

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, April 18, 2024, at 6:00 PM

Chair Westbrook called the meeting to order at 6:00 PM.

Chair Diane Westbrook, Andy Bleggi, Matthew Walden, John Earp, Jennifer Garner and Monica Harvey were present.

Monica Harvey made a motion, which was seconded by Andy Bleggi, to approve the Minutes of the March 2024 regular meeting. The motion carried.

PUBLIC HEARING:

OA-02-24: Proposed Amendment to UDO §5.23(B)

TowerCo 2013, LLC proposed an amend UDO §5.23(B) to allow towers and related structures taller than 50 feet to be within 800 feet from any Rural Estate, Residential Single-Family or Residential Multi-Family zoning district as well as any residential area within a Planned Development rather than the current UDO standard of at least 1,000 feet.

Matthew Walden made a motion, which was seconded by Andy Bleggi, to open the public hearing. The motion carried.

Senior Planner Alaina Mallette provided an overview of staff report OA-02-24 and stated that Planning staff recommended approval of the text amendment.

Member Harvey asked Ms. Mallette if staff had considered requiring a Special Use Permit as opposed to the proposed text amendment and Ms. Mallette responded that towers taller than 50 ft. currently require a Special Use Permit.

Member Bleggi asked if the text amendment included other types of towers and Ms. Mallette responded that the text amendment applied specifically to communication towers.

Attorney Mark Tucker, representing the applicant, stated that there is a distinction between a monopole and the much taller structures that have guide poles. Typically, a monopole is a single pole that can be up to 195 ft. tall.

Member Walden asked if other municipalities have a setback standard and Ms. Mallette responded that staff found the standard to be different for each municipality depending on the character of the area.

Mr. Tucker responded that they looked at the UDO for other jurisdictions that they identified as being similar to Southern Pines with the same growth projection. All of the jurisdictions had certain setback requirements but they did not identify any provisions that were similar to the proposed text amendment. Mr. Tucker said the purpose of the text amendment is to make additional potential sites available for the installation of a monopole tower to provide increased broadband data services to the community. They identified 14 additional parcels that would potentially become available, but that does not mean that a new tower would be installed on all of those sites. They have a separate rezoning application pending but from their perspective, the first step was to address the text amendment.

Chair Westbrook asked if other potential sites in addition to the 14 that had been identified.

Mr. Tucker responded that communication towers are currently permitted in Rural Residential, General Business and Facilities, Resource & Recreation districts with a Special Use Permit. They tried to identify all of the properties in those zoning districts and measured out 1,000 ft. and 800 ft. to determine how many properties would potentially be impacted.

Chair Westbrook asked if the text amendment would eliminate the need to come before the Planning Board and Town Council to request an exception to the UDO.

Ms. Mallette responded that staff looked at the properties the applicant had identified and found that three of them were within the required minimum distance from a Residential district and therefore were eliminated, leaving 11 potential properties.

Chair Westbrook asked if the same outcome could be accomplished by requesting a variance for each site and Ms. Mallette responded that was the applicant's original plan but it would have been a rezoning with the condition that a variance be approved and that process is not ideal.

Mr. Tucker stated that the original 1,000 ft. requirement dates back to 1997 and technology has since changed and the demands for reliable cellular data services have changed significantly. They arrived at 800 ft. due to the number of properties that it would make available as potential sites, but at the same time maintain the character of the community. The 20% reduction on the properties that would potentially be impacted is minimal when compared to the benefits of more broadband data services.

Ms. Mallette stated that she agreed with the applicant that there was no technical reason for the 1,000 ft. setback, but the 800 ft. setback was not arbitrary. The text amendment will lower the setback standard slightly but not to a 1:1 ratio like some other communities.

Member Bleggi asked if there is a landscaping requirement for towers and Ms. Mallette responded that a tower is a commercial structure and would be subject to the landscaping requirements of UDO §4.3.

Mr. Tucker stated that one of the criteria for approval of a text amendment is that it is consistent with the Comprehensive Plan and the general purpose of the Plan is to balance growth with maintaining the character of the community. The requested reduction to 800 ft. is an attempt to satisfy that criteria. There is an increased demand for broadband data services, whether for residents, children having a need to access school work or for businesses, and in everyday operations and services provided by the Town. A monopole is a low impact commercial use that has little to no impact on surrounding properties, yet provides reliable data broadband service to the community. Cell towers are required to go through the Special Use Permit process and as part of that process, evidence of compliance with all state and federal emissions standards and applicable regulations is required.

Carrie Fazzolari with TowerCo 2013, LLC stated that she had taken the measurements and stated that out of 300 to 500 parcels, 11 were impacted by the 1,000 to 800 reduction in the setback. Where they are located is important. The parcels are in different locations throughout the jurisdiction. Cell towers are needed in particular areas to reach other cell towers wireless.

Member Bleggi asked if the applicant studied the impact of towers on the value of adjacent properties.

Mr. Tucker responded that the impact on property values is specifically addressed as part of a Special Use Permit application and reiterated that the 800 ft. minimum setback would be required.

Member Bleggi inquired about the radius that a tower would cover.

David Hockey of Tower Co 2013, LLC stated that a 195 ft. monopole could provide service up to two (2) miles depending on surrounding foliage and topography, and also the frequency that a carrier uses.

Andy Bleggi made a motion, which was seconded by Monica Harvey, to close the public hearing. The motion carried.

John Earp made a motion, which was seconded by Jennifer Garner, that after reviewing the proposed text amendment to the UDO and considering the criteria for approval of the text amendment to the UDO found in UDO §2.17.10, the proposed amendment is consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment I of staff report OA-02-24 and further that the following matter was considered: that the text amendment be limited to monopole towers only; and therefore, to recommend approval of OA-02-24 to the Town Council. The motion carried by a 6-0 vote.

UNFINISHED BUSINESS:

No unfinished business was discussed.

NEW BUSINESS:

John Earp announced that he had sold his home in Southern Pines and would be relocating.

Matthew Walden made a motion, which was seconded by Monica Harvey, to adjourn the meeting. The motion carried.

The meeting adjourned at 7:21 PM.

An audio recording of the meeting and any related PowerPoint presentations are available upon request.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board