provided as attachments to this staff memorandum:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. Zoning Map Amendment Application
3. Narrative for Proposed Amendment and Supplemental Supporting Materials
4. Proposed Site Layout
5. Safety-Related Letters Provided by Applicant
6. Z-05-04 Prior Development Approval for GB-CD

*Additional documents related to this application including (but not limited to) property deeds, Authorization of Agent forms, email correspondence, meeting minutes and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available for public inspections during normal business hours.*

## **V. PLANNING BOARD ACTION**

*The Planning Board shall consider the criteria for zoning map amendments found in UDO §2.17.9, including consistency with the 2040 Comprehensive Plan. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed map amendment by the Town Council, the Planning Board shall advise and comment on whether the proposed amendments are consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendments by the Town Council.*

To assist the Planning Board in performing this task, town staff have prepared the following draft motions for the Planning Board's consideration, possible modification as necessary, and adoption.

\* \* \*

**I move that after reviewing the proposed map amendments to the Town of Southern Pines Zoning Map and after considering the criteria for approval of map amendments found in UDO §2.17.9:**

- 1. The proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-01-24;**
2. The proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-01-24 as revised by the Planning Board;
3. The proposed amendments are inconsistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-01-24 as revised by the Planning Board;

I further move that the following other matters were considered by the Planning Board and shall be added to Attachment 1 by Planning staff as part of the Planning Board's written recommendation to the Town Council:

**And, therefore, I move to:**

- 1. Recommend approval of Z-01-24 to the Town Council with the following amended condition on the General Business conditional zoning district approved under file #Z-05-04, as consented to by the applicant:**

**Condition 1. Permitted uses are restricted to veterinarian clinic with no outside kennels (i.e., LBCS 2418 veterinary services) and wireless telecommunications towers and antennas taller than 50 feet (i.e., LBCS 4233b) as depicted on site plans submitted with files #Z-05-04 and #Z-01-24, respectively.**

- 2. Recommend denial of Z-01-24 to the Town Council**

*Note that the effect of Town Council approval of a conditional zoning district and all conditions that have been attached to the approval are binding on the property as an amendment to the Zoning Map. All subsequent Development and use of the property shall be in accordance with the standards for the approved Conditional Zoning district; the approved petition and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and Site Plan shall be allowed on the subject property. Any Development in the district shall comply with all provisions of and conditions to the approved petition and Site Plan. Any uses and structures on the subject property also shall comply with all standards and requirements for Development in the underlying general zoning district. Lastly, minor changes in the detail of the approved petition or Site Plan that do not involve a change in uses permitted or the density of overall Development permitted and that will not alter the basic relationship of the proposed Development to surrounding properties or the standards.*



**PLANNING BOARD  
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION  
FOR ZONING MAP AMENDMENT APPLICATION  
FOR A CONDITIONAL ZONING DISTRICT  
Z-01-24**

**WHEREAS**, Section 160D-701 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to protect the public health, safety and general welfare; and

**WHEREAS**, Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted comprehensive plan and on other matters as deemed appropriate by the Planning Board, and that the Planning Board shall provide this in the form of a written recommendation to the Town Council; and

**WHEREAS**, the Planning Board has reviewed the proposed zoning map amendment—which includes the written staff report, application materials, documentation, and maps showing the proposed district boundaries—and has conducted a public hearing on June 20, 2024, to listen to public comments, ask questions of the Town’s planning staff, and consider zoning map amendment application #Z-01-24.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Board finds and recommends to the Town Council that the proposed amendment to the Town of Southern Pines Zoning Map (i.e., amendment to an existing General Business conditional zoning district under file #Z-05-04) is reasonable, in the public interest, and consistent with the current character of the Waynor Road neighborhood and the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The Planning Board recommends that the Town Council approve the zoning map amendment request for the subject property located on the west side of Highway 22 between both entrances of Waynor Road in the Extraterritorial Jurisdiction (ETJ) of the Town of Southern Pines. The proposed zoning amendment is consistent with the Town of Southern Pines 2040 Comprehensive Plan considering that the request is consistent with Policy 6.6 and Policy 9.3, which call for opportunities to use smart city technology to improve efficiency and the effectiveness of projects and opportunities to support local businesses and entrepreneurship in the community, respectively.

The proposed monopoly is consistent with the intent of the Area to Preserve General Framework Map and the Rural Living Conservation and Development Map as well as the Character District Map. The proposed conditional zoning district will retain existing natural resources buffering the tower’s leased area from adjacent properties. Lastly, considering the supplemental materials

provided by the applicant, the Planning Board did not find any adverse impacts on neighboring lands or on general health, safety, and welfare that were not appropriately addressed in the provided materials.

The Planning Board recommends the Town Council adopt this zoning amendment (i.e., #Z-01-24), which amends the conditions on the existing General Business conditional zoning district (i.e., #Z-05-04) with the following voluntary condition.

- 1) Condition 1. Permitted uses are restricted to veterinarian clinic with no outside kennels (i.e., LBCS 2418 veterinary services) and wireless telecommunications towers and antennas taller than 50 feet (i.e., LBCS 4233b) as depicted on site plans submitted with files #Z-05-04 and #Z-01-24, respectively.

**ADOPTED** this the 20<sup>th</sup> day of June, 2024.

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Diane T. Westbrook, Chairwoman

**ATTEST:**

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Cindy Williams  
Secretary to the Planning Board



# Zoning Map Amendment Application

Fee: \$1,500.00      Date Received: \_\_\_\_\_      Case No.: Z-\_\_\_\_-\_\_\_\_

**Project Information:**

Street Address: 7672 Hwy. 22, Carthage, NC 28327

PIN: 857404921656      Parcel ID: 00035333

Leased  
Site Size: 10,000 square feet      Zoning: GB-CD

Subject Parcel is 4.24 acres

**Applicant:**

Name(s): TowerCo. 2013 LLC

Email: dhockey@towerco.com      Phone: 843-452-6242 (Mobile)  
919-653-5746 (office)

Mailing Address: 5000 Valleystone Drive, Suite 200, Cary, NC 27519

**Authorized Agent, if different from Applicant:**

Name(s): Marc C. Tucker

Email: MTucker@Foxrothschild.com      Phone: 919-755-8713

Mailing Address: Fox Rothschild LLP, 434 Fayetteville Street, Suite 2800, Raleigh, NC 27601-2943

**Legal Property Owner(s), if different from Applicant:**

Name(s): Sullivan Property LLC

Email: vetbeth1951@gmail.com      Phone: 910-690-2111

Mailing Address: 9050 Spanish Wells Court, Fort Mills, SC 29708

8-27-21

**TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:**

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a zoning map amendment as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the east side of Hwy. 22 (St./Ave.), between Hwy. 22 (St./Ave.) and Waynor Road (St./Ave.). The property has a frontage of 1,000 feet and a depth of approx. 200 feet.

The zoning map amendment sought is based upon Section(s) 2.17 of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:  
To Amend the conditions of the GB Zoning District to allow for a 156-foot monopole wireless telecommunications tower and facility to be constructed within a 10,000 square foot leased area of the 4.24-acre parcel by TowerCo in order to provide contiguous wireless coverage to first responders, mobile traffic,

residences, businesses, and visitors in the surrounding area of the Town of Southern Pines and Hwy. 22.

Date:

12/27/23

  
\_\_\_\_\_  
Applicant

TowerCo 2013 LLC

By: David Hockey

Director of Mid-South Business Development

**PLANNING DEPARTMENT**  
**TOWN OF SOUTHERN PINES**  
[plan@southernpines.net](mailto:plan@southernpines.net) (910) 692-4003 [www.southernpines.net](http://www.southernpines.net)

**APPOINTMENT OF AGENT**

The undersigned owner(s), Sullivan Property LLC, hereby appoint(s) Marc C. Tucker as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Zoning Map Amendment for a rezoning of the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for a Zoning Map Amendment for a rezoning of the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Zoning Map Amendment under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 10th day of January, 2024

Sullivan Property LLC  
Property Owner

David Hockey  
On Behalf of Property Owner  
By: David Hockey  
Director of TowerCo 2013 LLC  
Mid-South Business Development

Marc C. Tucker  
Agent

Marc C. Tucker  
Fox Rothschild LLP

STATE OF NORTH CAROLINA		BEFORE THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL
TOWN OF SOUTHERN PINES		
IN REGARD TO TOWERCO 2013,	)	PROJECT NARRATIVE AND
LLC’S ZONING MAP AMENDMENT	)	STATEMENT OF COMPLIANCE
OF SULLIVANS PROPERTY, LLC,	)	WITH THE TOWN OF SOUTHERN
PARCEL I.D. 857404921656,	)	PINES UNIFIED DEVELOPMENT
CONDITIONAL ZONING DISTRICT	)	ORDINANCE
GB CD	)	

**I.  
STATEMENT OF APPLICATION**

TowerCo 2013, LLC (“TowerCo” or “Applicant”), pursuant to the requirements set forth in the Town of Southern Pines Unified Development Ordinance (“UDO”), files this Conditional Zoning Application seeking approval to amend the existing conditional zoning placed on the subject property in 2004 in order for TowerCo to construct a 155-foot monopole wireless communications antenna support structure (the “Tower”) with a one-foot lightning rod (156 feet to the top of the highest appurtenance) and facility so that AT&T Mobility (“AT&T”), First Responder Network Authority (“FirstNet”), and other wireless providers may attach their antennas and equipment to the tower to improve their wireless telecommunications services and coverage to the residents, first responders, businesses, travelers, and visitors of, to and through the Town of Southern Pines (“Southern Pines”) and surrounding area under their licenses issued by the Federal Communications Commission (“FCC”).

**II.  
BACKGROUND**

Modern wireless communications include far more than cellular and digital phone networks. Today, wireless communications include a great number of services, such as voice, advanced messaging, data, real-time information (news, weather, sports, etc.), photographs, video, entertainment, and connections to social media. The number of services that are available continues to increase.

The convenience, safety and efficiency benefits—as well as the “connectedness” with the world—achieved through digital devices has created a tremendous demand for these and other burgeoning services. It is clear that wireless infrastructure is needed to serve a growing population of wireless customers, especially since roughly one of five traditional U.S. landline phone users has switched to “wireless-only.” Today, more than 247 billion emails and 90 billion “tweets” are sent each day, and it is projected that video-over-instant messaging and video calling will increase sevenfold in the next few years. Individuals and households are not the only ones who are going wireless. Businesses increasingly depend on wireless service to conduct their business, and more people are working remotely from their homes and away from their businesses’ physical locations. For example, more than three times as many small

businesses today strongly agree that wireless technology is key to staying competitive—49 percent versus 16 percent in 2007.

The FCC has designated and auctioned a limited number of radio spectra for wireless communication providers to deliver wireless communications services across the United States. (See Tab 8 for AT&T Licenses for the coverage area) AT&T holds one of those licenses. Increasingly, AT&T and other wireless communication licensees are competing with existing telecommunication services and each other, giving consumers more flexibility and lower prices, and fueling innovation and technological improvements.

The FCC’s grant of wireless licenses comes with a mandate that the licensees substantially complete construction of their respective communication systems expeditiously. To complete their systems, licensees must develop an infrastructure or system of strategically placed, low-powered antennas. The signal for the antennas is limited by factors such as variations of the terrain and the finite capacity of signals at any given time; therefore, each antenna covers a limited geographic area. The antennas are therefore placed in such a way as to provide contiguous coverage and fill the gaps throughout a given region, as well as to provide sufficient and consistent “capacity.”

In addition, in 2017, the Department of Commerce and FirstNet signed a 25-year contract with AT&T to build the first nationwide wireless network for America’s first responders. The FirstNet network is planned to cover all 50 states, five U.S. territories, the District of Columbia, rural communities, and tribal lands. The proposed structure will be utilized by AT&T to support the deployment of FirstNet and its existing wireless needs. The deployment of FirstNet will be “an absolute game changer for public safety.” For further information about the FirstNet deployment, please refer to the FirstNet documentation provided with this application or online at <https://www.firstnet.gov>. (See Tab 7)

### **III. PROJECT DESCRIPTION**

To fill a significant gap in wireless telecommunications coverage in and around the Town of Southern Pines (“Town” or “Southern Pines”), Applicant respectfully requests that an amendment to the Conditional Zoning for the property of Sullivan Property, LLC (“Sullivan”) so that it may develop a 155-foot monopole and wireless telecommunications facility compound to be located on the Sullivan property within a 100 X 100-square foot leased area (10,000 square feet) of the 4.24-acre parcel. The Sullivan property is located in a GB CD zoned area of Southern Pines (Parcel Identification Number 857404921656). Telecommunication towers are permitted as a special use in the General Business district.

As shown on the Overall Parcel Plan, Sheet C1 of the construction drawings, the proposed 155-foot tower will be set back approximately 152 feet from the property to the west zoned RR, 112 feet from the property to the north zoned RR, 838 feet from NC Hwy 22 to the east and 898 feet from the closest property to the east zoned RS, and 69 feet from the property to the south zoned PD. (See Tab 6)

The site will be accessed by a proposed 30-foot wide access, fiber and utility easement off NC Highway 22 utilizing the existing driveway to the parent parcel. The Tower and wireless telecommunications facility compound will have room to accommodate the antennas and equipment of AT&T and three additional wireless service providers within the 50' X 50' fenced-in area. The Tower compound will be secured by a six-foot high chain link fence, with an additional foot of barbed wire (three strands) around the top of the perimeter of the fenced compound, as shown in Sheet C3 of the construction drawings.

The Tower will comply with all Federal Aviation Administration (“FAA”) regulations, federal, state, and local regulations, and all applicable regulations of the County’s Ordinance. In short, this site is an ideal location for a wireless telecommunications facility to provide wireless telecommunications services and FirstNet’s services to this area of Southern Pines.

#### **IV. STATEMENT OF NECESSITY**

The voice and data signals for mobile wireless telecommunications systems travel through the air to receiving and transmitting antennas. The antennas must therefore be at a height sufficient to provide coverage for users in the surrounding area. In unserved areas (or where the antennas’ capacity has been reached), calls are “dropped” when a caller enters such areas and calls cannot be made. Where such gaps in coverage exist, the wireless provider issues a “search ring” within which well-placed antennas would fill the gap. Considerations in selecting a site include the size of the tract of land, zoning requirements, elevation, topography, accessibility, natural visual buffers, and proximity to current and prospective users. In selecting the proposed site, Applicant considered the Ordinance’s objectives in conjunction with the area where service is needed and determined that attaching its antennas to a tower at the proposed site would provide needed coverage for AT&T, other providers, and FirstNet. AT&T has contracted with TowerCo for the construction of the Tower subject to approval from Southern Pines to do so.

The proposed Tower will enhance coverage to first responders, mobile traffic, residences, businesses, and visitors along NC Highway 22 and in the surrounding area of Town.

#### **V. AUTHORIZED AGENT**

The property owner, Sullivan, entered into a Lease Agreement (the “Agreement”) on June 1, 2022, with TowerCo to allow TowerCo to lease a 10,000 square foot area of the property (Parcel No. 857404921656) to construct a monopole tower and wireless compound facility within the lease area. An executed copy of the Agreement is herewith provided in support of this application. Specifically, Section 26(j) of the lease agreement provides: *“Lessor hereby irrevocably appoints Lessee or Lessee’s agent as Lessor’s agent to file applications on behalf of Lessor with federal, state and local governmental authorities which applications relate to Lessee’s Intended Use of the Premises including but not limited to land use and zoning applications.”* (See Tab 5)

Marc C. Tucker (“Tucker”) with Fox Rothschild, LLP has been retained by TowerCo to assist with the Town of Southern Pines (“Town”) rezoning and permitting process. Tucker is also the Authorized Agent designated by Sullivan via the executed Appointment of Agent filed in support of this application. As Authorized Agent, Tucker has authority to act on behalf TowerCo and Sullivan to 1) submit the application and required supplemental materials; 2) appear at public meetings and give representation and provide comments on behalf of the Applicant and Property Owner; 3) accept conditions or recommendations made by the Town Planning Board and Town Council for the Zoning Map Amendment; 4) act on behalf of the Applicant and Property Owner without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a zoning map amendment under the Town’s UDO. (See Tab 1)

At all times, TowerCo, AT&T, Sullivan and their respective agents will cooperate with the Town in every way possible in planning, permitting, construction, maintenance, and operation of the proposed Tower.

**VI.  
STATEMENT OF COMPLIANCE  
WITH THE TOWN OF SOUTHERN PINES  
UNIFIED DEVELOPMENT ORDINANCE**

Applicant respectfully requests that the Town of Southern Pines Planning Board recommend approval of Applicant’s Application for amendment of the Conditional Zoning and that the Town Council approve the Application. The Application meets all requirements of the Ordinance.

**Section 2.17 UDO Text/Map Amendments (Rezoning)**

Subpart B of Section 2.17 requires that a conditional zoning district zoning request shall be made in accordance with the provisions of this UDO.

*Acknowledged.*

**Section 2.17.9 – Criteria for Zoning Map Amendments**

In its review of an application for a Zoning Map amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

(A) **Consistency.** Rezoning shall be consistent with the adopted Comprehensive Plan.

*The Zoning Map amendment that is being requested will be in compliance with the 2040 Comprehensive Plan as adopted on September 12, 2023 as discussed in greater detail below.*

- *The proposed Tower will further the Town’s commitment to its vision statement and guiding principles presented in the 2040 Comprehensive Plan and its intent and guiding principles to protect the health, safety, welfare, and prosperity of the community.*

*The proposed Tower will improve the public health, safety, welfare and prosperity of the residents, businesses, and travelers in and through the area by providing improved telecommunications coverage in the surrounding area of Southern Pines and by allowing FirstNet to provide services to the first responders.*

*The proposed Tower will provide essential community facilities and services to all residents and the business community through the provision of reliable wireless communication services that contribute to the economic vitality and development of the surrounding community. Most people prefer to live and work where wireless coverage and internet and digital capabilities are available. Wireless communications provide a variety of services including voice, advanced messaging, data, real-time information (news, weather, sports, etc.), photographs, video, entertainment, and connections to social media. Such services create a vibrant environment to prospective families/residential communities and businesses, in particular small businesses, all of which contributes to the long-term economic development and financial stability of Southern Pines.*

*The proposed Tower is a special use in the GB CD district and will be in harmony with the surrounding area and will have minimal impact on adjacent properties and uses. The proposed Tower is a low impact use, as it is an unmanned facility that is not open to the public. The proposed Tower is sited on the parcel in order to have the least visibility possible. It will not generate any odor or noise. The proposed Tower will not generate additional traffic or be of any significant impact to the nearby public roadway. Accordingly, the proposed Tower will fit in well with the area and will preserve the character and quality of the existing neighborhood. Furthermore, the proposed Tower, by virtue of its minimal impact on the surrounding area, will preserve the natural environment of the surrounding community.*

- ***The proposed Tower is consistent with the big picture ideas and growth concepts presented in the General Framework Map.***

*The proposed Tower will be located in the Areas to Preserve of the General Framework Map and will preserve the existing and rural nature of the surrounding community. As discussed above, the proposed Tower is a low impact use, it is an unmanned facility that is not open to the public. The proposed Tower is sited on the parcel in order to have the least visibility possible. It will not generate any odor or noise. The proposed Tower will not generate additional traffic or be of any significant impact to the nearby public roadway. Accordingly, by virtue of its minimal impact on the surrounding area, the proposed Tower will preserve the character and natural environment of the surrounding community.*

- ***The Proposed Tower is consistent with the future land use category in the Conservation and Development Map.***

*The proposed Tower will be located in the Rural Living Area of the Conservation and Development Map and, as discussed above, will be protective of the existing and surrounding community, will promote economic development, and will enhance the quality of life for individuals in the area. More specifically, as part of the Rural Living Area, the proposed Tower is a small-scale low impact commercial use. The proposed Tower will not necessitate mass grading and seeks to preserve the surrounding trees and natural environment. The proposed Tower is sited on the parcel in order to have the least visibility possible, in part, by utilizing the surrounding environment as a natural barrier.*

- ***The proposed Tower complies with the intent of the specific character district where the Proposed Tower is to be located.***

*The proposed Tower will be located in the Rural Living of the Character District Map. The proposed Tower is a small-scale low impact commercial use that seeks to preserve the surrounding trees and natural environment and will be sited on the parcel in order to have the least visibility possible thereby maintaining the character and natural landscape of the surrounding area.*

- ***The proposed Tower takes into consideration the board's recommendations and system maps presented for supporting infrastructure in Chapter 3 of the 2040 Comprehensive Plan and incorporates features or facilities presented on the maps as a component of the proposed rezoning condition.***

*The proposed Tower will provide essential community facilities and services to all residents and the business community through the provision of reliable wireless communication services that contribute to the economic vitality and development of the surrounding community. Most people prefer to live and work where wireless coverage, internet, and digital capabilities are available representing a new and changing infrastructure need for Southern Pines. As the Town continues to grow, the proposed Tower will help Southern Pines meet this need by providing a variety of services including voice, advanced messaging, data, real-time information, photographs, video, entertainment, and connections to social media.*

*Furthermore, as discussed above in greater detail, the proposed Tower is a small-scale low impact commercial use that seeks to preserve the surrounding trees and natural environment and will be sited on the parcel in order to have the least visibility possible thereby maintaining the character and natural landscape of the surrounding area.*

*As an unmanned facility, the proposed Tower will not require water, sewer, or garbage collection. It will only require electrical utility service. In the unlikely event that fire protection is needed, fire protection will be provided by the Southern Pines Fire Department, Station 82. The proposed Tower will have little to no impact on public services provided by Southern Pines.*

*The proposed Tower will be accessed via a 30-foot access, fiber and utility easement running directly off Hwy. 22 utilizing the existing entrance of the parent parcel thereby having no impact on Southern Pines' existing road network.*

- ***The proposed Tower implements one or more of the town-wide planning concepts presenting in Chapter 4 of the 2040 Comprehensive Plan.***

*Please see the first bullet point above, and the information provided below identifying specific policies and recommendations set forth in Chapter 5, in support of how the proposed Tower facilitates the implementation of the town-wide planning concepts set forth in Chapter 4 through the provision of reliable wireless communication services to residents and businesses.*

- ***The proposed Tower positively impacts the specific policies and recommendations set forth in Chapter 5 of the 2040 Comprehensive Plan.***

*The proposed Tower positively impacts, but not limited to, the following specific policies and recommendations:*

- *Policy 2.4. Enabling residents and businesses to access Southern Pines' official website and social media tools, particularly in a more rural area of Southern Pines.*
- *Policy 4.10. The proposed Tower will minimize the impact on the environment by minimizing tree loss and loss of impervious cover, minimizing clearing and grading, and will utilize native trees as a natural buffer.*
- *Policy 6.1. The proposed Tower will provide reliable wireless communication services serving residents, schools, and police and fire by allowing FirstNet to attach its equipment and to provide critical telecommunication services to first responders.*
- *Policy 6.4. Working with a private developer/business owner to meet an essential infrastructure need that will facilitate the implementation of the recommendations contained in the 2040 Comprehensive Plan.*
- *Policy 6.6. The proposed Tower will provide reliable wireless communication services enabling the development of smart city technologies for the improvement of facilities and services offered to the community including the linking together of different information systems and providing more opportunities for real time information sharing with the community.*

- *Policy 7.1. The proposed Tower will facilitate and support housing diversity in the community by providing reliable wireless communication services expected by younger families and professionals.*
- *Policies 9.3 and 9.4. The proposed Tower will facilitate economic growth and development by providing essential wireless communication services to small business that rely on wireless communication services to conduct and promote their businesses.*
- *Policy 9.7. The proposed Tower will facilitate and enable Southern Pines to continue to be a place-based tourist destination as visitors will have access to reliable wireless communications services providing easy access to information regarding local restaurants, shops, businesses, and travel needs including the nearby Moore County Airport.*

- (B) **Adverse Impacts on Neighboring Lands.** The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.

*Attached is a Real Estate Impact Study prepared by a NC Licensed Appraiser regarding the effect of the proposed Tower on the neighboring lands. As set forth in the report, the proposed Tower will have no adverse effect on the surrounding properties, but will improve the public health, safety and welfare of the residents, businesses and travelers in and through the area by providing improved wireless communications coverage for in the surrounding area of Southern Pines and by allowing FirstNet to provide services to the first responders. The proposed Tower is a low-intensity commercial use that will fit in well on the parcel and in the zoning district. The proposed Tower will provide services to the residential and business community in this area. Furthermore, the proposed Tower will improve the public health, safety and welfare for those living, working and traveling in the coverage area. (See Tab 18)*

- (C) **Suitability as Presently Zoned.** The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the Neighborhood, or to effectuate important goals, objects and policies of the Comprehensive Plan or UDO.

*Acknowledged.*

- (D) **Health, Safety, and Welfare.** The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.

*The proposed Tower will improve the public health, safety, and welfare by providing improved wireless communications coverage in the surrounding area of Southern Pines and allowing FirstNet to provide services to the first responders. Thus, the proposed Tower will improve the public health, safety, and welfare for those living, working, and traveling in the coverage area.*

*Wireless telecommunications are a public safety necessity. Seventy-four percent of Americans who own mobile phones say that they have used their hand-held devices in an emergency and gained valuable help. Most importantly, in times of natural disasters, wireless communication consistently emerges as the essential—and often only—means for emergency communication. Southern Pines first responders, businesses, travelers, and residents in the coverage area will be able to access 911 emergency services in the event severe weather or other unforeseen circumstances downs traditional land-line communication services. Thus, the first responders, businesses, travelers, citizens and residents in this area of Southern Pines will directly benefit from improved wireless telecommunications services.*

- (E) **Public Policy.** Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with Neighborhood, area, or specific plans.

*The addition of the proposed Tower will be an attribute to the economic development of the area and is critical to the needs of those working, living, traveling and going to school in the currently unserved or inadequately served area of Southern Pines. The proposed Tower will allow FirstNet to attach its equipment and to provide critical telecommunication services to First Responders.*

- (F) **Size of Tract.** The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.

*The Subject Property where the Applicant has leased a 10,000 square section for its wireless telecommunication facility and compound is 4.24 acres. The Subject Parcel is zoned GB CD and telecommunication facilities in excess of 50 feet are permitted by Special Use in this GB (commercial) area.*

*Provided in this Application package is a RF Statement of Justification and Propagation Studies showing how the development of this facility will enhance the infrastructure of this surrounding community and fulfill a necessity for those who work, live and travel in and through this area of Southern Pines. (See Tab 9)*

- (G) **Other Factors.** The Hearing Body may consider any other factors relevant to a rezoning application under state law.

*Acknowledged.*

- (H) **Applicant Representatives.** Except for rezoning requests submitted in accordance with the provisions herein for Conditional Zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

*Acknowledged.*

### **Section 2.17.11 – Conditional Zoning Districts (Conditional Zoning)**

- (A) There are circumstances in which a conventional zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly developed, be appropriate for the property and consistent with the objectives of this ordinance and the adopted Land Development Plan. The review process established in this section provides for the accommodation of such uses by a reclassification of property into a Conditional Zoning district, subject to specific conditions that ensure Compatibility of the use with the use and enjoyment of neighboring properties.

*Acknowledged.*

- (B) The Conditional Zoning district approval process allows the Council to approve a proposal for a specific use with reasonable conditions to mitigate the negative impacts of the proposed Development and assure the Compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the regulations for the corresponding general zoning district.

*Towers in excess of 50 feet are permitted by Special Use in the General Business District. General Business District Development Criteria is covered under Section 3.5.9 and the criteria for towers specifically is covered under Section 5.23 of the UDO. The criteria for the GB district and for towers will be covered in this narrative.*

- (C) Conditional zoning is a voluntary procedure that is allowed only in response to a petition by all owners of the property to be included and is intended for specific Development proposals. It is not intended or suited for securing early zoning for tentative proposals, which may not be undertaken for some time.

*Acknowledged.*

- (D) Uses that may be proposed and considered for a Conditional Zoning district shall be restricted to those uses permitted in the underlying convention zoning district.

*The underlying zoning district is General Business. In accordance with the Table of Authorized Uses, Section 3.7.1 of the UDO, and Exhibit 3-15, Table of Authorized Land Uses, towers in excess of 50 feet are permitted by Special Use in the General Business District.*

- (E) Every petition for the reclassification of property to a Conditional Zoning district shall be accompanied by a Site Plan containing the requisite information specified in Appendix A. In the course of evaluating the proposed use, the Hearing Body may request additional information deemed appropriate to provide a complete analysis of the proposal.

*Construction Drawings are included with this Application package. The site plan sheets are C1, C1.1 and C2. (See Tab 6)*

- (F) The Council may approve the reclassification of property to a Conditional Zoning district only upon determining that the proposed use will meet all standards and requirements in these regulations and that are applicable to the proposed use.

*Acknowledged.*

- (G) In approving a petition for the reclassification of property to a Conditional Zoning district, the petitioner, Planning Board and the Council may propose specific conditions to approval of the petition, but only those conditions approved by the Council and consented to by the petitioner in writing may be incorporated into the Conditional Zoning District.

*Acknowledged.*

- (H) If a petition is approved under this section, the district that is established, the approved petition and all conditions that have been attached to the approval are binding on the property as an amendment to these regulations and to the Zoning Map. All subsequent Development and use of the property shall be in accordance with the standards for the approved Conditional Zoning district; the approved petition and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and Site Plan shall be allowed on the subject property. Any Development in the district shall comply with all provisions of and conditions to the approved petition and Site Plan. Any uses and structures on the subject property also shall comply with all standards and requirements for Development in the underlying general zoning district.

*Acknowledged.*

- (I) Following the approval of the application for a Conditional Zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation. A Conditional Zoning district shall be identified by the same designation as the underlying general zoning district followed by the letters "CD".

*Acknowledged.*

- (J) Except as provided in paragraph (K), changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to these regulations or to the Zoning Map and shall be processed in accordance with the procedures in this section.

*This Application is for an amendment to the Zoning Map. The subject property is currently zoned GB CD for use as a veterinary clinic, however, Applicant is seeking authorization to construct a wireless telecommunications tower and facility within a 10,000 square foot leased area of the full 4.24-acre parcel.*

- (K) Minor changes in the detail of the approved petition or Site Plan that do not involve a change in uses permitted or the density of overall Development permitted and that will not alter the basic relationship of the proposed Development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to the approval may be approved by the Planning Director without going through the amendment process or a public hearing. The Planning Director may forward any application for changes in detail to the Planning Board for its consideration as an amendment to these regulations or the Zoning Map. The Applicant may appeal the decision of the Planning director to the Planning Board for review and decision as to whether an amendment to the approved district shall be required.

*Acknowledged.*

- (L) The Planning Director shall periodically examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Director determines that construction has not commenced or is not in accordance with the approved petition and conditions, the Planning Director shall either initiate a reclassification of the property in accordance with the procedures established in this section or shall forward a report to the Council recommending that the property be classified to another district.

*Acknowledged.*

#### **Section 2.17.12. Effect of Approval**

Approval of a map amendment entitles the property owner to use the property in accordance with the standards of the applicable zoning district. The approval of an amendment to the UDO text or Zoning Map does not authorize the use, occupancy, or Development of property until the Applicant receives necessary Development Approvals, such as Subdivision, Site Plan and Building permit approval.

*Acknowledged.*

#### **Section 2.17.13. Recording Procedures**

When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning classifications and indicating their boundaries. The Planning Director shall refer to the attested ordinance as a record of the current zoning status until such time as the Zoning Map can be changed.

*Acknowledged.*

**Zoning Map Amendment Required Application Materials:**

Application Fee - \$1,500.00

Completed Zoning Map Amendment Application

Appointment of Agent

List of Adjacent Property Owners within 200 feet of the outermost boundaries of the subject property

*Per Cindy Williams, Planning Department, upon receipt of this Application by the Planning Department, she will request a list of adjacent properties within 200 feet from the IT Department.*

Deed to provide proof of ownership and property boundaries.

*The NC General Warranty Deed with Exhibit A, Property Description, dated May 8, 2015, by and between Elizabeth C. Lyerly (Grantor) and Sullivan Property LLC (Grantee) is being provided with this Application. (See Tab 4)*

Survey of the subject property

*The Survey of the subject property is shown in the Construction Drawings, Site Survey Sheets 1 and 2, and are being provided with this Application. (See Tab 6)*

Written Metes and Bounds Description of the subject property.

*The property description is Exhibit A to the NC General Warranty Deed provided with this Application. (See Tab 4)*

Site Plan

*The Site Plan and Overall Parcel Plan are included in the Construction Drawings, Sheets C1, C1.1 and C2. (See Tab 6)*

*All of the above are being provided with the Application.*

**Section 3.5.9 – General Business (GB) District**

**(A) Purpose**

The GB district is designed to accommodate highway-oriented retail, commercial service business and in some limited cases light manufacturing, which generally have as their market area the entire Town and surrounding area. The major objectives of this district are to:

- (1) Encourage planned commercial, light manufacturing conducted within Buildings and office parks;

*Telecommunication towers are considered a "Commercial" development. Towers and antennas are a permitted use under the General Business District by Special Use Permit.*

- (2) Discourage small Lot Development on major highways;

*The proposed Tower will be constructed within a 10,000 square foot leased area accessed via a 30-foot access, fiber and utility easement running directly off of Hwy. 22 and utilizing the existing entrance of the parent parcel.*

*The monopole structure will have limited visibility to those living, working or traveling past the area. It will sit at the back of the subject parcel approximately 838 feet from NC Hwy. 22. The unmanned facility will generate no additional traffic in the area. Wireless telecommunication towers are part of the necessary infrastructure required to provide the services that are sought and are no more noticeable, and probably less, than standard landline telephone poles and wires.*

- (3) Encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets; and

*The proposed wireless facility compound will be accessed via a 30-foot access, fiber and utility easement running directly off of Hwy. 22. The traffic generated by this proposed facility will require only a couple of trips per month by the service technicians for the tower and will not increase traffic in the area.*

- (4) Provide a location for major shopping facilities and land uses requiring large outdoor spaces.

*Not applicable.*

**(B) Authorized Uses**

The uses authorized by Section 3.7 of this UDO, Table of Authorized Uses, may be established in accordance with the provisions of this UDO, including, but not limited to the procedures established in Chapter 2, the zoning district standards of this chapter, and the design standards of Chapter 4.

*Towers in excess of 50-feet in height are permitted by Special Use in the General Business district. Please refer to the Table of Authorized Uses, Section 3.7.1, Exhibit 3-15.*

**(C) District Use Standards**

Standards for specific uses and Development Patterns authorized in this district are established in Chapters 5 and 6. In addition, the following standards shall apply:

- (1) Outdoor storage, display and operations shall comply with the standards in Sections 5.12 and 5.13;

*There will be no outdoor storage required for the proposed Tower.*

- (2) Drive-in and drive-through uses shall comply with the standards established in Section 5.8;

*Not Applicable.*

- (3) For manufacturing uses (see structural codes 3000-3999 in Exhibit 3-15) allowed in the GB district:

- (a) The maximum Building coverage shall be fifty (50) percent of total Lot Area;
- (b) For existing or new Buildings five thousand (5,000) square feet or larger, a Special Use Permit is required.

*Not Applicable to the proposed use.*

**(D) District Development Standards**

Dimensional and density standards are summarized in Exhibit 3-9. Section cross-references identify the location of additional dimensional standards. The following standards shall apply in addition to the district development standards are established in Chapter 4 of this UDO and the HCO district guidelines as applicable.

- (1) Building walls facing streets shall be finished with brick, stucco, wood, or other non-metal siding determined by the Planning Director to be of comparable appearance and durability. Side and rear Building walls that do not face streets shall be finished with the same materials as the walls facing the streets for at least the lesser of twenty-five (25) percent or twenty-five (25) feet of the length of the wall extending from the nearest street facing walls.

*The proposed Tower will sit within a 10,000 square foot leased area at the back of the subject property, approximately 838 feet from Hwy. 22 and will not be directly visible facing any other streets. The current plans show a six-foot chain link fenced compound.*

- (2) Building sides facing streets shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise : horizontal run).

*The fenced wireless facility will not require a roof.*

- (3) All Buildings shall be designed to comply with the applicable design standards established in Section 4.10.

*Not applicable to the proposed use.*

- (4) Exhibit 3-9: Summary of GB Development Standards.

<b>Design Element</b>	<b>Principal Standards</b>	<b>Structure</b>	<b>Section Cross-Reference</b>
Maximum Height	45 Feet		4.2.1
Minimum Front Setback from Right-of-Way	No Minimum		4.2.2
Minimum Side Setback Exterior from Right-of-Way	No Minimum		4.2.2
Minimum Side Setback Interior	No Minimum		4.2.2
Minimum Rear Setback	No Minimum		4.2.2
Minimum Lot Width	No Minimum		4.2.3
Minimum Lot Size	No Minimum		4.2.3
Minimum Lot Area per Dwelling Unit	3,600 square feet		4.2.3

*Acknowledged. The proposed Tower will comply with regulations applicable to telecommunication towers.*

**Section 5.23 – Towers and Related Structures**

Towers and related structures that are fifty (50) feet or taller in Height shall require a Special Use Permit prior to construction or installation and are subject to the following standards:

- (A) Towers cannot be located in the HCO, CB, NB or OS districts.

*Acknowledged. The proposed Tower is located in a GB CD district.*

- (B) Towers cannot be located within one thousand (1,000) feet of any RE, RS or RM zoning district or any residential Development in a PD zoning district unless the tower is a monopole style and does not exceed a total height of two hundred (200) feet excluding lightning protection systems, in which case this setback shall be reduced to eight hundred (800) feet.

*Acknowledged. As shown on the Overall Parcel Plan, Sheet C1 of the construction drawings, the proposed tower will be set back approximately 152 feet from the property to the west zoned RR, 112 feet from the property to the north zoned RR, 838 feet from NC Hwy 22 to the east and 898 feet from the closest property to the east zoned RS, and 69 feet from the property to the south zoned PD.*

- (C) Towers taller than fifty (50) feet are allowed by Special Use Permit in the RR, GB and FRR districts.

*Acknowledged. The subject parcel is zoned GB-CD.*

The Special Use Permit application shall provide information that:

- (1) Demonstrates the antenna's compliance with State and Federal radio frequency emission standards;

*Included with this Application package is the signed and sealed certification of the RF Engineer that emissions from this facility will comply with, and at all times be, maintained and operated in accordance with applicable FCC Good Engineering Practices and the American National Standards Institute (ANSI) and applicable rules and regulations with respect to the environmental effects of electromagnetic emissions. Based upon the ANSI and FCC standards and the predicted levels of electromagnetic energy emitted by this site, the signals being transmitted will of no safety concern to the general public. (See Tab 11)*

- (2) Specifies the tower height and design and include a cross-section of the structure;

*Please refer to the Sabre Industries Structural Tower Design Report included with this Application package. (See Tab 14)*

- (3) Details any technical, engineering, economic and other pertinent factors governing the selection of the proposed design;

*Based on the height of the proposed Tower, 155-feet with a one-foot lightning rod (156 feet to the top of the highest appurtenance), and proposed load of four total carriers, the monopole is the best engineered tower structure to accommodate the load capacity and to be the least obtrusive and economical structure for the area. In addition, monopoles, due to their galvanized steel gray tone, blend nicely into the environment and against the natural skyline.*

- (4) Demonstrates the tower's compliance with applicable structural standards, which may include certification that the tower will withstand sustained winds in accordance with local Building codes or nationally recognized standards;

*Please refer to the Sabre Industries Structural Certification Letter dated October 6, 2023, and to the October 5, 2023, Sabre Structural Design Report, both included in this Application package and are signed and sealed by a NC Professional Structural Engineer. (See Tabs 13 and 14)*

- (5) Describes the failure characteristics of the tower and demonstrates that the site and Setbacks are of adequate size to contain debris;

*Please refer to the Sabre Industries Letter of October 6, 2023, which speaks to the specifics, addresses and demonstrates that the fall radius is unlikely*

*event of the proposed Tower's failure would be within a "radius less than or equal to 50 feet". (See Tab 13)*

- (6) Describes the tower's maximum capacity, including the number of antennas that it can accommodate for collection, taking into consideration radio frequency interference, mass, height and other characteristics, as well as options to overcome any problems that these considerations may pose to service delivery;

*The Sabre Industries Structural Design Report for the proposed tower details a capacity of four antennas. Please refer to the Report for the details. (See Tab 14)*

- (7) Assesses the environmental impact of the facility siting, including the impact on adjacent structures and districts as well as an historic sites and streetscapes;

*Please refer to the Property Impact Report prepared by an NC Licensed Appraiser regarding the effect of the proposed tower on the neighboring lands included in this Application package. According to the Property Impact Report, the proposed Tower will have no adverse effect on the surrounding properties, but rather will improve the public health, safety and welfare of the residents, businesses and travelers in and through the area by providing improved coverage for AT&T, and 3 additional telecommunications carriers, in the surrounding area of Southern Pines and by allowing FirstNet to provide services to first responders. Thus, the wireless telecommunications facility will improve the public health, safety and welfare for those living, working and traveling in the coverage area. (See Tab 18)*

*The proposed Tower will have limited visibility by those living, working or travelling past the area. It will sit at the back of the subject property approximately 838 feet from Hwy. 22. These wireless telecommunication towers are part of the necessary infrastructure required to provide the services that are sought and are no more noticeable, and probably less, than standard landline telephone poles and wires.*

- (8) Determine whether the construction of the tower and its reception and transmission functions will interfere with the usual and customary transmission or reception of radio, television and other services on adjoining properties;

*Precision filters limit unwanted and spurious emissions to levels below the FCC specification. The signals being transmitted will not interfere with the reception and / or operation of commercial radio, cellular radio, television, telephone or other FCC approved telecommunication carrier or equipment. Included with this Application package is the signed and sealed certification of the RF Engineer regarding transmitter operation. (See Tab 11)*

- (9) Documents the due diligence in seeking and subsequent failure to find space on an existing tower to collocate their antenna(s) (if permission for tower construction is being sought);

*Please refer to Applicant's letter of January 9, 2024, advising a search was conducted by TowerCo of the area where coverage is needed to determine whether there were any colocatable structures within the search area. There were none within the search ring, and therefore the search expanded to include properties that would satisfy coverage requirements, with zoning that would allow a communication tower under the UDO and, a property owner who would be willing to negotiate a lease agreement for the location of a telecommunications tower and facility on their property. (See Tab 10)*

- (10) Documents compliance with or exemption from FCC, FAA, MEPA and any other federal or state regulations applicable to the siting; statements must be issued from the FCC, FAA or the state attesting to the proposed facility's compliance;

*Provided in this Application package are:*

- *AT&T's FCC Antenna License; (See Tab 8)*
- *FAA's Determination of No Hazard to Air Space; (See Tab 17) and*
- *FCC National Environmental Policy Act (NEPA) Screening Report. (See Tab 20)*

- (11) Includes an agreement between the Town and the tower owners and their successors to allow shared use of the tower if:

- (a) Capacity exists based on existing and planned use;
- (b) A future Applicant for space on the tower agrees in writing to pay any reasonable charge for shared use; and
- (c) The potential use is technically Compatible.

*Please see the December 4, 2023, letter to the Town of Southern Pines confirming TowerCo will enter into an agreement with the town to allow shared use of the tower if the above criteria can be met. (See Tab 16)*

- (12) Documents anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise or safety impacts of such maintenance;

*Technicians will need to access the proposed facility a couple of times a month for maintenance purposes of the equipment. Their trips will have no impact on traffic in the area and no other traffic, once construction has been completed, should be generated by this facility. There are no safety impacts anticipated from this servicing.*

*The only noise generated by this wireless facility will be the low hum of the generator fan that will occasionally come on and the noise of this fan is equivalent to that generated by the average residential HVAC system.*

- (13) Documents liability insurance or bonding where applicable;

*A Certificate of Liability Insurance is included in the Application package.  
(See Tab 15)*

- (14) Includes approval of the site owner, if different from the tower owner, to apply for a permit.

*Property Owner executed a Ground Lease Agreement with TowerCo. on June 1, 2022, and a copy of the Lease has been included in this Application package. In addition, please also see the Appointment of Agent form. (See Tabs 5 and 1 respectively)*

## **Section 2.21 – Special Use Permits**

### **2.21.6. Criteria**

A Special Use is permitted only if the Applicant demonstrates that:

- (A) The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

*The proposed use is a 155-foot monopole wireless telecommunications facility within a 10,000 square foot leased area of a 4.24-acre parcel of land located in a GB CD district. The proposed Tower will comply with all regulations and standards applicable within the district.*

*The proposed Tower will service the community and area in which it will be located in the GB CD district. The facility will at all times comply with all state, federal, and local regulations and standards applicable to this particular use.*

- (B) The proposed special use shall conform to the character of the Neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

*A wireless telecommunications tower is a special use in the GB CD district. The proposed tower will be in harmony with the area as the proposed tower will have minimal impact on adjacent properties and uses and will also benefit the surrounding area, as wireless services will be available to those who live, work, and travel through the area.*

*Furthermore, the proposed Tower will be located on a 4.24-acre tract of land, and the primary use of the parent tract (commercial use) will not be altered by the proposed Tower. The proposed Tower is a low impact use, as it is an unmanned facility that is not open to the public. The proposed Tower is sited on the parcel in order to have the least visibility possible. It will not generate any odor or noise. The proposed Tower will not generate additional traffic or be of any significant impact to the nearby public roadway. Accordingly, the proposed Tower will fit in well with the area.*

(C) Adequate public facilities shall be provided as set forth herein;

*As an unmanned facility, the proposed Tower will not require water, sewer, or garbage collection. It will only require electrical utility service. In the unlikely event that fire protection is needed, fire protection will be provided by the Southern Pines Fire Department, Station 82. This site falls within the territory of the Moore County Sheriff's Department.*

(D) The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the Neighborhood;

*The proposed Tower is a public necessity, and it will not injure the value of abutting property. Most people prefer to live and work where wireless coverage and internet and digital capabilities are available. During the Covid pandemic, many people worked from home and are continuing to do so today, particularly young professionals. Many families with school age children are dependent on reliable telecommunications services as an essential component of a child's education.*

*People want to be where it is safe to live, work, and play and where they will have emergency access should it be needed.*

*The proposed Tower will be located on a 4.24-acre tract that is used for commercial purposes, and it will be set back approximately 152 feet from the property to the west, 112 feet from the property to the north, 898 feet from the property to the east, and 69 feet from the property to the south.*

*The proposed Tower will not injure the value of abutting property. Please refer to the Property Impact Study performed by Michael P. Berkowitz provided with this Application package. (See Tab 18)*

(E) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and

*The establishment, maintenance, or operation of the proposed Tower will not be detrimental to or endanger the public health, safety, comfort or general welfare, but rather will improve the public health, safety, comfort and general welfare of the residents, businesses and travelers in and through the area by providing improved coverage for AT&T, and additional telecommunications providers, in the surrounding area of Southern Pines and by allowing FirstNet to provide services to first responders. Thus, the proposed Tower will improve the public health, safety, comfort and general welfare for those living, working and traveling in the coverage area.*

(F) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

*The proposed Tower is necessary to the public health, safety and general welfare of Southern Pines, and will enhance the public health, safety, and general welfare of the County and those living, working, and traveling near the proposed site. The proposed Tower will be a FirstNet site which will aid first responders in responding to emergency calls.*

*Thousands of facilities such as this one are located throughout the State of North Carolina (and tens of thousands nationwide). None present any threat or danger to public health or safety. Radio emissions from the facility will comply with all federal laws, including those established by the Federal Communications Commission (FCC), and the emissions will fall well below emission standards for this type of facility, as established by the American National Standards Institute (ANSI). (See Tab 11)*

*Wireless communications are a public safety necessity, as communication is critical in times of crisis. Seventy-four percent of Americans who own mobile phones say that they have used their hand-held devices in an emergency and gained valuable help. Most importantly, in times of natural disasters, wireless communication consistently emerges as the essential—and often only—means for emergency communication. Southern Pines first responders, businesses, travelers, citizens, and residents in the coverage area will be able to access 911 emergency services in the event that severe weather or other unforeseen circumstances down traditional landline communication services. Thus, the first responders, businesses, travelers, citizens and residents in this area of Southern Pines will directly benefit from the availability of improved wireless telecommunications services.*

## **VII. CONCLUSION**

The proposed Tower and telecommunications facility will be in conformity with the Town of Southern Pines Unified Development Ordinance and will be an integral part of AT&T's and other wireless carriers' wireless telecommunications systems, bringing reliable wireless digital services to this geographic area of the Town, its first responders, citizens, residents, businesses, visitors and travelers to the area that have previously been unserved or for whom service has been spotty, less than desirable and inconsistent.

The proposed Tower complies with all applicable provisions of the Town's Ordinance. At all times, TowerCo, AT&T, and their agents will cooperate with the Town in every way possible in permitting, construction, maintenance, and operation of this proposed facility.

TowerCo (Applicant) and Sullivan (Property Owner) respectfully request that the conditional rezoning amendment request be approved.

Respectfully submitted on this 11<sup>th</sup> day of June, 2024.

*/s/ Marc C. Tucker*

Marc C. Tucker  
NC Zoning Counsel for Applicant TowerCo  
2013, LLC and Authorized Agent for Property  
Owner Sullivan Property, LLC



# Transforming public safety communications



The First Responder Network Authority (FirstNet) has entered into a public-private partnership with AT&T to build the first nationwide wireless broadband network dedicated to first responders for use in disasters, emergencies and daily public safety work.



FirstNet provides initial funding, 20 MHz of spectrum and deep public safety expertise to the partnership. AT&T brings a proven track record and strong commitment to public safety, as well as the commercial expertise and nationwide resources to deploy, maintain and operate the network.



This 25-year partnership offers the best overall value to America and its public safety responders – both from an investment perspective and in terms of the lifesaving technology it will put in the hands of law enforcement, fire and emergency medical personnel in communities across the nation.

## FirstNet will serve...

**FIRST RESPONDERS**

fire, police, EMS

IN

**COMMUNITIES**

counties, cities, tribal, rural

ACROSS

**THE NATION**

50 states, territories & DC

## Technology first responders need to save lives, protect communities

MODERNIZED	PRIORITIZED	SPECIALIZED
<p>innovative app &amp; device ecosystem</p> <p>network improvements &amp; upgrades</p> <p>commercially proven cybersecurity solutions</p>	<p>emergency communications receive highest priority</p> <p>rapid buildout with public safety input</p> <p>nationwide public safety solutions leveraging existing infrastructure</p>	<p>robust coverage where public safety needs it</p> <p>connectivity for advanced mobile data</p> <p>24h highly available customer care</p>



**FirstNet**<sup>TM</sup>

Learn more at [FirstNet.gov/mediakit](http://FirstNet.gov/mediakit)



# TOP 10 FREQUENTLY ASKED QUESTIONS



## 1. What is the First Responder Network Authority?

The First Responder Network Authority is the independent authority established by Congress to deliver a nationwide broadband network dedicated to public safety. The Network is strengthening public safety users' communications capabilities, enabling them to respond more quickly and effectively to accidents, disasters, and emergencies.

The First Responder Network Authority is led by a [Board of leaders and executives](#) from the public safety community; federal, state, and local governments; and the technology, finance, and wireless sectors. It has a staff of about 200 employees with expertise in public safety, telecommunications, customer service, technology, procurement, and other areas needed to develop the Network. It is headquartered in Reston, VA, and has a technology center and lab in Boulder, CO.

## 2. What led to the creation of the First Responder Network Authority?

The 9/11 terrorist attacks brought to the forefront the many communications challenges that first responders face during emergencies and disasters. These issues were captured in the *9/11 Commission Report*, which identified gaps in emergency communications and recommended a nationwide network for law enforcement, fire, and emergency medical personnel communications.

The public safety community united to fulfill the 9/11 Commission's recommendation. Public safety organizations and associations advocated before Congress for a dedicated, reliable wireless network for first responders. Their advocacy efforts led to the passage of legislation in 2012 to create the agency to deploy the Network in all U.S. states and territories, including rural communities and tribal nations.

## 3. How has public safety been involved in the vision for the FirstNet network?

Public safety officials have worked closely with the First Responder Network Authority since its inception in 2012 to ensure the Network meets first responders' needs – today and in the future. The agency's outreach and consultation efforts have connected the organization to more than 1.8 million first responders and state public safety and technology executives across the country.

Specifically, the First Responder Network Authority has consulted extensively with [state single points of contact \(SPOCs\)](#) in each of the 50 U.S. states, 5 territories, and the District of Columbia, as well as local/municipal, tribal and federal public safety leaders. It also coordinates with public safety through the [Public Safety Advisory Committee \(PSAC\)](#), which provides guidance and subject matter expertise from a first responder perspective. Public safety leaders at the national, state and local levels continue to advocate for and support deployment of the Network.

## 4. How was AT&T selected to build, operate, and maintain the FirstNet network?

The First Responder Network Authority and the Department of Interior made the 25-year award based on the determination of the overall best value solution for FirstNet and public safety. The buildup to the award included a fair, competitive procurement process that began in January 2016 with [release of the Network RFP](#).

The procurement process followed the Federal Acquisition Regulation (FAR) and encouraged offerors to provide innovative solutions that could meet or exceed the needs of public safety.

The procurement was open to all entities, whether traditional wireless companies or new entrants, provided their proposal could meet the RFP's statement of objectives. AT&T was selected on a best-value award that considered financial sustainability and was based on more than just a technically acceptable solution at the lowest cost. The evaluation of proposals assessed the offerors' ability to submit a cost-effective and innovative model, and to meet or exceed the 16 objectives and evaluation factors outlined in the FirstNet RFP.

## 5. Why is the Network being built and operated through a public-private partnership?

The First Responder Network Authority and AT&T are modernizing and improving public safety communications by leveraging private sector resources, infrastructure, and cost-saving synergies to deploy and operate the Network. This public-private model also helps keep costs down for American taxpayers. To do this, Congress used the sale of communications airwaves (or spectrum) to fund FirstNet's initial operations and help start network deployment; the \$7 billion FirstNet received in initial funding came from FCC spectrum auction revenue, not taxpayer funds.

If the federal government were to build, maintain and operate this Network, the estimated cost would be tens of billions of dollars over 25 years. [The Government Accountability Office has estimated](#) it could cost up to \$47 billion over 10 years to construct and operate the Network.

With this partnership approach, the First Responder Network Authority and AT&T do not need any additional federal funding to build and operate the Network – it is a fully funded, self-sustaining Network. In return, America's first responders get services far above and beyond what they have today over a first-class broadband network dedicated to their communications needs.

## 6. What are the key terms this public-private partnership?

Congress intended for the Network to be built and operated as a public-private partnership that brings together the best of the private sector, including commercial best practices, infrastructure, and resources – with the First Responder Network Authority’s public safety expertise. This approach will lead to a fully-funded, self-sustaining Network that will serve public safety for years to come. This business model is built upon the efficient use of resources, infrastructure, cost-saving synergies, and incentives, including:

- 20 MHz of federally owned spectrum and \$6.5 billion in initial funding to the partnership; in return AT&T will deploy and operate a nation-wide high-speed broadband network for public safety over 25 years.
- AT&T will invest about \$40 billion over the life of the contract to build, operate, deploy, and maintain the Network, and together with the First Responder Network Authority will help ensure the Network evolves with the needs of public safety.
- AT&T can use FirstNet’s spectrum when it is not being used by public safety for other, commercial purposes. The company will prioritize first responders over any other commercial users.
- First Responder Network Authority will oversee the contract to ensure it delivers innovation, technology and customer care to public safety through various mechanisms, including subscriber adoption targets, milestone buildouts, disincentive fees and other mechanisms outlined in the contract.

## 7. What will the FirstNet Network provide first responders that they don’t have today?

Today, in emergencies and at large events, heavy public use can lead to wireless communications networks becoming overloaded and inaccessible. In those instances, public safety users are treated the same as any other commercial or enterprise user, and communications can be limited due to congestion and capacity issues.

With the FirstNet Network, public safety will get a dedicated “fast lane” that provides highly secure communications every day and for every emergency. It will deliver specialized features to public safety that are not available on wireless networks today – such as priority access; preemption; more network capacity; and a resilient, hardened connection. The Network will deliver more than just a public-safety-dedicated wireless connection – it is also creating devices and apps ecosystems that will connect first responders to innovative, life-saving technologies.

## 8. How will the Network benefit first responders and help them do their jobs better?

FirstNet will improve communications, response times and outcomes for first responders from coast-to-coast, in rural and urban areas, inland and on boarders – leading to safer, and more secure communities. The Network will provide first responders with innovation and robust capacity so they can take advantage of advanced technologies, tools and services during emergencies, such as:

- Applications that allow first responders to reliably share videos, text messages, photos and other information during incidents in near real-time;
- Advanced capabilities, like camera-equipped connected drones and robots, to deliver images of wildfires, floods or other events;
- Improved location services to help with mapping capabilities during rescue and recovery operations; and
- Wearables that could relay biometric data of a patient to the hospital or alert when a fire fighter is in distress.

Network technology will also be tested and validated through the [FirstNet Innovation and Test Lab](#), located in Boulder, CO, so first responders will have the proven tools they need in disasters and emergencies.

## 9. What’s happening with FirstNet now?

All 50 states, five U.S. territories and Washington, D.C., have “opted in,” to FirstNet, meaning each has accepted its individual State Plan detailing how the network will be deployed in their state/territory.

The First Responder Network Authority’s public-private partnership with AT&T provides first responders with immediate access to mission-critical capabilities over the FirstNet network. This includes priority and preemption features that give first responders their own “fast lane” on the public safety network to communicate and share information during emergencies, large events, or other situations when commercial networks could become congested. FirstNet is the only broadband network to provide ruthless preemption for public safety.

Key FirstNet activities include:

**Expanding the Network and Building Out Band 14:** The First Responder Network Authority has issued work orders to deploy the RANs. This gave AT&T the green light to expand FirstNet’s footprint and deploy Band 14 capacity and coverage throughout the nation, providing first responders with the bandwidth and mission critical connections they need to communicate, share information, and use innovative technologies every day and in every emergency.

**Driving public safety innovation:** FirstNet is also unlocking a new technology marketplace for public safety, enabling first responders to benefit from advancements in innovation. The FirstNet App Catalog store will be filling up with FirstNet-approved mobile apps that are optimized for public safety use over the Network.

**Securing emergency communications:** FirstNet’s first-of-its-kind core infrastructure will give first responders the dedicated, highly secure, non-commercial network they deserve. The FirstNet Core, delivered in March 2018, provides full encryption of public safety data over FirstNet and end-to-end cyber security. FirstNet subscribers also have access to a dedicated Security Operations Center, offering 24/7/365 support.

**Engaging with public safety:** The First Responder Network Authority will continue to engage with public safety in the states, territories, federal agencies, and tribal nations to ensure the network meets their needs and incorporate their feedback in the design of future FirstNet products and services.

## 10. How can I learn more?

Stay up-to-date on the First Responder Network Authority activities and the building and deployment of FirstNet at [www.firstnet.gov](http://www.firstnet.gov). Follow us on [Twitter](#), [Facebook](#) and [YouTube](#).



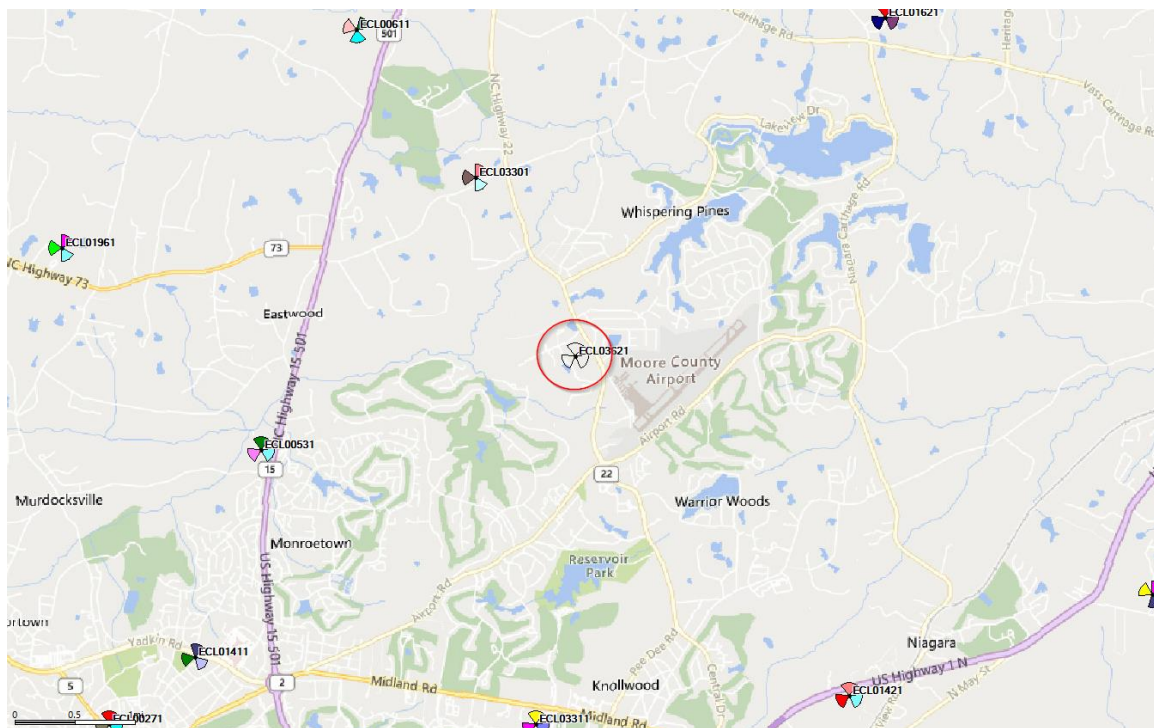


**DATE:** December 15, 2023  
**SUBJECT:** RF Justification for AT&T Mobility Site “141-362”

AT&T Mobility has been requested to provide justification for our proposed site “141-362”. AT&T Mobility is currently in the process of enhancing its coverage in Moore County.

The attached maps detail the location of the new tower facility “141-362” and expected propagation of emissions from the proposed design. **Figure 1** shows the general area within Moore County that the new site will be located. In **Figure 1** indicate the location of all existing sites and center in the map location of the proposed site.

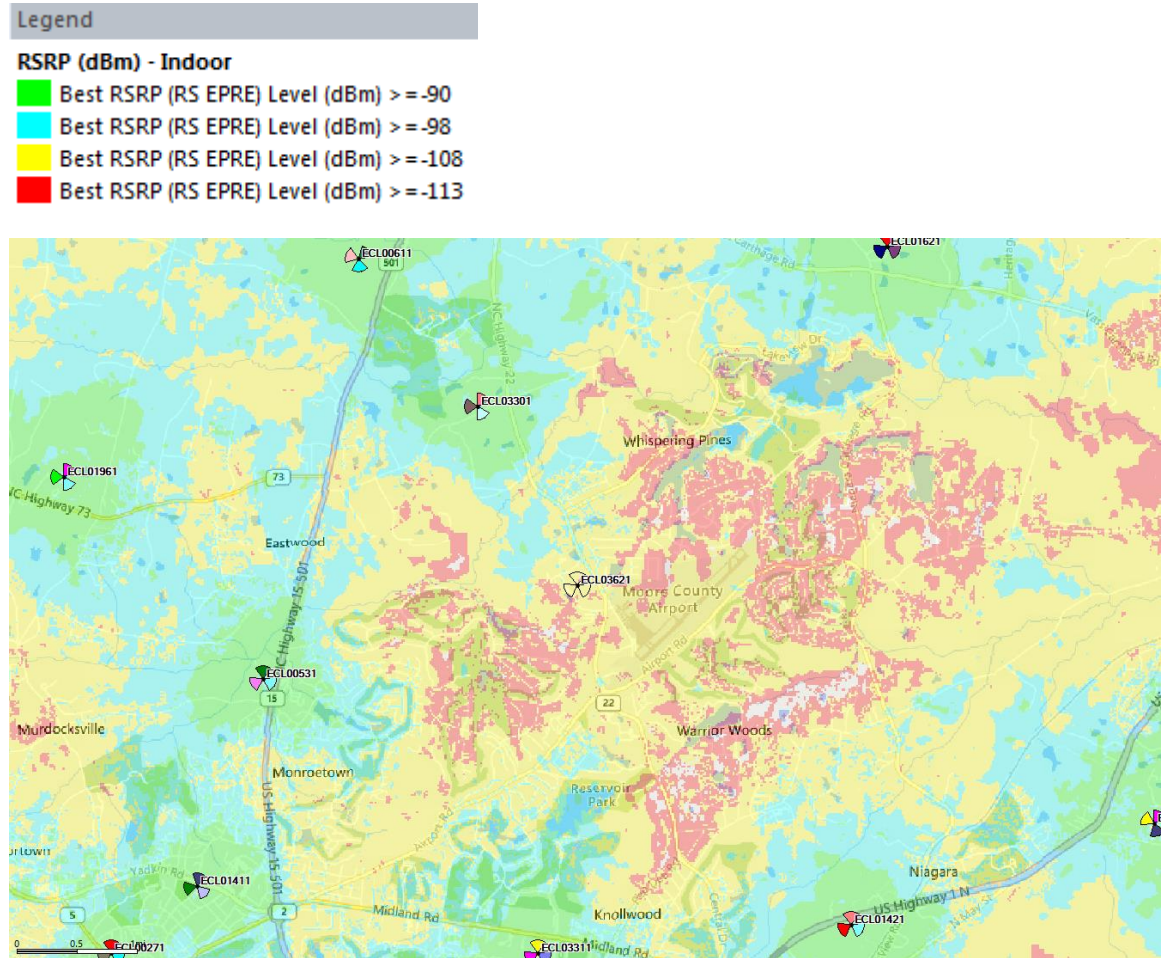
**Figure 1: Map of AT&T Existing on air and proposed site 141-362**



Currently AT&T Mobility does not have adequate network coverage in concerning area. The new site is required to provide coverage at NC Highway 22, Moore County Airport, Forest Creek Golf Club and surrounding residential areas in Moore County, NC.

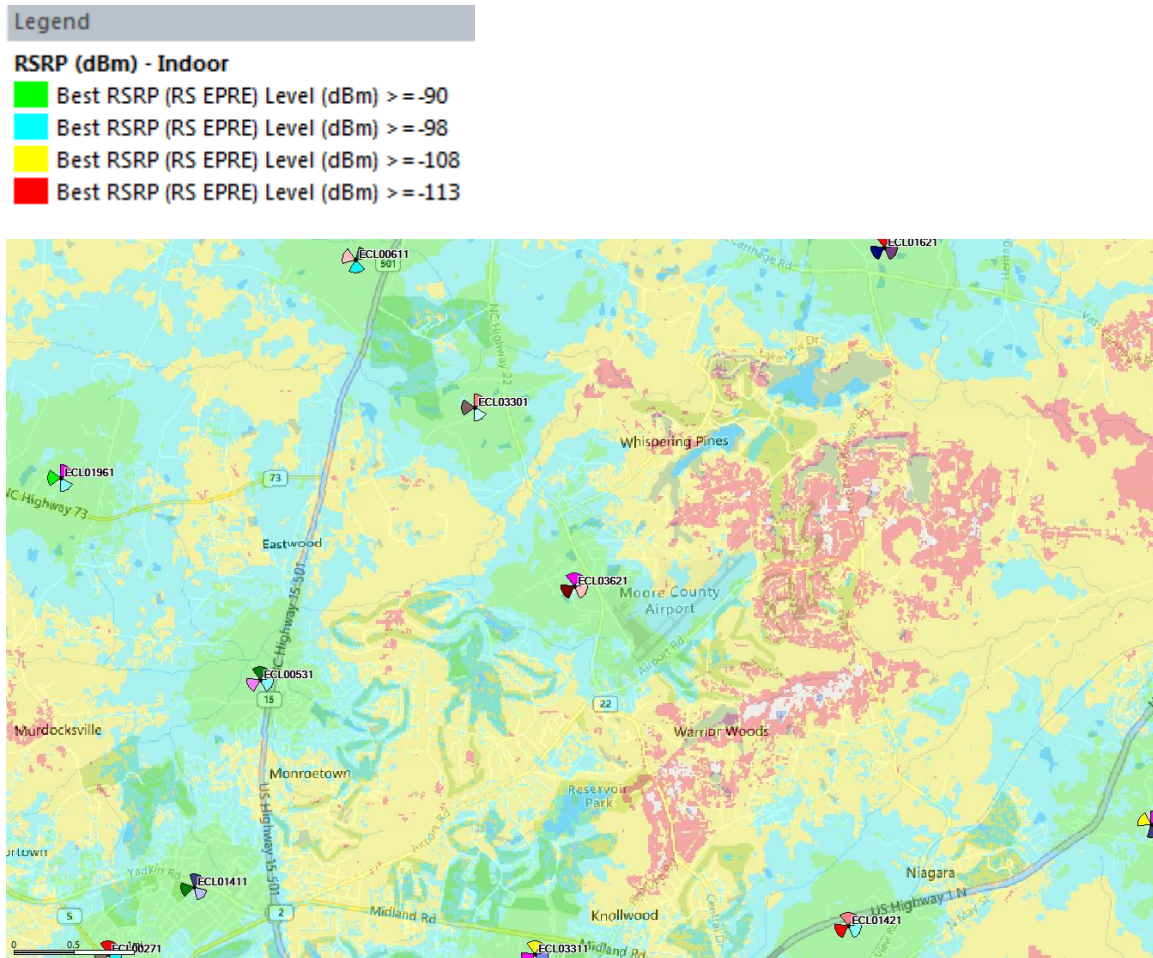
Refer to **Figure 2**, which shows coverage without the proposed site “141-362”.

**Figure 2: Map of AT&T Coverage without “141-362”**



With the addition of proposed site “141-362” AT&T Mobility will improve its network coverage in this area. Refer to the **Figure 3** which shows coverage with the proposed site “141-362”.

**Figure 3: Map of AT&T Coverage with “141-362”**



Shohel Chowdhury  
Senior-RAN Design Engineer  
AT&T Mobility LLC.  
Raleigh, NC  
E-mail: [sc3730@att.com](mailto:sc3730@att.com)



January 9, 2024  
 Town of Southern Pines  
 Department of Planning  
 Attn: BJ Grieve  
 801 SE Service Rd  
 Southern Pines, NC 28387

Dear Mr. Grieve,

TowerCo is providing this letter as confirmation that as part of our site selection, we attempted to negotiate a lease agreement with a number of different property owners. This is detailed below.

However, our first step is to confirm whether there are any colocatable structures within the search ring area provided by AT&T. There were no structures within the ring, and therefore the search expanded to included property owners willing to enter into a lease agreement for a new tower that would meet the following criteria:

- 1) Landowner was willing to negotiate a lease agreement
- 2) Property was located within the search area which would satisfy AT&T's coverage requirements
- 3) Site was zoned such that it would allow a communication tower under the Town of Southern Pine's Unified Development Ordinance

Property 1- James and Martha Mabe (APN: 85740478866)

This property was considered, however, the location was such that it would not provide the coverage objectives for AT&T

Property 2- Jane McPhaul (APN: 857404622614)

This property did work for AT&T RF but during our negotiations in 2020, Ms. McPhaul passed away and the property entered probate. As a result, we then began negotiations with her children (4) through 2021 with no success. Ultimately, the family was split on whether to enter into a lease agreement and therefore no consensus was reached

Property 3- Sandhills Community College (APN: 857300952219)

**The college was considered and several locations were discussed with the landowner in 2020. However, during negotiations, COVID struck and the college put all discussions on hold. We returned to the college after the initial COVID restrictions were lifted and asked if**

they would consider continuing negotiations. They stated that they were no longer interested in having a tower on their property as their priorities had changed since the pandemic. Our primary contact was Doug Smith, the Director of Facilities.

Property 4- Forest Creek Golf Club (APN: 857300393172)

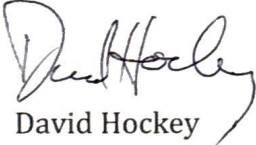
TowerCo discussed placing a tower on the club’s property near their maintenance facility with management from 2020-2022. During this time there was a change in leadership at the club and we began discussions from scratch once new leadership was in place. Ultimately, the club made a decision to focus on other capital projects for the club and stated they didn’t have time or the interest to negotiate a lease. We ceased discussions in 2022.

Property 5- Sullivan Property LLC (APN: 857404921656)

This property owner entered negotiations with TowerCo in October 2021 and secured a ground with them June 2022.

Should you have any questions, I can be reached at the number below.

Sincerely,






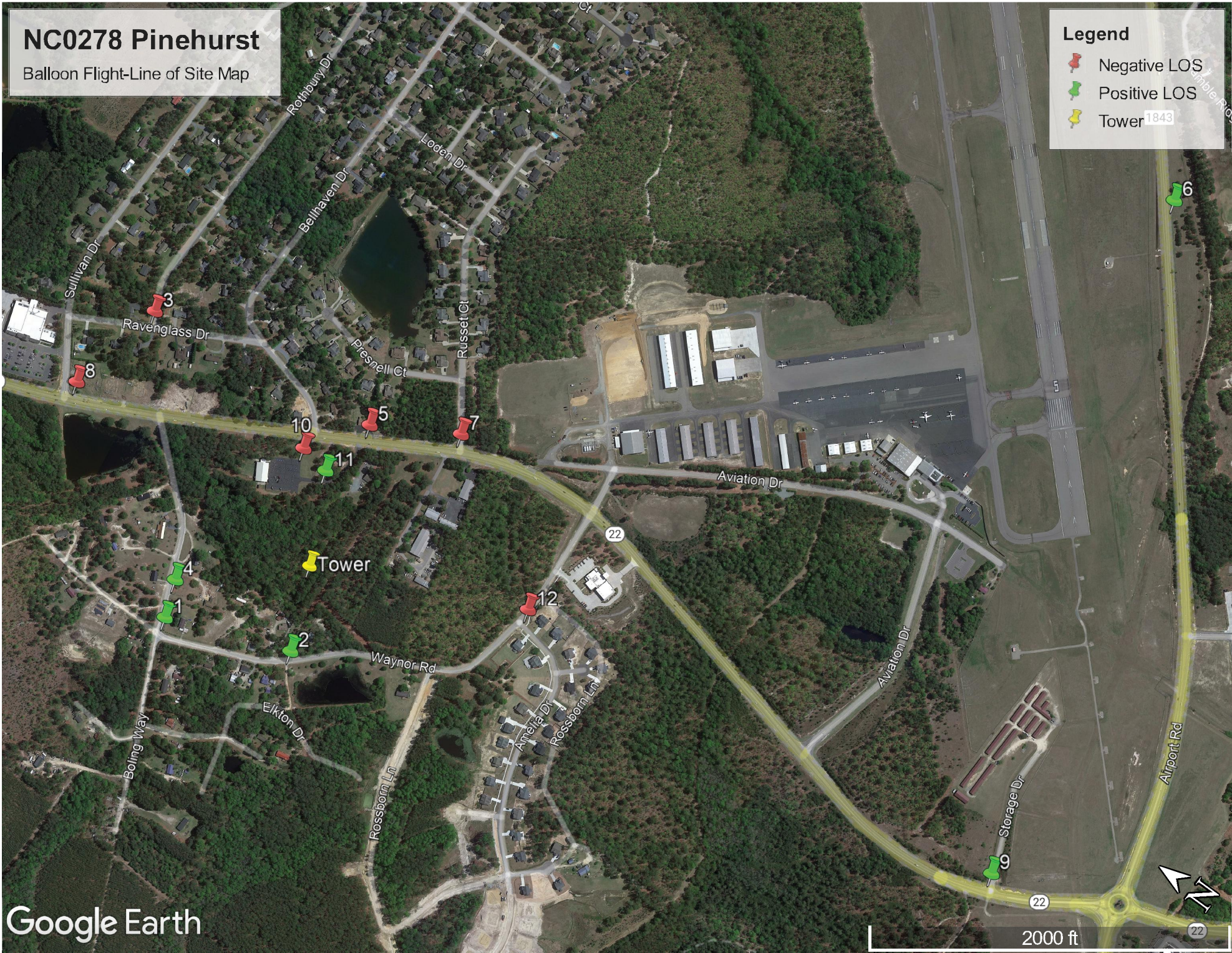
David Hockey  
Director of Business Development, Mid-South Region  
E: [Dhockey@towerco.com](mailto:Dhockey@towerco.com)  
P: (919) 653-5746

# NC0278 Pinehurst

Balloon Flight-Line of Site Map

## Legend

-  Negative LOS
-  Positive LOS
-  Tower 1843





Proposed TowerCo 155' monopole  
(156' top of lightning rod)

Due to tree interference the balloon  
is located 126' SSW of the site.

View #1 looking southeast from Waynor Road (.16 miles)

Proposed



TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327





Proposed TowerCo 155' monopole  
(156' top of lightning rod)

Due to tree interference the balloon  
is located 126' SSW of the site.

View #2 looking east northeast from Waynor Road (.09 miles)

Proposed

**Kimley»Horn**

TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327



Proposed TowerCo 155' monopole  
(156' top of lightning rod)  
*Not visible in this view*

Due to tree interference the balloon  
is located 126' SSW of the site.

View #3 looking south southwest from Ravenglass Drive (.3 miles)

Proposed

**Kimley»Horn**

TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327

 **TowerCo**



Proposed TowerCo 155' monopole  
(156' top of lightning rod)



Due to tree interference the balloon  
is located 126' SSW of the site.

View #4 looking south southeast from Waynor Road (.14 miles)

Proposed



TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327





Proposed TowerCo 155' monopole  
(156' top of lightning rod)  
*Not visible in this view*

Due to tree interference the balloon  
is located 126' SSW of the site.

View #5 looking west from Hwy 22 (.16 miles)

Proposed



TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327





Proposed TowerCo 155' monopole  
(156' top of lightning rod)



Due to tree interference the balloon  
is located 126' SSW of the site.

View #6 looking northwest from Airport Road (1 mile)

Proposed



TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327



Proposed TowerCo 155' monopole  
(156' top of lightning rod)  
*Not visible in this view*

Due to tree interference the balloon  
is located 126' SSW of the site.

View #7 looking west northwest from Russet Court (.2 miles)

Proposed



TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327



Proposed TowerCo 155' monopole  
(156' top of lightning rod)  
*Not visible in this view*



Due to tree interference the balloon  
is located 126' SSW of the site.

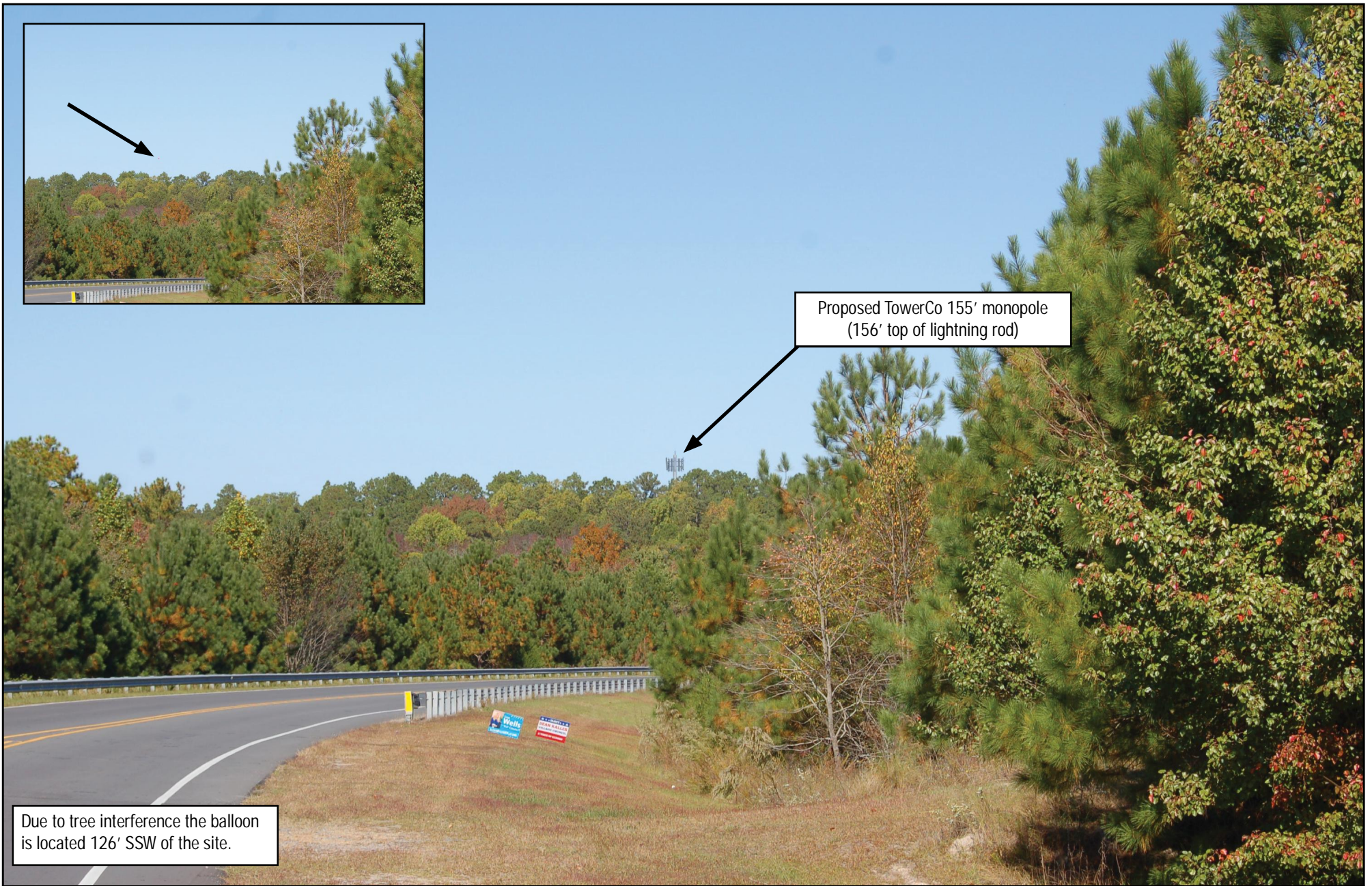
View #8 looking south from Hwy 22 (.31 miles)

Proposed

**Kimley»Horn**

TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327





Proposed TowerCo 155' monopole  
(156' top of lightning rod)

Due to tree interference the balloon  
is located 126' SSW of the site.

View #9 looking north from Storage Drive (.79 miles)

Proposed



TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327



Proposed TowerCo 155' monopole  
(156' top of lightning rod)  
*Not visible in this view*

Due to tree interference the balloon  
is located 126' SSW of the site.

View #10 looking southwest from Bible Tabernacle Parking Lot (.12 miles)

Proposed

**Kimley»Horn**

TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327





View #11 looking west southwest from Bible Tabernacle Driveway (.10 miles)

Proposed

**Kimley»Horn**

TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327



Proposed TowerCo 155' monopole  
(156' top of lightning rod)  
*Not visible in this view*

Due to tree interference the balloon  
is located 126' SSW of the site.

View #12 looking north northwest from Amelia Drive (.23 miles)

Proposed

**Kimley»Horn**

TowerCo - NC078  
7672 NC Highway 22  
Carthage, NC 28327

 **TowerCo**



December 4, 2023

Town of Southern Pines  
801 SE Service Rd  
Southern Pines, NC 28387  
Attn: BJ Grieve

Re: Proposed Cell Tower at 7672 Hwy 22, Carthage NC

Dear Mr. Grieve,

Per Section 5.23 (D), (11) of the Unified Development Ordinance, TowerCo is providing this letter to confirm that it will enter an agreement with the town to allow shared use of the tower if:

- (A) Capacity exists based on existing and planned use
- (B) A future applicant for space on the tower agrees in writing to pay any reasonable charge for shared use
- (C) The potential use is technically compatible

Sincerely,

A handwritten signature in black ink that reads "David Hockey".

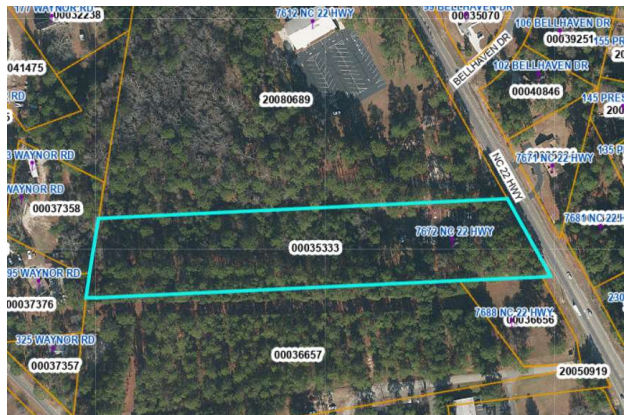
David Hockey  
Director of Business Development, Midsouth

# *IMPACT STUDY*

*Impact Study - Cell Tower  
Pinehurst  
7672 NC Highway 22  
Southern Pines, NC 27592*

*Type Report: Impact Study*

*Effective Date  
December 12, 2023*



December 26, 2023

David Hockey  
TowerCo  
Director of Business Development Mid-South Region  
5000 Vallestone Drive  
Cary, NC 27519

**RE: Impact Study for Proposed Telecommunications Facility located at 7672 NC Highway 22, Southern Pines, Moore County, North Carolina.**

Dear Mr. Hockey:

I have completed a study of the proposed tower. The scope of the assignment includes an analysis of the criteria within my field of expertise for a Special Use Permit (SUP). The study is intended to assist Southern Pines officials in determining whether the proposed development meets the criteria for approval as detailed in Chapter 2.21.6 of the Southern Pines Unified Development Ordinance (UDO).

The location of the proposed tower is along a secondary transportation corridor, NC Highway 22, leading to US Highway 1 to the south and US 501 to the north. The proposed tower is located just north of the Moore County Airport. The NC Highway 22 corridor includes a variety of uses from residential to industrial. The anticipated development patterns along the corridor are a factor in the conclusions of this report.

The impact study is intended to conform to the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. The impact study is not an appraisal as it does not report the value of any property; however, the study employs appraisal methodology to reach our conclusions of the impact of the proposed development. The impact study is of real property as this is the field of our expertise.

The conclusions of this study are supported by the data and reasoning set forth in the attached narrative. Your attention is invited to the Assumptions and Limiting Conditions section of this report. The analysts certify that we have no present or contemplated future interest in the proposed development, and that our fee for this assignment is in no way contingent upon the conclusions of this study.

**EXTRAORDINARY ASSUMPTIONS AND HYPOTHETICAL CONDITIONS:**

*Mr. Hockey*  
*December 26, 2023*  
*Page 2*

The approval process for the cell tower will require several layers. This study is specific to the application for the SUP. It is an extraordinary assumption of this report that the improvements as necessarily limited to setbacks, landscaping, access, wetlands and other items outside our field of expertise for this assignment. These items will be addressed as part of the application by others with expertise within the respective fields.

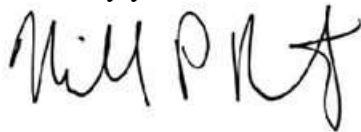
It is an extraordinary assumption of this report that the proposed development will be constructed as detailed in the report. Further, it is an assumption of the study that the proposed access will be in accordance with all local and state regulations. Maintenance will occur through a non-exclusive easement that we assume is legal access. Given access will be required for the development, we consider the assumption reasonable for the purpose and intended use of this study.

The content and conclusions of this report are intended for our client and for the specified intended uses only. They are also subject to the assumptions and limiting conditions as well as the specific extraordinary assumption set forth in this report.

The proposed development, in our opinion, conforms to the character of the neighborhood. Given the existing external influences for the neighborhood, the proposed development will not injure the use and enjoyment of properties in the area. The market provides no evidence that the special use will impede the orderly development along the NC 22 corridor. Based on the quantitative and qualitative analysis provided, the proposed special use will not substantially diminish or impair the property values in the area.

Thank you for the opportunity to be of service. If you have any questions or comments, please contact our office.

Sincerely yours,



**MICHAEL P. BERKOWITZ**  
**MPB REAL ESTATE, LLC**

**FCC  
NATIONAL ENVIRONMENTAL POLICY  
ACT (NEPA) SCREENING REPORT**

**Pinehurst  
Site Number: NC0278  
7672 NC Hwy 22  
Carthage, North Carolina  
Moore County**

*Prepared for:*  
TowerCo 2013 LLC  
5000 Valleystone Drive  
Cary, North Carolina 27519

*Prepared by:*  
**Martin Environmental Solutions Inc**  
3830 Crown Point Road Ste. F  
Jacksonville, Florida 32257  
[www.MartinEnviro.com](http://www.MartinEnviro.com)

November 13, 2023

## 1.0 EXECUTIVE SUMMARY

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This report documents the findings of the Federal Communications Commission (FCC) National Environmental Policy Act (NEPA) Screening performed by Martin Environmental Solutions Inc (MartinEnviro) for the proposed telecommunications facility located at 7672 NC Hwy 22, Carthage, Moore County, North Carolina (*Subject Site*). The *Subject Site* is unimproved.

The purpose of the FCC NEPA Screening was to identify conditions as indicated in Title 47 of the Code of Federal Regulations, Part 1, Subpart I, rule Sections 1.1307 (47 CFR 1.1307) that would indicate the need to perform a NEPA Environmental Assessment (EA). Exceptions to or deletions from the scope of work are described in Section 2.0.

***The assessment revealed no conditions that would require the performance of a NEPA EA at this time.***

*These conclusions are based on the review of available historical and regulatory records, wetland maps, floodplain maps, reconnaissance of the site and surrounding areas, and consultations with appropriate agencies. These conclusions are not subject to undocumented circumstances that were not readily discernible at the time of the site reconnaissance.*

It should be noted that this section is only intended to represent a brief summary of the findings and does not represent a detailed account of all the information compiled in preparation of this report. The report should be reviewed in its entirety to understand the relevant conditions associated with the *Subject Site*.



PROJECT INFORMATION:

SITE NAME:  
 PINEHURST  
 SITE #: NC0278  
 7672 HWY 22  
 CARTHAGE, NC 28327  
 MOORE COUNTY

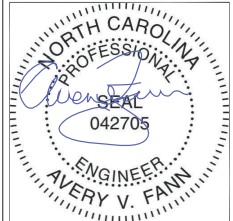
PLANS PREPARED BY:

**Kimley-Horn**  
 421 FAYETTEVILLE STREET, SUITE 600  
 RALEIGH, NC 27601  
 PHONE: 919-877-2000  
 WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

7			
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2	12/19/23	CONSTRUCTION	AVF
1	08/30/23	CONSTRUCTION	AVF
0	08/17/23	CONSTRUCTION	KRB
A	08/03/23	ZONING	AVF

LICENSER:



KHA PROJECT NUMBER:

012628079.1.100

DRAWN BY: CHECKED BY:

FAQ KRM

SHEET TITLE:

**OVERALL  
 PARCEL PLAN**

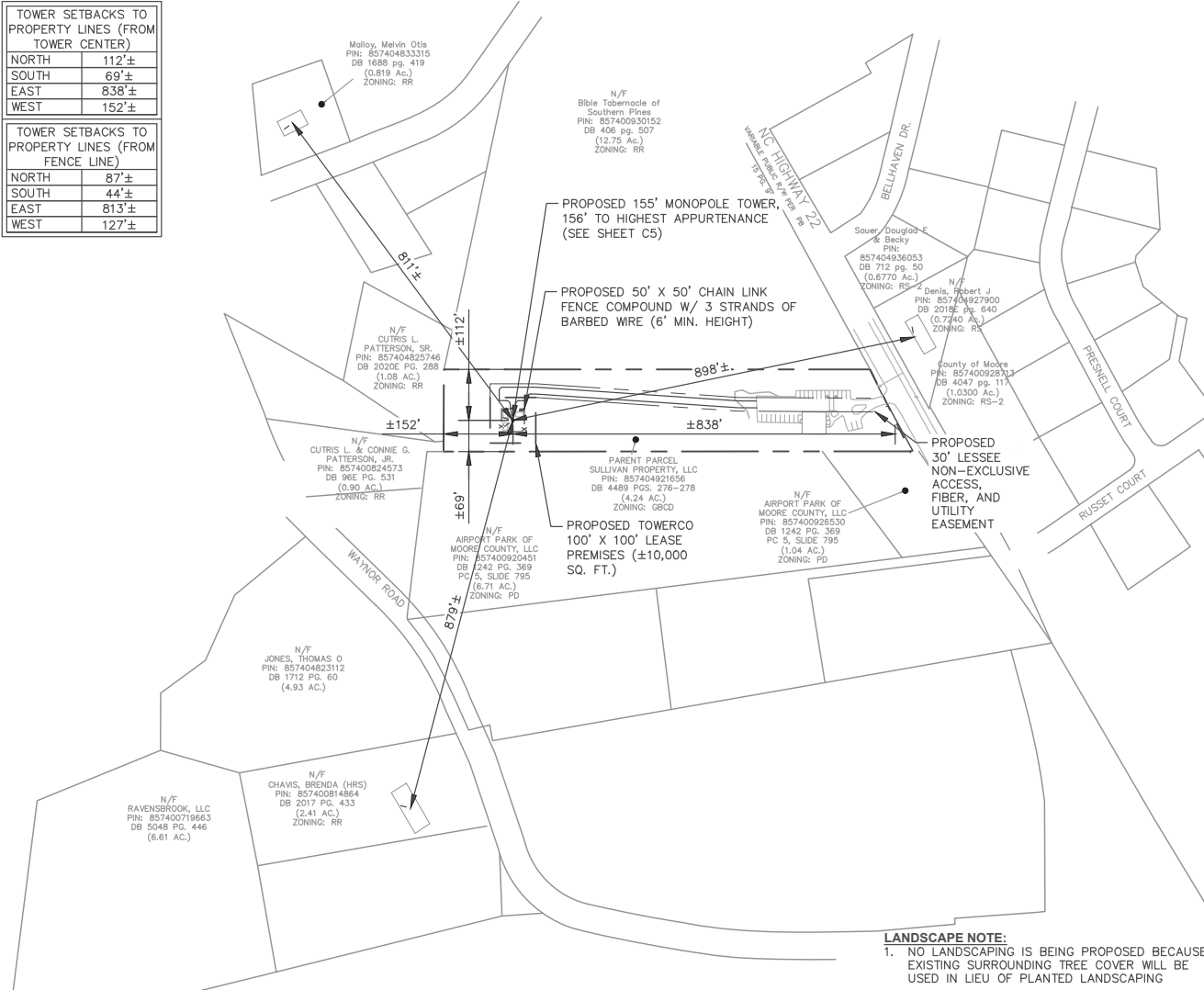
SHEET NUMBER:

C1

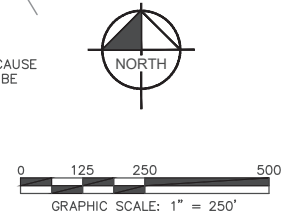
TOWER SETBACKS TO PROPERTY LINES (FROM TOWER CENTER)	
NORTH	112'±
SOUTH	69'±
EAST	838'±
WEST	152'±

TOWER SETBACKS TO PROPERTY LINES (FROM FENCE LINE)	
NORTH	87'±
SOUTH	44'±
EAST	813'±
WEST	127'±



**1 OVERALL PARCEL PLAN**  
 C1 SCALE: 1" = 250'



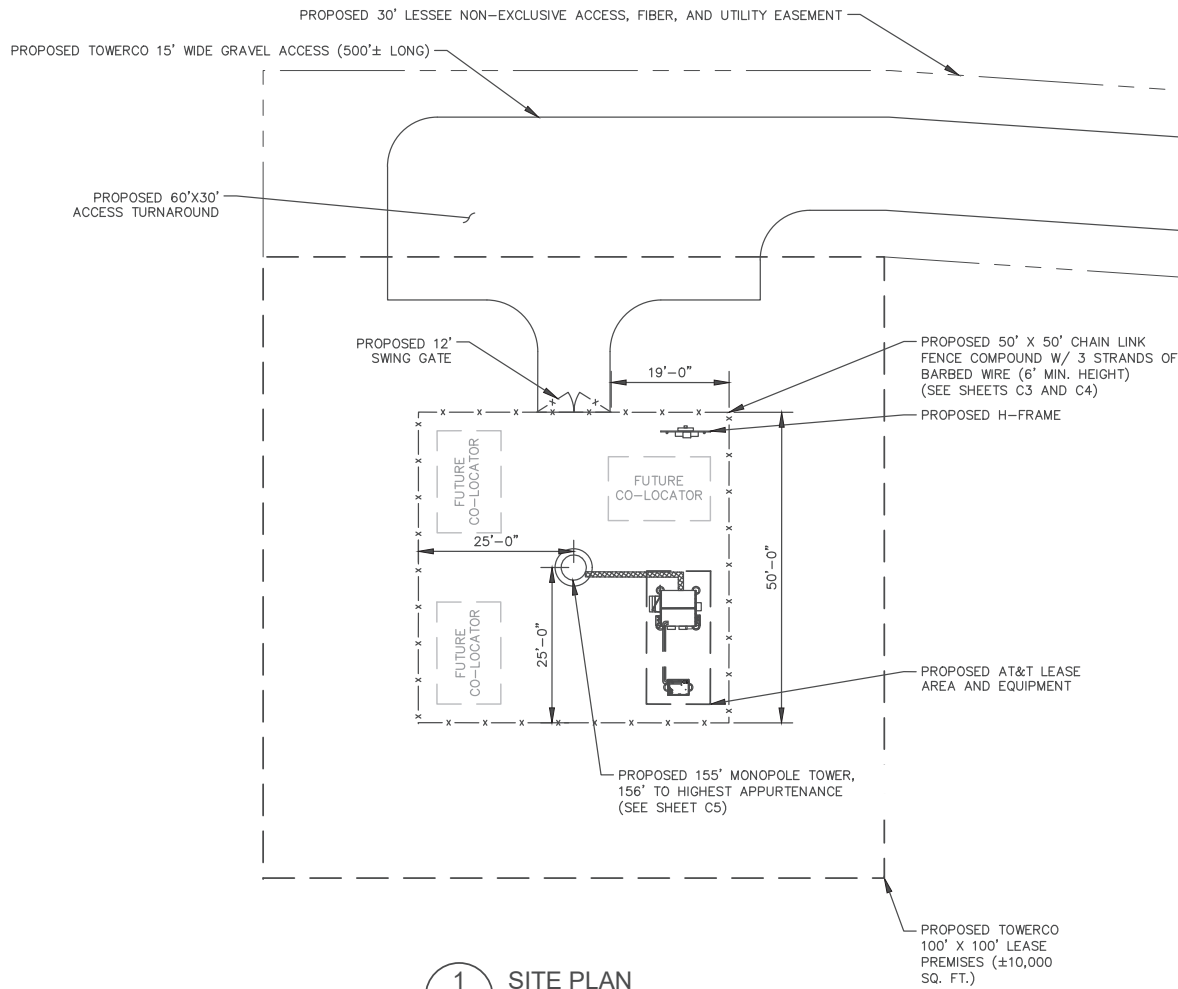
**SURVEY NOTE:**  
 1. TOWERCO STAFF SHALL COORDINATE WITH THE PROPERTY OWNER TO OBTAIN THE PROPER EASEMENT AGREEMENTS TO CONSTRUCT AND MAINTAIN EQUIPMENT IN AND AROUND THE TOWER COMPOUND.  
 2. PROPOSED COMPOUND LAYOUT BASED ON SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING SERVICES DATED 05/12/23 AND SITE VISIT DATED 07/12/22.

A:\vol\_w\inista\TowerCo\2020\NC0278\1 - final-17732 (csh)\CAD\ZEN\CD\NC0278.dwg 12/19/23 10:28 AM by: Robert.Gleason

This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



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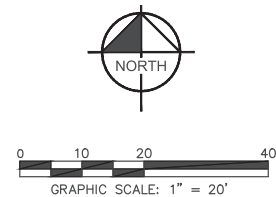
**1 SITE PLAN**  
**C2 SCALE: 1" = 20'**

**SITE NOTES:**

1. TOWERCO STAFF SHALL COORDINATE WITH THE PROPERTY OWNER TO OBTAIN THE PROPER EASEMENT AGREEMENTS TO CONSTRUCT AND MAINTAIN EQUIPMENT IN AND AROUND THE TOWER COMPOUND.
2. PROPOSED COMPOUND LAYOUT BASED ON SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING SERVICES DATED 05/12/23 AND SITE VISIT DATED 07/12/22.
3. TOWER DIMENSIONS SHOWN ON THIS PLAN ARE FOR TOWER CENTER LOCATION. CONTRACTOR TO OBTAIN COPY OF TOWER ERECTION DRAWINGS FROM TOWERCO CONSTRUCTION MANAGER PRIOR TO DRILLING TOWER FOUNDATIONS, CASSIONS AND TOWER SHOWN ON THIS PLAN ARE ILLUSTRATIVE, SEE DESIGN DRAWING BY OTHERS. DO NOT SCALE.

**LANDSCAPE NOTE:**

1. NO LANDSCAPING IS BEING PROPOSED BECAUSE EXISTING SURROUNDING TREE COVER WILL BE USED IN LIEU OF PLANTED LANDSCAPING



**PROJECT INFORMATION:**

SITE NAME:  
 PINEHURST  
 SITE #: NC0278  
 7672 HWY 22  
 CARTHAGE, NC 28327  
 MOORE COUNTY

**PLANS PREPARED BY:**



421 FAYETTEVILLE STREET, SUITE 600  
 RALEIGH, NC 27601  
 PHONE: 919-877-2000  
 WWW.KIMLEY-HORN.COM

**REV: DATE: ISSUED FOR: BY:**

7			
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3			
2	12/19/23	CONSTRUCTION	AVF
1	08/30/23	CONSTRUCTION	AVF
0	08/17/23	CONSTRUCTION	KRB
A	08/03/23	ZONING	AVF

**LICENSER:**



**KHA PROJECT NUMBER:**

012628079.1.100

**DRAWN BY: CHECKED BY:**

FAQ KRM

**SHEET TITLE:**

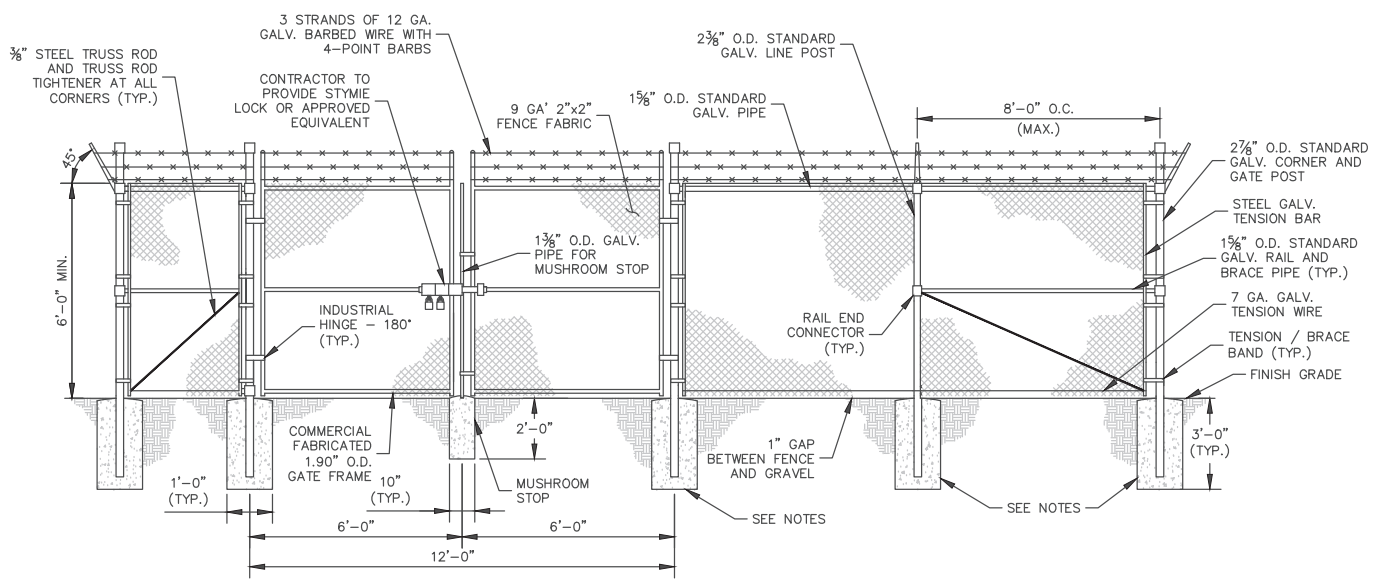
**SITE PLAN**

**SHEET NUMBER:**

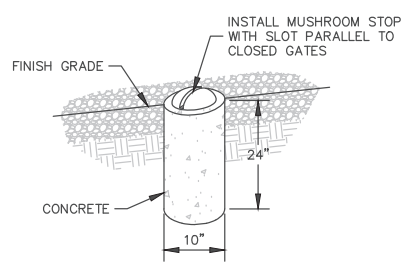
**C2**

A:\vol\_w\in\iss\TowerCo\2020\NC0278\1 - khr1-1732 (cd)\CAD\EN\CD\NC0278.dwg 12/19/23 10:28 AM by: Robert.Gleim

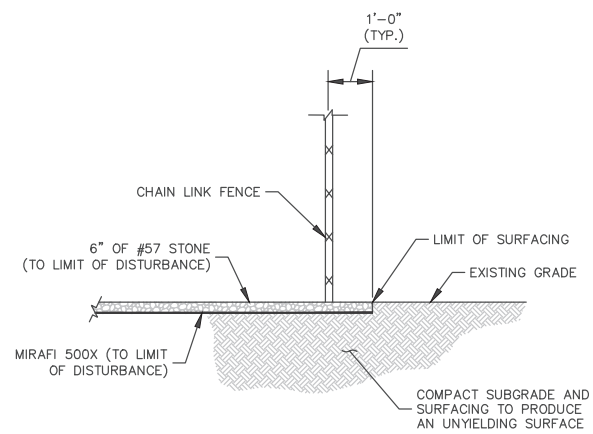
- FENCE NOTES:**
- USE 4,500-PSI CONCRETE, FULLY CONSOLIDATED AROUND THE POST.
  - WHERE THE POST IS SET IN ROCK OR CONCRETE, CORE A HOLE 12" DEEP AND 1" LARGER IN DIAMETER THAN THE POST. SET THE POST AND GROUT IN PLACE USING NON-SHRINK GROUT.
  - ALL POSTS MUST BE PLUMB AND ALIGNED WITH ONE ANOTHER IN BOTH HORIZONTAL AND VERTICAL PLANES.
  - CORNERS AND GATEPOSTS FOR CHAIN LINK FENCES SHALL EXTEND ABOVE THE TOP STRAND OF BARBED WIRE TO PROVIDE TENSIONING FOR THE BARBED WIRE.
  - PROVIDE MIDRAILS AND BRACING AT ALL CORNER POSTS WHERE THE FENCE CHANGES DIRECTION BY MORE THAN 30 DEGREES.
  - THE GRADE OF THE SITE AND INSTALLATION OF THE FENCE SHALL PROVIDE FOR NO MORE THAN A 1" GAP BETWEEN THE BOTTOM OF THE FENCE MATERIAL AND FINISH GRADE.
  - CONTRACTOR SHALL PROVIDE HOLD OPEN DEVICES FOR ALL GATES AT THE SPECIFIED OPEN POSITIONS, DRIVEN PIPE TYPE RECEIVERS ARE NOT AUTHORIZED.
  - CONTRACTOR SHALL ALSO PROVIDE A MUSHROOM TYPE RECEIVER AT THE CLOSE POSITION.



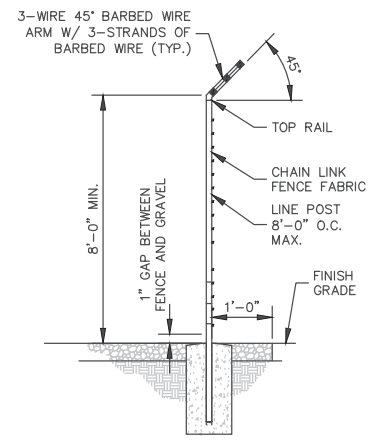
1 CHAIN LINK FENCE AND GATE ELEVATION  
C3 NOT TO SCALE



2 MUSHROOM STOP  
C3 NOT TO SCALE



3 SITE COMPOUND SURFACE DETAIL  
C3 NOT TO SCALE



4 SECTION AT FENCE  
C3 NOT TO SCALE

**PROJECT INFORMATION:**

SITE NAME:  
 PINEHURST  
 SITE #: NC0278  
 7672 HWY 22  
 CARTHAGE, NC 28327  
 MOORE COUNTY

**PLANS PREPARED BY:**

421 FAYETTEVILLE STREET, SUITE 600  
 RALEIGH, NC 27601  
 PHONE: 919-877-2000  
 WWW.KIMLEY-HORN.COM

REV: \_\_\_\_\_ DATE: \_\_\_\_\_ ISSUED FOR: \_\_\_\_\_ BY: \_\_\_\_\_

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2	12/19/23	CONSTRUCTION	AVF
1	08/30/23	CONSTRUCTION	AVF
0	08/17/23	CONSTRUCTION	KRB
A	08/03/23	ZONING	AVF

LICENSER: \_\_\_\_\_

NORTH CAROLINA  
 PROFESSIONAL  
  
 SEAL  
 042705  
 ENGINEER  
 AVERY V. FANN

KHA PROJECT NUMBER: \_\_\_\_\_

012628079.1.100

DRAWN BY: \_\_\_\_\_ CHECKED BY: \_\_\_\_\_

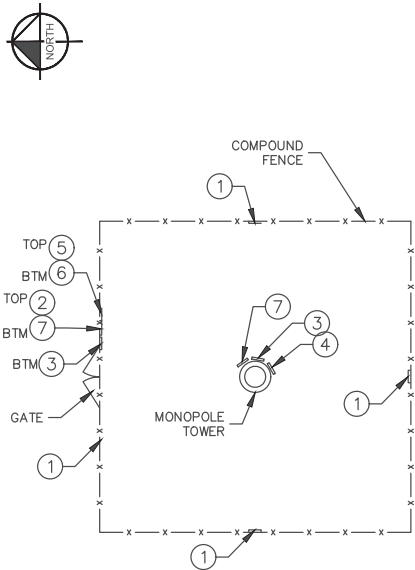
FAQ      KRM

SHEET TITLE:  
**FENCE, GATE, AND  
 COMPOUND  
 DETAILS**

SHEET NUMBER:  
C3

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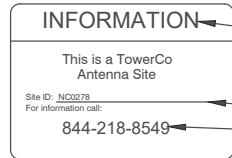
A:\vol\_w\in\iss\TowerCo\2020\NC0278\1 - khr1-17732 (cd)\CAD\REV\CD\NC0278.dwg 12/19/23 10:28 AM by: Robert.Gleason



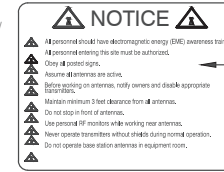
**1** SIGN PLACEMENT PLAN VIEW  
C4 NOT TO SCALE



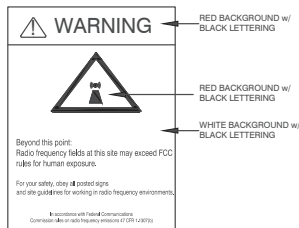
**1** NO-TRESPASSING SIGN  
18" HIGH X 24" WIDE  
(OPERATIONS PROVIDED)



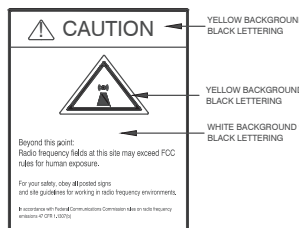
**2** TOWERCO - SITE ID SIGN  
12" HIGH X 24" WIDE  
(OPERATIONS PROVIDED)



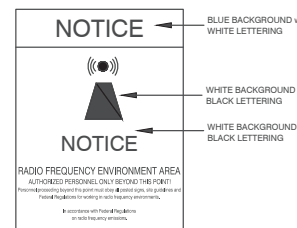
**3** NOTICE-RFE SIGN  
12" HIGH X 18" WIDE  
(OPERATIONS PROVIDED)



**4** WARNING-RF SIGN (RED)  
12" WIDE X 18" HIGH



**5** CAUTION-RF SIGN (YELLOW)  
12" WIDE X 18" HIGH

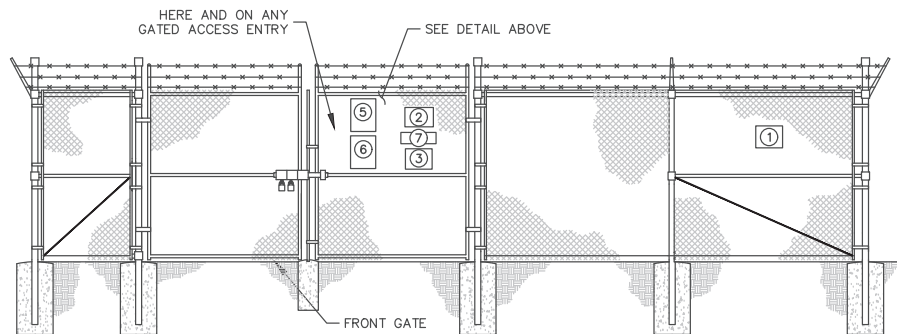


**6** NOTICE-RF SIGN (BLUE)  
12" WIDE X 18" HIGH



**7** FCC REGISTRATION SIGN  
20 WIDE X 4" HIGH

**2** TYPICAL SIGNS AND SPECIFICATIONS  
C4 NOT TO SCALE



**3** SIGN PLACEMENT FRONT GATE VIEW  
C4 NOT TO SCALE

**SIGNAGE NOTES:**  
1. SIGNS SHALL BE FABRICATED FROM CORROSION RESISTANT PRESSED METAL, AND PAINTED WITH LONG LASTING UV RESISTANT COATINGS.  
2. SIGNS (EXCEPT WHERE NOTED OTHERWISE) SHALL BE MOUNTED TO THE TOWER, GATE, AND FENCE USING A MINIMUM OF 9 GAUGE ALUMINUM WIRE, HOG RINGS (AS UTILIZED IN FENCE INSTALLATIONS) OR BRACKETS WHERE NECESSARY. BRACKETS SHALL BE OF SIMILAR METAL AS THE STRUCTURE TO AVOID GALVANIC CORROSION.



**PROJECT INFORMATION:**  
SITE NAME:  
PINEHURST  
SITE #: NC0278  
7672 HWY 22  
CARTHAGE, NC 28327  
MOORE COUNTY

**PLANS PREPARED BY:**  
**Kimley-Horn**  
421 FAYETTEVILLE STREET, SUITE 600  
RALEIGH, NC 27601  
PHONE: 919-877-2000  
WWW.KIMLEY-HORN.COM

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3			
2	12/19/23	CONSTRUCTION	AVF
1	08/30/23	CONSTRUCTION	AVF
0	08/17/23	CONSTRUCTION	KRB
A	08/03/23	ZONING	AVF

REV: DATE: ISSUED FOR: BY:



KHA PROJECT NUMBER:

012628079.1.100

DRAWN BY: CHECKED BY:

FAQ KRM

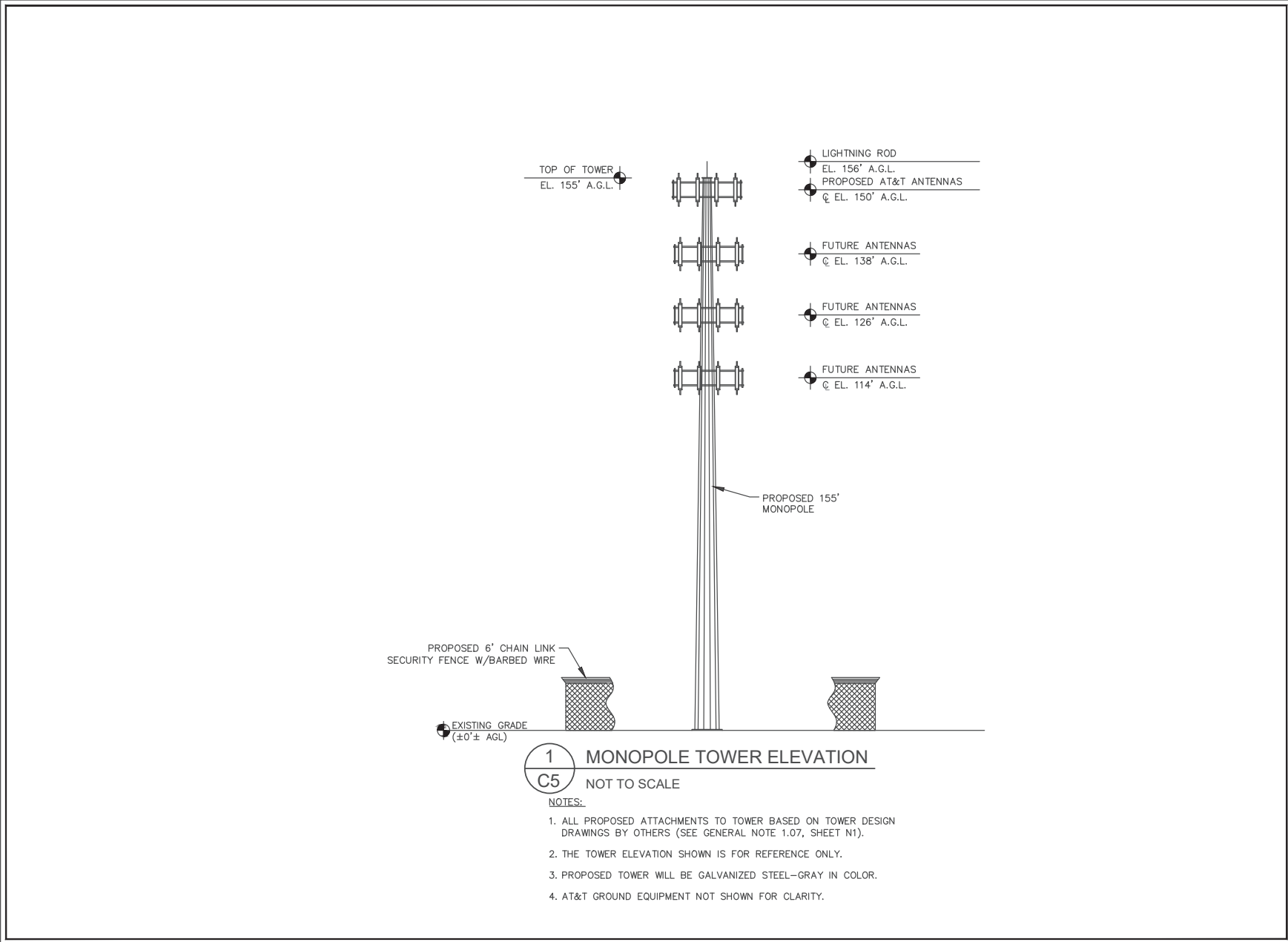
SHEET TITLE:

**SITE SIGNAGE  
DETAILS**

SHEET NUMBER:

C4

A:\vol\_winters\TowerCo\2020\NC0278\1 - krm-17732 (cd)\CD\EN\CD\NC0278.dwg ----- 12/19/23 10:28 AM by: Robert.Gleason



**1** MONOPOLE TOWER ELEVATION  
**C5** NOT TO SCALE

- NOTES:**
1. ALL PROPOSED ATTACHMENTS TO TOWER BASED ON TOWER DESIGN DRAWINGS BY OTHERS (SEE GENERAL NOTE 1.07, SHEET N1).
  2. THE TOWER ELEVATION SHOWN IS FOR REFERENCE ONLY.
  3. PROPOSED TOWER WILL BE GALVANIZED STEEL-GRAY IN COLOR.
  4. AT&T GROUND EQUIPMENT NOT SHOWN FOR CLARITY.

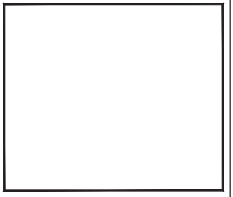


**PROJECT INFORMATION:**

SITE NAME:  
 PINEHURST  
 SITE #: NC0278  
 7672 HWY 22  
 CARTHAGE, NC 28327  
 MOORE COUNTY

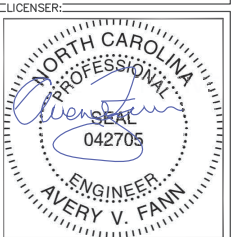
**PLANS PREPARED BY:**

**Kimley»Horn**  
 421 FAYETTEVILLE STREET, SUITE 600  
 RALEIGH, NC 27601  
 PHONE: 919-877-2000  
 WWW.KIMLEY-HORN.COM



REV: DATE: ISSUED FOR: BY:

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2	12/19/23	CONSTRUCTION	AVF
1	08/30/23	CONSTRUCTION	AVF
0	08/17/23	CONSTRUCTION	KRB
A	08/03/23	ZONING	AVF



KHA PROJECT NUMBER:  
 012628079.1.100

DRAWN BY: \_\_\_\_\_ CHECKED BY: \_\_\_\_\_  
 FAQ KRM

SHEET TITLE:  
**ANTENNA AND TOWER ELEVATION DETAILS**

SHEET NUMBER:  
 C5

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October 6, 2023

Dwayne Lyerly  
TowerCo, LLC  
5000 Vallestone Dr, Ste 200  
Cary, NC 27519

RE: Proposed 155' Sabre Monopole for Pinehurst, NC

Dear Mr. Lyerly,

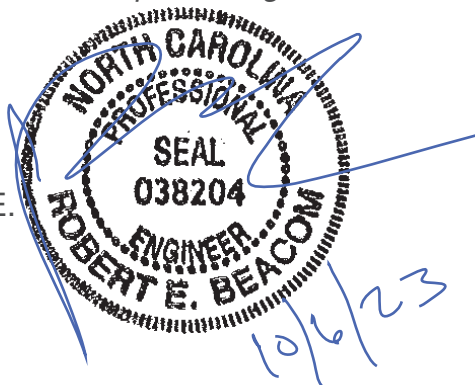
Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for an Ultimate Wind Speed of 115 mph and no ice and 30 mph + 0.75" ice, Risk Category II, Exposure Category "Site-Specific", and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA 222-G "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. This would effectively result in a fall radius less than or equal to 50'. *Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Industries.*

Sincerely,

Robert E. Beacom, P.E., S.E.  
Engineering Manager





December 13, 2023

208 N Caldwell St  
Charlotte, NC 28202

This letter is to certify that AT&T's proposed site 141-362 will comply with all FCC rules regarding human exposure to RF energy. AT&T will also comply with all applicable FCC rules regarding radiofrequency Interference (RFI).

The proposed equipment on site 141-362 will not interfere with Moore County emergency communications or with normal radio and television reception in the vicinity. If such interference is found to exist, AT&T will take whatever steps are necessary to correct the interference including, if deemed necessary, the removal of the AT&T equipment.

Sincerely,

A handwritten signature in black ink that reads "Michael Dennis".

Michael Dennis  
RF Safety Engineer - Mid-Atlantic Market  
AT&T Network Engineering & Operations  
MD2543@att.com



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-ASO-25678-OE

Issued Date: 12/18/2023

Henry Byrne  
 TowerCo 2013 LLC  
 5000 Valley Stone Drive  
 Suite 200  
 Cary, NC 27519

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole NC0278 Pinehurst  
 Location: Carthage, NC  
 Latitude: 35-14-25.64N NAD 83  
 Longitude: 79-24-21.35W  
 Heights: 424 feet site elevation (SE)  
 156 feet above ground level (AGL)  
 580 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

**See attachment for additional condition(s) or information.**

To coordinate frequency activation and verify that no interference is caused to FAA facilities, prior to beginning any transmission from the site you must contact the FAA FAYETTEVILLE SSC at 910-484-5948 .

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 06/18/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.

- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination does not constitute authority to transmit on the frequency(ies) identified in this study. The proponent is required to obtain a formal frequency transmit license from the Federal Communications Commission (FCC) or National Telecommunications and Information Administration (NTIA), prior to on-air operations of these frequency(ies).

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404) 305-6064, or James.Marek@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-ASO-25678-OE.

**Signature Control No: 596422249-607481494**

James Marek  
Specialist

( DNE )



PLANNING DEPARTMENT

180 SW Broad Street  
Southern Pines, NC 28387

Phone: (910) 692-4003  
Fax: (910) 692-9495

June 15, 2004

Dr. Elizabeth C. Lyerly  
7672 Highway #22  
Carthage, NC 28327

**RE: Rezoning Case Z-05-04**

Dear Dr. Lyerly,

On June 8, 2004, the Southern Pines Town Council approved your request to rezone 4.24 acres from RR (Rural Residential) to G.B. /C.D. (General Business / Conditional District) for a veterinarian clinic with no outside kennels.

If you should have any questions, please advise.

Sincerely,

Bart S. Nuckols, Planning Director  
Town of Southern Pines

BSN:nhs

**SOUTHERN PINES REZONING APPLICATION**

CASE: Z- \_\_\_\_\_

DATE: \_\_\_\_\_

To the Planning Board and Town Council of Southern Pines, North Carolina:

I, the undersigned, do hereby make application to change the zoning map of the Town of Southern Pines as herein requested.

- The property is located on the west side of NC 22 Hwy. (St.,Ave.,Dr.,Ct.) between Waynor Rd. (St.,Ave.,Dr.,Ct.) and Waynor Rd. (St., Ave.,Dr.,Ct.). The address is 7672 Hwy 22 and is known as Pin Number 857404921656 LRK Number 00035333. It has a frontage of 205 feet and an average depth of 950 feet containing 4.24 acres.
- It is desired and requested that the foregoing property be rezoned from RR District to GB conditional District for the following purpose: Veterinarian, Animal Clinic with no outside kennel - expansion of current animal hospital. Please see attached note #2.
- A metes and bounds description must be attached to this application.
- The following are all individuals, firms or corporations owning property within 100 feet of the rezoning request and within 100 feet of all other property contiguously owned by the property owner/applicant or all pieces of land that were part of the property requesting rezoning prior to the requested rezoning, and the property across the street from the property sought to be rezoned. (Use reverse side if needed).

Pin Number	LRK Number	Name	Address
857404824612	37375	Curtis L. Patterson Sr.	325 Waynor Rd. Carthage 28327
857404825416	37376	Curtis L. Patterson Sr.	325 Waynor Rd. Carthage 28327
857404525746	37358	Curtis L. Patterson Sr.	325 Waynor Rd. Carthage 28327
857404921462	36657	Airport Park of Moore Co.	Box 206 Pinehurst 28370
857404926560	36656	Airport Park of Moore Co.	P.O.Box 206 Pinehurst 28370
857404930266	31284701	Bible Tabernacle Church	c/o C.Parker Thomas SP28387
857404930266	31284702	Bible Tabernacle Church	Southern Pines 28387
857404927900	35084	Robt. & Beverly Denis	7671 NC Hwy 22 Carthage 28327
<del>857404928713</del>	<del>34655</del>	<del>David &amp; Lynn Upchurch</del>	<del>190 Woodland Dr. Pinehurst 28374</del>

I certify that all information furnished in this application is accurate to the best of my knowledge.

Petitioner's Name: Elizabeth C. Lyerly  
 Petitioner's Signature: Elizabeth C. Lyerly  
 Mailing Address: 7672 Hwy 22 Carthage NC 28327  
 Phone Number: (910) 9492111

• Property Owner: Elizabeth C. Lyerly  
 • Signature: Elizabeth C. Lyerly  
 • Mailing Address: 7672 Hwy 22 Carthage NC 28327  
 • Phone Number: (910) 9492111

• Property Owner's Signature Is Required Before Application is Accepted.

**Note:** If the request is made by a corporation, the names and addresses of all officers in the corporation must be provided. A request for a "Parallel Conditional Use District" must also be accompanied by a letter from the owner or an authorized officer of the corporation indicating their agreement to abide by the conditions of approval imposed by the Town Council. The applicant or his representative is expected to attend all meetings to answer questions concerning the request. The absence of the applicant is sufficient grounds to warrant a deferral of action by the Planning Board and/or the Town Council.

# Whispering Pines Animal Hospital

Elizabeth C. Lyerly-Ray, D.V.M.

Elizabeth A. Pelkey, D.V.M.

William N. McDuffie, Jr., D.V.M.

*Companion Animal Practice*

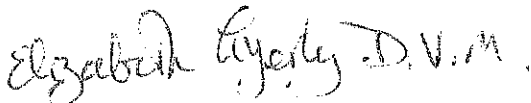
June 3, 2004

To: Members of the Southern Pines Town Council;

I would like to include some additional information to aid in your decision regarding my zoning request. The outdoor exercise areas would be enclosed with a 6' chain-link fence to secure the pets. To provide a visual screen and a noise barrier we would plant a buffer of wax myrtle bushes.

Please see attached photos of the method we currently use to screen our exercise area. Shrubs are 12' high and 12' wide at maturity.

Sincerely,



Elizabeth Lyerly D.V.M.

# Whispering Pines Animal Hospital

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Elizabeth C. Lyerly-Ray, D.V.M.  
Elizabeth A. Pelkey, D.V.M.  
William N. McDuffie, Jr., D.V.M.

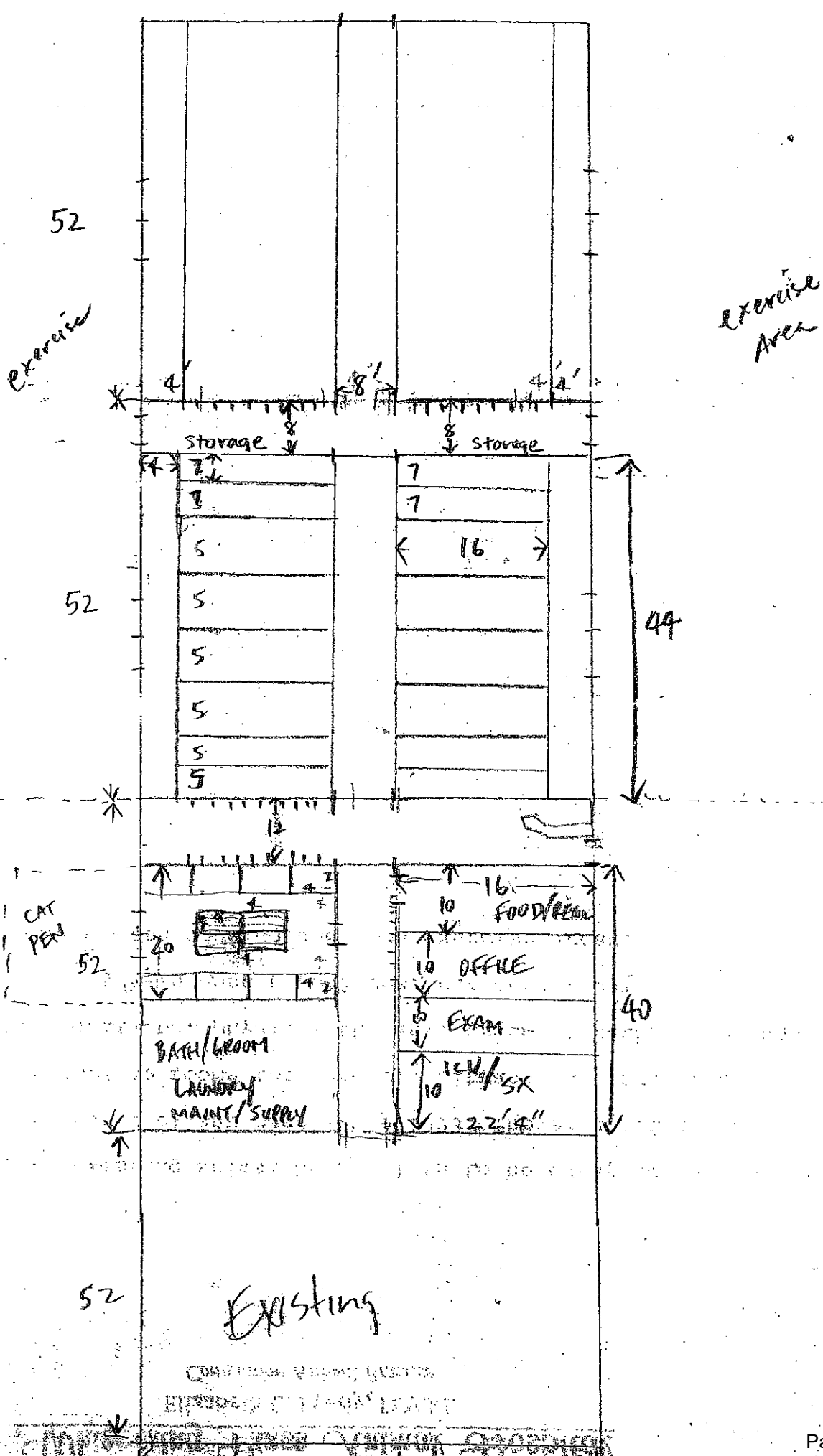
*Companion Animal Practice*

## NOTES :

#2 The existing animal hospital is to be expanded ~~due~~ to an increase in client base since the practice opened in 1993. The expanded area is to include rooms for surgery, ultrasound, intensive care, physical therapy, grooming/bath, offices, examinations, food/supplies, laundry/maintenance, cat condos, dog kennels, as well as covered and open exercise areas.







16/32

20 cat

## Agenda Item

To: Kyle Sonnenberg, Town Manager  
From: <sup>BN</sup> Bart S. Nuckols, Planning Director  
Subject: Z-05-04 Elizabeth C. Lyerly  
Date: June 8, 2004

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### REQUEST:

Request to rezone 4.24 acres from RR (Rural Residential) to G.B./C.D. (General Business/Conditional District) for a veterinarian clinic with no outside kennels. The property is located on the west side of NC Hwy. 22, between Waynor Road loop.

### ANALYSIS:

The current RR district is established as a district in which to allow a variety of single-family residential building types, at very low densities, which are interspersed with large, undeveloped open areas. The regulations of this district are intended to (1) preserve the existing scale and the low-density residential and agricultural character of development on the fringe of the planning region; (2) discourage traditional urban-scale development that requires major utility and street improvements; and (3) encourage single-family detached residential development, Class B manufactured homes on individual lots.

The proposed GB/CB district being offered by the applicant would limit uses to the existing Veterinarian Animal Clinic with no outside kennel with an expansion of the current animal hospital. The applicant is also proposing a site plan showing the expansion plans of the building.

The proposed rezoning is located in the Hwy. 22/Nick's Creek Land Use Plan area. The Land Use Plan has designated this area for a village center which encompasses mixed land use types such as residential, commercial, office/service land uses.

### STAFF RECOMMENDATION:

Approve the request. The request complies with the land use plan and the Conditional District rezoning limits the uses to the existing use on site.

### PLANNING BOARD RECOMMENDATION:

The Planning Board voted unanimously to recommend the Town Council approve the request.

- Call applicant and ask about fence around exercise facility.

# MINUTES

3290

## Regular Meeting of the Town of Southern Pines Town Council June 8, 2004, 7:00 PM, Council Chambers

**Present were:** Mayor Frank Quis, Mayor Pro Tem Fred Walden, Councilmember Michael Haney, Councilmember David Woodruff, Councilmember Chris Smithson

**Absent:** None

Call To Order

### 1. Consent Agenda

- A. Adopt minutes of May 11, 2004 as written.
- B. Representation on Ft. Bragg Regional Land Use Advisory Commission – Bart Nuchols
- C. Dixie Pipeline Agreement for Knoll Rd.
- D. Bulk Water Extension Agreement with Moore County
- E. Annexation – AX-04-04 Jerry and Sandy Mashburn
  - Resolution Directing the Clerk
  - Resolution Calling a Public Hearing
- F. Appointment of Interim Town Manager – Gerald Galloway

Upon motion by Councilmember Haney, seconded by Mayor Pro Tem Walden and carried unanimously, the consent agenda was adopted.

### 2. Public Hearings

#### A. 2004/2005 Fiscal Year Budget

Marquita Daniels 240 Maples Rd. voiced concerns for the declining fund balance. She commented she had never seen it that low in the sixteen years she served on the Town Council and asked Council what they would do for money in case of an emergency. She also mentioned concerns for the proposed park to be developed on the corner of Indiana and Bethesda. She mentioned the traffic in the area and asked what could be done to make the park safe for children to play. She added concerns about the proposed project to increase water pressure in the Weymouth area saying that Council should do what is best for the entire town and not "just a few". Ms. Daniels asked Council why the Police Department renovation project went from \$2,000,000 to \$3,000,000.

Jim Crawford 160 Broadmeade Drive agreed with Ms. Daniels comments regarding the proposed park and water pressure projects. He mentioned that a survey was sent to residents in the area with a majority in favor of the park.

Mayor Quis responded to the water pressure project was undecided and that it would be for 120 to 125 homes.

John McInerney 460 Crest Road said the Betty Round's Park was a great success and that he questioned the cost of the proposed park but his questions were answered.

Councilmember Woodruff commented that the budgeted money is a long way from being spent and water pressure concerns are from a safety standpoint. He mentioned the Fire Department's concerns for adequate water pressure in the area when responding to calls.

Upon motion by Councilmember Haney, seconded by Councilmember Woodruff and carried unanimously the public hearing was closed.

Upon motion by Councilmember Haney, seconded by Mayor Pro-Tem Walden and carried unanimously the 2004/2005 Fiscal Year Budget was adopted.

Councilmember Woodruff echoed Ms. Daniels concerns and added that all items will be re-visited before any money is actually spent.

Councilmember Haney added that the tax rate will remain the same.

**B. Z-05-04 Elizabeth C. Lyerly**

Request to rezone 4.24 acres from RR (Rural Residential) to G.B./C.D. (General Business/Conditional District) for a veterinarian clinic with no outside kennels. The property is located on the west side of NC Hwy. #22 between Waynor Road loop.

Elizabeth Lyerly gave a background on the location. She added she is limited because of size and it impedes her ability to do business.

Councilmember Smithson asked that she describe the outside areas and their usage.

Dr. Lyerly answered that animals would be outside for exercising as it is important for their well-being, and that they would only be out during the day hours. She commented that there were no complaints from the neighboring church. She gave a description of the shrubbery used for visual and sound barriers.

Mayor Quis mentioned that the drawing shows sixteen outdoor areas for animals. He added that Council was being cautious for other neighbors and the shielding of noise.

Dr. Lyerly said that no more than four animals would be out at one time, each in a separate exercise area. She also mentioned that the Bayberries and Evergreens were a noise barrier.

Mayor Quis asked Bart Nuchols what kinds of uses would be allowed on this lot. Mr. Nuchols replied any G.B. would be allowed.

Mayor Quis said that Dr. Lyerly had provided additional pictures of the property and conditions met with the existing screening for noise.

Councilmember Haney added that this would be approved with the condition that it be screened in order to minimize noise.

Bob Cooke 347 Old Dewberry Lane commented on the cleanliness of the veterinary clinic and urged Council to give Dr. Lyerly the zoning.

Joann Gissell 430 Yadkin Run said the clinic is very quiet and well run.

Glenn Gilchrist 38 Plantation Drive agreed with other citizens. He added that the clinic is the "Cadillac of clinics".

Upon motion by Councilmember Woodruff, seconded by Councilmember Smithson and carried unanimously the public hearing was closed.

Upon motion by Councilmember Woodruff, seconded by Councilmember Haney and carried unanimously Z-05-04 Elizabeth C. Lyerly was approved.

**C. Z-06-04 Martin and Cook**

Request to rezone 5.58 acres from I (Industrial) to G.B./C.D. (General Business/Conditional District) for a veterinary clinic, tack shop, indoor athletic and exercise facility and mini warehouse and storage. The property is located on the northwest side of Valley View Road, southeast of Brothers Road.

Roy Harvel, Realtor said he represented the homeowners. He described the properties uniqueness and requested that "mini-warehouse/storage" be eliminated.

Tom Daniel of Southern Pines Equestrian Association agrees with the rezoning with the exception of mini-storage.

Joann Gissell commented that it would be an asset to the "carriage people" to have a tack shop.

Glenn Gilchrist agreed adding he has an adjoining farm to the property and this property is perfectly suited for the equestrian community.

Bob Cooke commented he was worried if Council did not vote in favor it would open the door for someone else to build an undesirable building. He added he has had many requests for a tack shop.

**Town of Southern Pines  
Planning Board Minutes**

**Regular Meeting, Wednesday, May 19, 2004**

The Town of Southern Pines Planning Board met in regular session, 7:00 PM, Wednesday, May 19, 2004 in the Municipal Building, Council Chambers.

Members in attendance: Vice-Chairman, Marshall Glass, Jim Halstead, Bob Howell, Tom Marsh and Lewis Hershey.

Members absent: Chairman Chris Arnold and Elaine Simon.

Staff in attendance: Bart S. Nuckols, Planning Director and Neva Sherry, Secretary to the Planning Board.

Town Council members in attendance: David Woodruff and Chris Smithson.

There were approximately 27 citizens present.

Vice-Chairman Marshall Glass called the meeting to order at 7:00 PM.

The Chairman asked if there were any additions or corrections to the minutes from the April 21, 2004 meeting. There being no comments from the board members, he requested a motion to approve the minutes as written.

Motion to approve the minutes as written was made by Jim Halstead and seconded by Bob Howell. Motion carried unanimously.

Vice-Chair Glass introduced the first agenda item for Public Hearing:

**Z-05-04 Elizabeth C. Lyerly**

Request to rezone 4.24 acres from RR (Rural Residential) to G.B./C/D (General Business/Conditional District) for a veterinarian clinic with no outside kennels. The property is located on the west side of NC Highway #22 between Waynor Road loop.

Vice-Chair Glass asked Bart Nuckols to comment on the request.

Mr. Nuckols stated the property is currently zoned Rural Residential. The applicant currently has a non-conforming veterinarian clinic located on the site. The proposed General Business/Conditional District request is only for the veterinary clinic with no outside kennels. The applicant has furnished a site plan with the application. The proposed rezoning is located in the Highway 22/Nick's Creek Land Use Plan area. The Land Use Plan has designated this area for a village center, which encompasses mixed land use types such as residential, commercial,

office/service land uses, and therefore, the staff has recommended approval of the request.

The Vice-Chair opened the Public Hearing on the agenda item by calling for anyone wishing to speak in favor of the request to please step forward to speak.

**IN FAVOR:**

Elizabeth Lyerly, the applicant, spoke in favor of the request. Dr. Lyerly stated that she has had her veterinary practice located on this site for 10 years. During this time, the practice has grown 10% to 12% per year. The current footprint of the building does not allow for continued growth.

Lenore Rittenhouse, 245 Bellhaven Drive, spoke in favor of the request. She stated that she is an employee of Dr. Lyerly. She works as a receptionist at Whispering Pines Animal Hospital. The space is too small. They have had to turn away potential clients because of the lack of space for growth. This is not good for business and is very hard to do.

As no one else present wished to speak in favor or opposition to the request, the Vice-Chairman called for a motion to close the public hearing.

Motion to close the public hearing for Z-05-04 was made by Jim Halstead and seconded by Lewis Hershey. Motion carried unanimously.

The Planning Board members held a brief discussion of the request noting that this request would now bring the non-conforming use into conformity. Vice-Chair Glass called for a motion on the proposal.

Motion to recommend approval of the request to the Town Council was made by Bob Howell and seconded by Lewis Hershey. Motion carried unanimously.

Vice-Chairman Glass introduced the next agenda item before the Planning Board.

**Z-06-04 Martin and Cook**

Request to rezone 5.58 acres from I (Industrial) to G.B/C.D (General Business/Conditional District) for a veterinary clinic, tack shop, indoor athletic and exercise facility and mini warehouse and storage. The property is located on the northwest side of Valley View Road, southeast of Brothers Road.

Mr. Glass called on Bart Nuckols, Planning Director, to comment on the request.

The proposed request is located in the Industrial district. The request for General Business/ Conditional District lists the following proposed uses of a veterinary clinic, tack shop, indoor athletic facility, and min-warehouse and storage. Mr.