



AGENDA

Thursday, April 18, 2024: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

a. March 21, 2024 Regular Meeting

3. PUBLIC HEARINGS

a. OA-02-24 Cell Tower Distance from Residential

TowerCo 2013, LLC is proposing to amend the Unified Development Ordinance (UDO) Section 5.23(B) to allow towers and related structures greater than 50 feet to be, at least, 800 feet from any Rural Estate, Residential Single-Family, Residential Multi-Family, or Planned Development zoning districts (every residential district except Rural Residential) rather than the current UDO standard of, at least, 1,000 feet away.

4. UNFINISHED BUSINESS

5. NEW BUSINESS

6. PUBLIC COMMENTS

7. ADJOURNMENT

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, March 21, 2024, at 6:00 PM

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

Vice Chair Kim Wade, Andy Bleggi, Matthew Walden, John Earp, Jennifer Garner and Monica Harvey were present.

Andy Bleggi made a motion, which was seconded by Matthew Walden, to approve the Minutes of the February 22, 2024 regular meeting. The motion carried.

Matthew Walden made a motion, which was seconded by Andy Bleggi, to approve a change in the order of the agenda. The motion carried.

PRELIMINARY FORUMS:

PD-01-24: Planned Development District - Preliminary Development Plan for Belle Meade Retirement Community

On behalf of St. Joseph of the Pines, Inc., Thomas Van Camp and Dan Jewell have submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance for the addition of 40 residential units on the north side of the already existing Belle Meade continuing care retirement center on a portion of the parcel identified as PIN 858315743819 (PARID 00040807). Two existing commercial buildings on the north side of the Belle Meade campus will be demolished to make way for the additional 40 senior living townhomes.

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

Senior Planner Alaina Mallette provided an overview of the application and staff report for PD-01-24 accompanied by a PowerPoint presentation.

Chuck Hill of Thomas & Hutton engineering firm, present on behalf of the applicant, addressed the Board and stated that the approved Conceptual Development plan allows up to 44 new residential units but they are requesting 40 new units. Based on their review, the Preliminary Development Plan is consistent with the 2040 Comprehensive Plan and promotes its objectives. St. Joseph of the Pines was founded in 1948 and is part of the Trinity Health Senior Community Organization serving seniors in several states with two campuses being in Southern Pines. The existing cottages are fully occupied and there is typically a waiting list.

Mr. Hill stated that the buildings have been designed to be compatible with the community. The community garden and the dog park will be relocated elsewhere within the development and primary access to the new units will be from Gossman Drive and relocated Waters Drive. Public utilities are available, a stormwater system will be installed, and the post-development runoff will be less than pre-development. They will be making a minor modification to an existing stormwater pond to control the peak flows for the project.

Andy Bleggi asked if any deviations were being requested and Mr. Hill responded that there were none.

Andy Bleggi made a motion, which was seconded by Matthew Walden, to close the preliminary forum. The motion carried.

Matthew Walden made a motion, which was seconded by Monica Harvey, to adopt for transmission to the Town Council that no issues were raised as a result of the March 21, 2024 preliminary forum on application PD-01-24 for Belle Meade Phase 2. The motion carried by a 6-0 vote.

SU-01-24 Special Use Permit to Amend the Boundaries of the Mid-South Master Plan

On behalf of PILLCSUB, LLC, Paul Saathoff with Koontz Jones Design has applied for a Special Use Permit to amend the Mid-South Master Plan approved in 1988 in conjunction with Conditional Use Permit CU-08-88. The amendment proposes the removal of ± 9.26 acres from the Master Plan that is located in Pinehurst's jurisdiction and includes the northern-most portion of Palmer Drive between Knoll Road and Midland Road. The subject properties are identified as a portion of PIN: 857200264820 (PARID: 00041026) as well as a portion of Palmer Drive right-of-way (PARID: 20231023). The subject property includes a portion of the Knoll Road Greenway that is maintained by the Town of Southern Pines, which connects Morganton Road and the Mid-South Club to Midland Road.

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

Ms. Mallette provided an overview of the application and staff report for SU-01-24 accompanied by a Power Point presentation.

Ms. Mallette stated that the same proposal was submitted previously but was ultimately withdrawn. It was communicated to the applicant at that time that open space was a concern of Planning staff and the Planning Board, and the applicant has addressed that issue in the current application.

The text of the 1988 Master Plan states “All areas between the golf course corridors and the backs of residential lots or property buffer shall remain as Natural Area/Open Space... [and that t]he Open Space areas shall have walking/jogging trails developed within for use by all residents.” Adjacent to open space is landscape buffering which is relevant because of the 60 ft. buffer. The Master Plan also states “A minimum 25’ buffer screen will be established around the perimeter of the site...In addition, the area between the cleared golf corridor and the back of residential lot lines shall remain as a natural buffer.”

Ms. Mallette stated that if the request is approved, approximately 10 acres along Palmer Drive would be removed from Southern Pines’ entitlement and would be zoned RS-30, a residential zoning district with a 30,000 SF minimum lot size, which would allow approximately eight (8) lots. The property could also be rezoned.

Monica Harvey asked if future plans to extend the Knoll Road Greenway would be impacted by the relinquishment of the property.

Ms. Mallette responded that the applicant has included in their narrative that they will maintain and retain that portion of the Greenway but that project has not yet been designed and approved.

Ms. Harvey asked if there was language the Board could suggest with regard to the Greenway.

Ms. Mallette responded that in staff’s recommendation to the Town Council, she will mention in staff’s recommendation to the Town Council that one of the conditions of approval could be that the Knoll Road Greenway remain in its current location per the 2005 recorded easement and that it shall continue to be maintained by the Town of Southern Pines and open to the public.

Paul Saathoff of Koontz Jones Design, representing the applicant, stated that they have submitted exhibits showing that the open space requirement would still be met with the removal of the subject area. The density would also remain the same and they would still comply with the density requirements for the overall project. They are proposing that the current entrance drive remain as is and be controlled by the homeowners association and the greenway easement would remain as is currently and would not be impacted.

John Earp asked who owns the road.

Bob Levy stated that PILLSUB owns the road and would convey the road to the homeowners association.

Jennifer Garner asked why the HOA does not already own the road.

Mr. Levy responded that it is process of the developer owning the roads and turning them over as development occurs.

Ms. Garner asked Mr. Levy if he expects the HOA to own and maintain the road with the Pinehurst lots around it.

Mr. Levy responded yes because it would still be the main entrance into the community off of Knoll Road and those property owners would also pay dues.

Andy Bleggi asked if the signage would remain and Mr. Levy responded yes.

Andy Bleggi asked if the HOA board had discussed this plan and Mr. Levy responded that it was part of an interim turnover agreement created several years ago and fully disclosed at that time.

Monica Harvey asked if the applicant was taking undeveloped lots and selling them to be developed.

Ms. Garner responded that no lots currently exist and that it is currently a beautiful entrance to a gated community with natural plantings.

Mr. Bleggi stated that there would be the potential for the area to be developed as individual lots in the future.

Mr. Saathoff said they would be 30,000 SF lots.

Ms. Harvey asked if they could be developed as they are currently.

Mr. Saathoff responded that they could develop lots in that area if approved but it is in Pinehurst's jurisdiction so they are requesting that the acreage be removed from the master plan and be subject to Pinehurst's zoning.

Mr. Earp asked if the lots would be accessed from Palmer Drive.

Mr. Saathoff responded that access would be off of Palmer Drive.

Gary Podlogar, 10 Plantation Drive, stated that the 9.2 acres and the area east of the current gatehouse were always intended to be open space, that the original master plan shows no development in that area and that most of the space is a buffer.

Charles Buckman, 19 Plantation Drive, stated that the original master plan shows trees and no development in the area so they do not feel that it was ever the intent to build homes in that location. He also expressed concerns regarding traffic.

Tim Muehler, 19 Deacon Palmer Drive, encouraged the Board to confirm that the required amount of open space exists and expressed concerns regarding safety and traffic issues.

Mike Hanlin and Barbara Hanlin, 6 Plantation Drive, stated that their greatest concern was traffic and asked if it was possible for the Town to require that the street end in a cul-de-sac or make it a 3-way stop if the application is approved.

Jack Deep, 130 Manning Square, stated that school traffic is ridiculous and that the developer was keeping with the original plan.

Attorney Tom Van Camp, representing the applicant, stated that this is possible now because of the additional of Knoll Road and that traffic is an issue even without the additional homes.

Andy Bleggi made a motion, which was seconded by Matthew Walden, to close the preliminary forum. The motion carried.

Monica Harvey made a motion, which was seconded by Matthew Walden, to adopt the following list of issues for transmission to the Town Council as a result of the March 21, 2024 Preliminary Forum on application SU-01-24:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a SUP to application SU-01-24:

1. The original intent of the development was for the open space to remain open space.
2. A question of whether Southern Pines has any enforceability
3. Recommended engaging the HOA with mutual consensus regarding the plan for the road
4. The Town maintaining the greenway trail per the existing easement.

The motion carried by a 6-0 vote.

UNFINISHED BUSINESS:

No new business was discussed.

NEW BUSINESS:

Ms. Mallette introduced new Planner Mason Mattox.

Andy Bleggi made a motion, which was seconded by Matthew Walden, 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

DRAFT

Agenda Item

To: Planning Board

From: Alaina Mallette, Senior Planner

Subject: OA-02-24: Proposed Amendment to Standards for Towers Taller Than 50 Feet the Unified Development Ordinance to Reduced Required Minimum Distance from Residential Districts

Date: April 18, 2024

I. SUMMARY OF AMENDMENT REQUEST

TowerCo 2013, LLC is proposing to amend the Unified Development Ordinance (UDO) Section 5.23(B) to allow towers and related structures greater than 50 feet to be, at least, 800 feet from any Rural Estate, Residential Single-Family, Residential Multi-Family, or Planned Development zoning districts (every residential district except Rural Residential) rather than the current UDO standard of, at least, 1,000 feet away. The applicant is requesting Planning Board and Town Council review and approval per UDO §2.17. The specific text of the proposed amendment may be found in the attachments to this staff report.

II. APPLICATION REVIEW

A. Application Review Dates

- Continued Rezoning Application
 - Submitted: **January 17, 2024**
 - Deemed Complete: **January 23, 2024**
 - Continuance Request Granted: **March 4, 2024**
- UDO Text Amendment Application Submitted: **March 7, 2024**
- Additional Application Materials Received: **March 29, 2024**
- Additional Application Materials Received: **April 1, 2024**
- Application Deemed Complete: **March 11, 2024**
- Notice of Planning Board Public Hearing
 - Internet: **March 25, 2024**
 - Published: **April 3 and April 10, 2024**
- Planning Board Public Hearing: **April 18, 2024**

B. Review Process

Applications for text amendments are reviewed pursuant to UDO §2.17.

C. UDO §2.17.10. Criteria for UDO Text Amendments with Staff Comments

When reviewing an application for amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10¹:

(A) Consistency. *The text amendment 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 proximity of towers to residential districts. The applicant’s narrative argues that their proposed amendment supports many economic goals by providing opportunities to expand reliable wireless coverage, internet access, and digital capabilities. The applicant’s narrative also states that “the Towers are 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. Towers are unmanned facilities, do not require water, sewer, or garbage collection.” 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 that 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 amendment 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.

(B) 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 cultural places and areas.*

The two noteworthy concerns regarding safety and welfare are regarding tower fall zones and impacts to community aesthetics. Towers and antennas taller than 50 feet are permitted by special use permit in Rural Residential (RR), General Business (GB), and Facilities, Resources, and Recreation (FRR) zoning districts. Regarding safety, the applicant presents testimony that all towers are required to comply with federal radio emissions standards and that “in the unlikely event of a failure, Towers are designed to collapse on themselves and remain in the ‘fall radius’ within the area upon which the Tower is situated and

¹ In its review of an application for a UDO text 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.

avoiding any impact to immediately adjacent properties.” The applicant states that greater accessibility to wireless services provided by more towers would be essential for first responders, especially during a state of emergency.

Regarding community aesthetics, the proposed amendment to reduce the minimum required distance of communications towers from non-RR residential districts from 1000 feet to 800 feet, would impact 14 parcels, according to an analysis submitted by the applicant (see Attachment 4). The parcels identified by the applicant’s analysis are new parcels that could host a greater-than-50-foot tower and antenna at least 800 feet from a non-RR residential district, and does not include parcels that are already over 1000 feet from RE, RS, RM, and PD districts. The applicant added a caveat that many of the identified parcels are in the same area of town, and that multiple communications “towers in one area of a town are not standard in the industry.”

Planning staff checked the analysis using the Town’s geographic information system, and found that only 11 of their 14 identified parcels could be developed with towers taller than 50 feet. The 11 parcels, as modified by Town staff, include those listed below and as shown in Figures 1 and 2.

1. General Business-zoned parcel IDs 20040150, 20040148, 20070068, 00053613, 00054795, 00033401, and 00035333;
2. Rural Residential-zoned parcel IDs 00037105, 20080752, 00040585, and 00031561; and
3. No parcels in Facilities, Resources, and Recreation districts.

According the applicant’s photo simulation analysis for one specific site (i.e., PARID 00035333 under consideration for the continued rezoning application submitted by the applicant, file #Z-01-24), of the 16 selected viewing areas, half of the sites were visible off-site and half were not. 10 of the 16 viewing areas were adjacent to a residential improved or vacant lot. Of those 10 viewing areas, six could view the tower with the reduced setback (see View #5, #6, #10, #12, #13, and #14 in Attachment 3).

Another concern that the public may have is regarding environmental health. [The American Cancer Society wrote in June of 2020](#) that “at this time, there’s no strong evidence that exposure to [radiofrequency waves] from cell phone towers causes any noticeable health effects.” However, they are quick to clarify that the absence of evidence does not prove that they are safe, which has yet to be proven. They further state that more research is needed to clarify what short-term and long-term effects may exist from cell tower radiofrequency waves.

Considering the comments made in the applicant’s narrative, the photo simulations, and the parcel setback reduction analysis. Planning did not identify any risk to health, safety, and general welfare. With regard to impacts to historic and cultural areas, more available sites to develop greater-than-50-foot towers could impact rural views, but the public benefits appear to outweigh the interests of a few individuals.

Figure 1. Northern Section of the Southern Pines Planning Jurisdiction with Applicant's Alleged Newly Developable Tower Sites Identified by Red Flags.

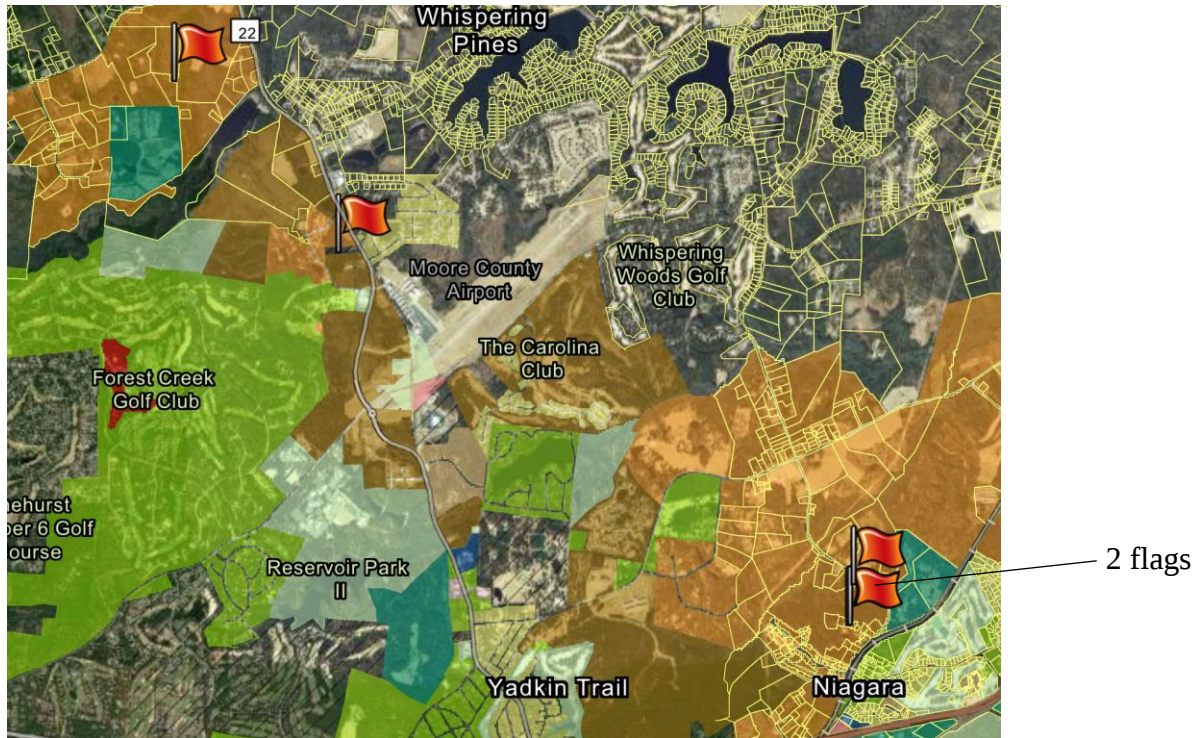
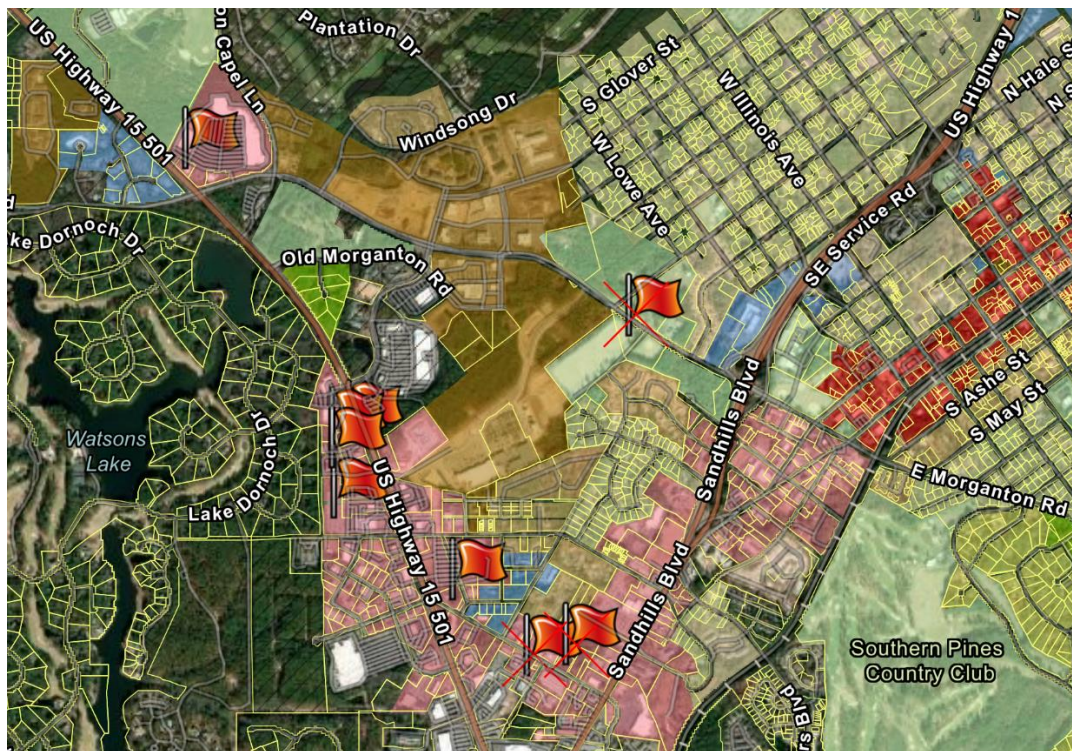


Figure 2. Southern Section of the Southern Pines Planning Jurisdiction with Applicant's Alleged Newly Developable Tower Sites Identified by Red Flags. Red Flags with a Red "X" Are Not Developable, Per Staff Analysis.



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

On March 4, 2024, Planning staff emailed Town management regarding the origin of the 1000-foot standard. Town management responded that, to their recollection, the topic of towers taller than 50 feet's distance from residential districts has not come up since, at least, 2014, and that the 1000 feet may be a template used when the original regulations were adopted in 1997. A search of archived Town Council meeting minutes, shared by Town management, resulted in three meetings where proximity of towers to other land uses was discussed.

In the [September 10, 1991, Town Council meeting](#) in which a conditional use permit (file #CU-05-91) for the ~400-foot tower near the corner of W Morganton Road and S Henley Street was approved, the council heard from the public that cellular coverage and service was important for the business, medical, and emergency response communities even if it impacted the aesthetics of the area. In the [October 14, 1997, Town Council meeting](#) in which the approved UDO text amendment (file #OA-04-97) that established additional development standards for cellular towers, the provision in question was added to the UDO. The Planning Board at the time recommended to the Town Council that the provision in question be removed, but the Town Council, in a vote of 3 to 2, approved the amendments with the 1000-foot distance provision. Lastly, in the [October 14, 2024, Town Council meeting](#), in which a conditional use permit (file #CU-04-14) to establish a 180-foot tall tower on PARID 00036553 at the end of Boling Way was considered, the Town Council found as a finding of fact that the 1000-foot distance protected the use and enjoyment of neighboring residential properties.

Planning has not found anything in the public record aside from the 1997 Town Council decision to reject the Planning Board's recommendation to remove the 1000-foot setback requirement (i.e., keep the 1000-foot setback requirement) that speaks to the Town's policy of the distance of cell tower location from residential areas.

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

The impact of cell towers on property values may come up in discussion about benefits and costs of cell towers near residential areas. [The National Association of Realtors has a list of four references](#) from journals, books, and/or articles regarding the impact of cell towers on property values, dated 2005, 2018 (two references), and 2019. These references appear to show that in some places towers could effect property values and that there tend to be varying distances where proximity has no effect on property values. There may be a strong perception that property values could be affected, but Planning staff has insufficient evidence to make a strong conclusion either way.

(E) Impacts. *The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

Of special note is that the applicant has an administratively continued rezoning application to permit a greater-than-50-foot tower on a parcel where they were unable to meet the 1000-foot setback requirement from non-RR residential districts. However, in staff's analysis and research no major negative impacts of the proposed amendment on the public were identified aside from the perceived aesthetics of certain areas of the town. The benefit to the public appear to outweigh the impact on community aesthetics, especially considering that these commercial uses have lower horizontal (i.e., site) impacts than most commercial uses, but insufficient evidence has been found to determine the environmental health and property value impacts.

D. Staff Recommendation

Planning staff recommend approval of OA-02-24.

E. Outside Agency Comments

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport and representatives of the Town of Southern Pines on March 26, 2024.

As of the completion of the staff report on April 9, 2024, a response has been received from RLUAC stating that they have no comment on the proposed amendments. Any responses received from other agencies following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

III. ATTACHMENTS

1. Draft Planning Board Resolution to Adopt a Written Recommendation with Draft UDO Amendments with Redline Edits
2. Applicant's Application and Narrative for Proposed Amendments
3. Applicant's Photo Simulation Analysis
4. Applicant's Setback Reduction Analysis

IV. PLANNING BOARD ACTION

The Planning Board shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed text amendments 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

does not preclude consideration or approval of the proposed amendments by the Town Council.

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

I move that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments to the UDO found in UDO §2.17.10:

- 1. The proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report OA-02-24;**
2. The proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report OA-02-24 and as revised by the Planning Board as follows;
3. The proposed amendments are inconsistent with the Comprehensive Plan for the reasons set forth in Attachment 1 of staff report OA-02-24 as revised by the Planning Board as follows;

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

- 1.

And, therefore, I move to:

- 1. Recommend approval of OA-02-24 to the Town Council.**
2. Recommend denial of OA-02-24 to the Town Council.



ATTACHMENT 1

PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR ORDINANCE AMENDMENT APPLICATION OA-02-24

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 conducted a duly-noticed public hearing during a meeting held on April 18 22, 2024 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-02-24.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by TowerCo 2013, LLC are reasonable, in the public interest, and are consistent with the 2040 Town of Southern Pines Comprehensive Plan ("2040 Comprehensive Plan").

The 2040 Comprehensive Plan supports growth and development as long as it retains the character of the community. The proposed amendment to reduce the 1000-foot tower setback from non-Rural Residential residential districts (i.e., Rural Estate, Residential Single-Family, and Residential Multi-Family districts) to 800 feet would, according to the applicant and as corrected by Town Planning staff, open tower development opportunities on 11 new parcels, which could impact the viewshed of neighboring residential properties. However, expanding the potential site locations of telecommunication facilities could improve reliable wireless coverage, internet access, and digital capabilities. Furthermore, Policies 6.6 and 9.3 call for smart city improvements to accommodate town facilities as well as economic growth and general development. Finally, photographic simulations provided by the applicant indicate a modest visual impact due to the presence of trees that obscure full view of future towers.

The proposed change to UDO §5.23(B) does not appear to create major public health, safety, or general welfare concerns as they must follow federal regulations and are designed to fall in on themselves and remain in a fall radius that should not impact adjacent property, according to the applicant. Cell phone towers and other types of towers above 50 feet must go through a special use permit process and any impacts to existing neighborhood characteristics could be mitigated at that time as they relate to UDO §2.21.6 Special Use Permit criteria A through F.

Therefore, the proposed text amendments are reasonable and in the public interest and consistent with the new 2040 Comprehensive Plan.

ADOPTED this the 18nd day of April, 2024.

Diane T. Westbrook, Chair

ATTEST:

Cindy Williams
Secretary to the Planning Board

- (H) A special services home located outside of a CCRC campus may not be located within one thousand three hundred twenty (1,320) feet of a CCRC campus property line.

5.21. TEMPORARY EMERGENCY, CONSTRUCTION OR REPAIR RESIDENCES

- (A) Temporary emergency residences may be established on a Lot during the repair or reconstruction of residences destroyed or made uninhabitable by fire, wind water or other catastrophic event.
- (B) Temporary residences used on construction sites of non-residential Premises shall be removed immediately upon the completion of the project.
- (C) Permits for temporary residences to be occupied pending the construction, repair or renovation of the permanent residential Building on a site shall expire within six months after the date of issuance. The Planning Director may renew such permit for one additional period not to exceed three months after determining that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential Building to complete the construction, repair, renovation or restoration work necessary to make such Building habitable.

5.22. TEMPORARY USES

- (A) A Zoning Permit may be authorized by the administrator for Christmas Tree, pumpkin and related ornamental sales, collective retail merchant sales and shows provided that:
- (1) All applicable Town and state permits and/or licenses have been obtained.
 - (2) No more than one ground or Wall Sign, not to exceed six square feet in area is located on the Premises and no banners,

pennants, streamers, strings of twirlers or propellers and similar devices are erected.

- (3) The temporary use is operated only during the hours of 7 a.m. and midnight and is conducted for a period not to exceed thirty consecutive days.
 - (4) No more than two (2) Zoning Permits are issued to the same person, household, site, firm or organization in any one calendar year.
- (B) Other temporary uses of land must be approved as Special Events in accordance with section 5.18.

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.
- (B) Towers cannot be located within ~~one thousand eight hundred~~ **(1,000800)** feet of any **RE, RS** or **RM** zoning district or any residential Development in a **PD** zoning district.
- (C) Towers taller than fifty (50) are allowed by Special Use Permit in the **RR, GB** and **FRR** districts.
- (D) The Special Use Permit application shall provide information that:
- (1) Demonstrates the antenna's compliance with State and Federal radio frequency emission standards.
 - (2) Specifies the tower height and design and include a cross-section of the structure.
 - (3) Details any technical, engineering, economic and other pertinent factors governing the selection of the proposed design.



UDO Text Amendment Application

Fee \$1,000.00

Date Received: _____

Case No.: OA-____-____

Applicant:

Name: TowerCo. 2013 LLC

Email: dhockey@towerco.com

Phone: 843-452-6242 (Mobile)

919-653-5746 (Office)

Mailing Address: dhockey@towerco.com

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 amend the text the Town of Southern Pines Zoning Ordinance based upon Section(s) 5.23(B) of the **Town of Southern Pines Unified Development Ordinance**. The proposed text is as follows:

Applicant seeks to amend Section 5.23(B) (Towers and Related Structures) of the UDO which states "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." The proposed text amendment seeks to reduce the one thousand (1,000) feet limitation to eight hundred (800) feet. The proposed amendment will read as follows: "Towers cannot be located within eight hundred (800) feet of any RE, RS or RM zoning district or any residential Development in a PD zoning district."

Date: 03/07/24


Applicant
TowerCo 2013 LLC
By: David Hockey
Director of Mid-South Business Development

STATE OF NORTH CAROLINA		BEFORE THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL
TOWN OF SOUTHERN PINES		
IN REGARD TO TOWERCO 2013, LLC'S TEXT AMENDMENT	))))))	PROJECT NARRATIVE AND STATEMENT OF COMPLIANCE WITH THE TOWN OF SOUTHERN PINES UNIFIED DEVELOPMENT ORDINANCE

Introduction and Proposed Text Amendment

The applicant, TowerCo 2013, LLC (“Applicant”), submits this Project Narrative in support of its application of an amendment to the Town of Southern Pines’ (“Southern Pines”) Unified Development Ordinance (“UDO”). More specifically, the Applicant seeks to amend Section 5.23(B) (Towers and Related Structures)¹ of the UDO which states “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.” The proposed text amendment seeks to reduce the one thousand (1000) feet limitation to eight hundred (800) feet (“Amendment”). The proposed Amendment will read as follows: “Towers cannot be located within eight hundred (800) feet of any RE, RS or Rm zoning district or any residential Development in a PD zoning district.”

2.17.10 Criteria for UDO Text Amendments

In its review of an application for a UDO text 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. The text amendment shall be consistent with the adopted

¹ For purposes of this Project Narrative, “Towers” will refer to a monopole type telecommunications tower. A monopole type tower represents the industry standard for use in a jurisdiction such as Sothern Pines. Monopoles do not exceed 195’ in height.

Comprehensive Plan.

The proposed Amendment is consistent with the adopted principles and objectives of the Southern Pines 2024 Comprehensive Plan (“Plan”). Generally, the Amendment furthers the town’s commitment to the Plan’s vision statement and guiding principles as it will enable new opportunities, facilities, and services throughout Southern Pines by providing essential community 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. In our ever changing social, family, and work environments, people increasingly 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.

1. The proposed Amendment is consistent with the big picture ideas and growth concepts presented in the General Framework Map.

By their nature, Towers are a low impact use, they are unmanned facilities that are not open to the public. They do not generate any odor or noise, they do not generate additional traffic or be of any significant impact to the nearby public roadway. Accordingly, by virtue of their minimal impact on surrounding areas, Towers preserve the character and natural environment of the surrounding community. While preserving Southern Pine’s character and natural environment, the Amendment will simultaneously enable new opportunities, facilities, and services throughout

Southern Pines contributing to the economic vitality and development of the surrounding community.

2. The Proposed Amendment is consistent with the guiding principles set forth in the Conservation and Development Map(s).

As discussed above, the Amendment 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, Towers are a small-scale low impact commercial use. Towers do not necessitate mass grading and preserve the surrounding trees and natural environment while simultaneously providing a service essential to the creation of entertainment, economic, and residential development opportunities.

The principles set forth in the Conservation and Development Map(s) are largely implemented through Southern Pine's UDO. In accordance with the UDO, Towers taller than fifty (50) feet are allowed by Special Use Permit in the RR, GB and FRR zoning districts. Section 5.23(C) of the UDO provides specific standards with which Towers must comply as part of the special use permit process. These standards seek to ensure that the implementation of Towers is consistent with the vision for conservation, character, and development presented in the Plan.

3. The proposed Amendment complies with the intent of the Character District Map(s).

The proposed Amendment will create new opportunities for the expansion of wireless telecommunications systems throughout Southern Pines. As discussed, Towers are a small-scale low impact commercial use that seek to preserve the surrounding trees and natural environment and while having the least visibility possible by maintaining the character and natural landscape of the surrounding area.

4. The proposed Amendment takes into consideration the board's recommendations and system maps presented for supporting infrastructure in Chapter 3 of the Plan and incorporates features or facilities presented on the maps as a component of the proposed Amendment.

The proposed Amendment will create opportunities for the provision of 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. With technology advancements, including wireless telecommunication services, society has seen significant changes in the economy, consumer preferences, and lifestyle choices. 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, enhanced wireless telecommunication services are essential and enable Southern Pines to meet these new needs by enabling a variety of services including voice, advanced messaging, data, real-time information, photographs, video, entertainment, and connections to social media.

Furthermore, as discussed elsewhere, the Towers are 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. Towers are unmanned facilities, do not require water, sewer, or garbage collection. They only require electrical utility service. Generally speaking, Towers will have little to no impact on public services provided by Southern Pines.

The benefits afforded by enhanced telecommunication services are not limited to residents, businesses, or visitors; such benefits will directly impact Southern Pines itself including, but not limited to Southern Pines employees and those who provide services to the community, transit, police and fire, and other first responders.

5. The proposed Amendment implements one or more of the town-wide planning concepts presented in Chapter 4 of the Plan.

Please see the points discussed above, and the information provided below identifying specific policies and recommendations set forth in Chapter 5, in support of how the proposed Amendment facilitates the implementation of the town-wide planning concepts set forth in Chapter 4, particularly an emphasis on the public realm and preservation of open space, through the provision of reliable wireless communication services to residents and businesses.

6. The proposed Amendment positively impacts the specific policies and recommendations set forth in Chapter 5 of the 2040 Comprehensive Plan.

The proposed Amendment positively impacts, but is 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. Limiting 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 provision of reliable wireless communication services serving residents, schools, and police and fire.

- 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 provision of reliable wireless communication services enables 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. Facilitating and supporting housing diversity in the community by providing reliable wireless communication services expected by younger families and professionals.
- Policies 9.3 and 9.4. Enhancing 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. Enabling 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) 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 cultural places and areas.

The proposed Amendment 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.

The proposed Amendment will enable the provision of 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 contribute to the long-term economic development and financial stability of Southern Pines.

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.

Moreover, the proposed Amendment will have no adverse effect on the surrounding properties. Towers are 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. Towers are unmanned facilities, do not require water, sewer, garbage collection, and only necessitate monthly maintenance visits minimizing, if any, impact on traffic.

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. Per the Southern Pines UDO, radio emissions from facilities will comply with all federal laws, including those established by the Federal Communications Commission (FCC) and by the American National Standards Institute (ANSI). Additionally, in the unlikely event of a failure, Towers are designed to collapse on themselves and remain in a “fall radius” within the area upon which the Tower is situated and avoiding any impact to immediately adjacent properties.

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

The addition of the proposed Amendment will be an attribute to the economic development of Southern Pines and is critical to the needs of those working, living, traveling and going to school. As discussed, the proposed Amendment will enable the provision of 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 contribute to the long-term economic development and financial stability of Southern Pines.

(D) Other Factors. The Hearing Body may consider any other factors relevant to a text amendment application under state law.

In connection with the submission of the Amendment, Applicant has undertaken a review of the unified development ordinances of communities adjacent to Southern Pines as well as communities that have grown and developed along lines similar to Southern Pines (collectively “Jurisdictions”). The jurisdictions include Holly Springs, Fuquay-Varina, Aberdeen, Pinehurst, Taylortown, Pinebluff, Foxfire Village, Vass, and Clayton. Based on the Applicant’s review of the Jurisdictions’ respective treatment of Towers, many of the Jurisdictions have provisions limiting Towers to particular zoning districts and have provisions similar to Section 5.23(C) of the UDO containing standards with which Towers must comply as part of a special use permit process. However, we did not identify a Jurisdiction with language similar to Section 5.23(B) creating a one thousand (1,000) foot setback, or a setback of any distance, from a, or similar to, RE, RS or RM zoning district or any residential Development in a PD zoning district.

(E) Impacts. The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed amendment on the public at large.

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 Amendment seeks to facilitate the implementation of a wireless network throughout Southern Pines through the availability of additional, suitable, sites all while ensuring and preserving the public health, safety, and general welfare, and the unique character of Southern Pines.

Conclusion

The Amendment is in conformity with the Town of Southern Pines Unified Development Ordinance and will ensure reliable wireless telecommunication services to Southern Pines’ first

responders, citizens, residents, businesses, visitors and travelers to the area. Accordingly, Applicant respectfully requests that the requested Amendment be approved.

Respectfully submitted on this 8th day of March, 2024.

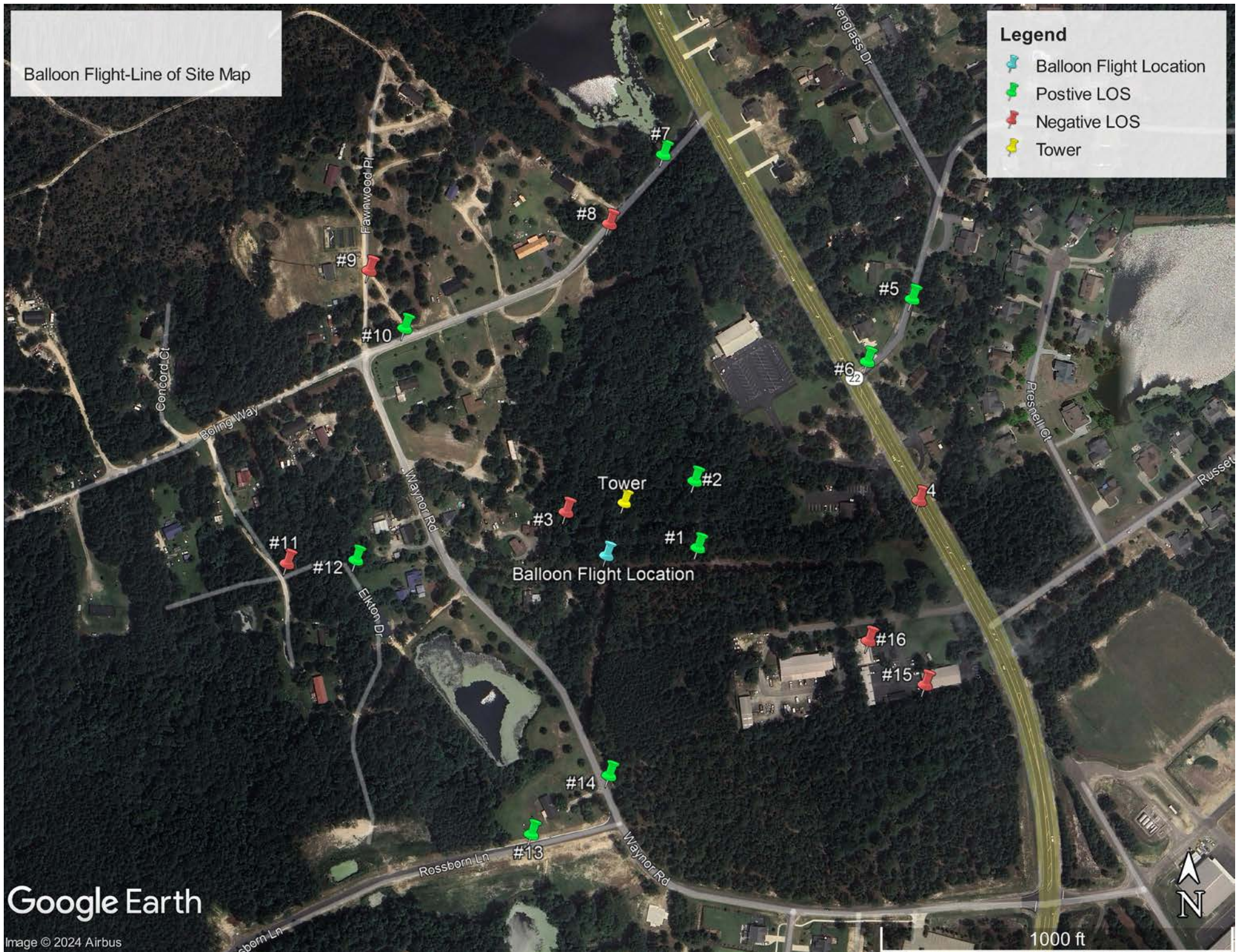
/s/ Marc C. Tucker

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

Balloon Flight-Line of Site Map

Legend

- Balloon Flight Location
- Postive LOS
- Negative LOS
- Tower





View from 126'SSW.

View #1 looking west from 250-ft+/- (.05 miles)



View from 126'SSW.

155' Monopole
(156' top of lightning rod)

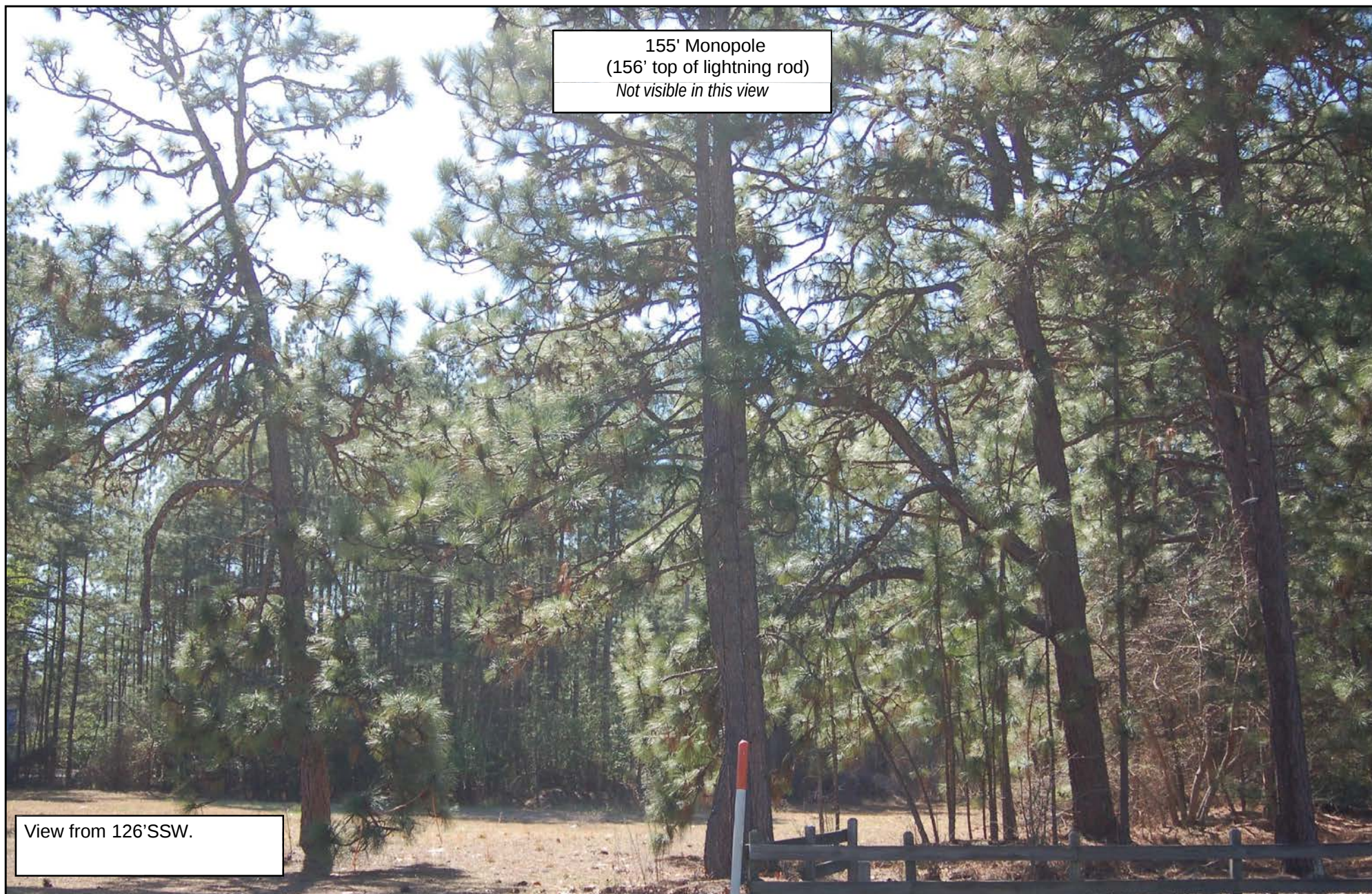
View #2 looking east from 250-ft+/- (.05 miles)

Kimley»Horn

155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #3 looking east from 250-ft+/- (.05 miles)



155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #4 looking west from 800-ft (0.15 miles)



155' Monopole
(156' top of lightning rod)



View from 126°SSW.

View #5 looking southwest from 1,000-ft (0.19 miles)



155' Monopole
(156' top of lightning rod)

View from 126'SSW.

View #6 looking southwest from 800-ft (0.15 miles)

Kimley»»Horn



View from 126'SSW.

View #7 looking south from 1,000-ft (0.19 miles)



155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #8 looking south from 800-ft (0.15 miles)

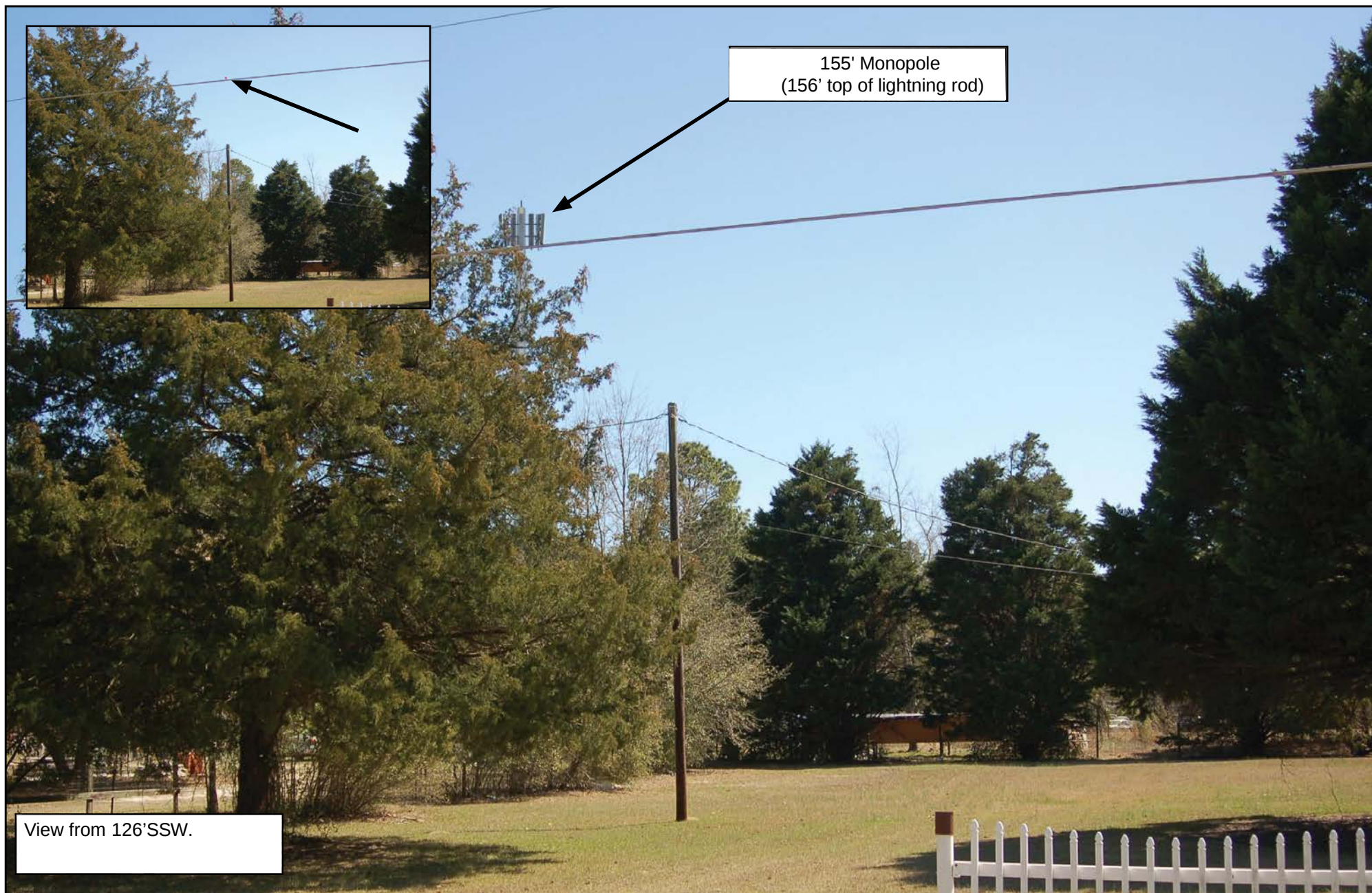
Kimley»Horn

155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #9 looking southeast from 1,000-ft (0.19 miles)

Kimley»Horn



View #10 looking southeast from 800-ft (0.15 miles)

155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #11 looking east from 1,000-ft (0.19 miles)

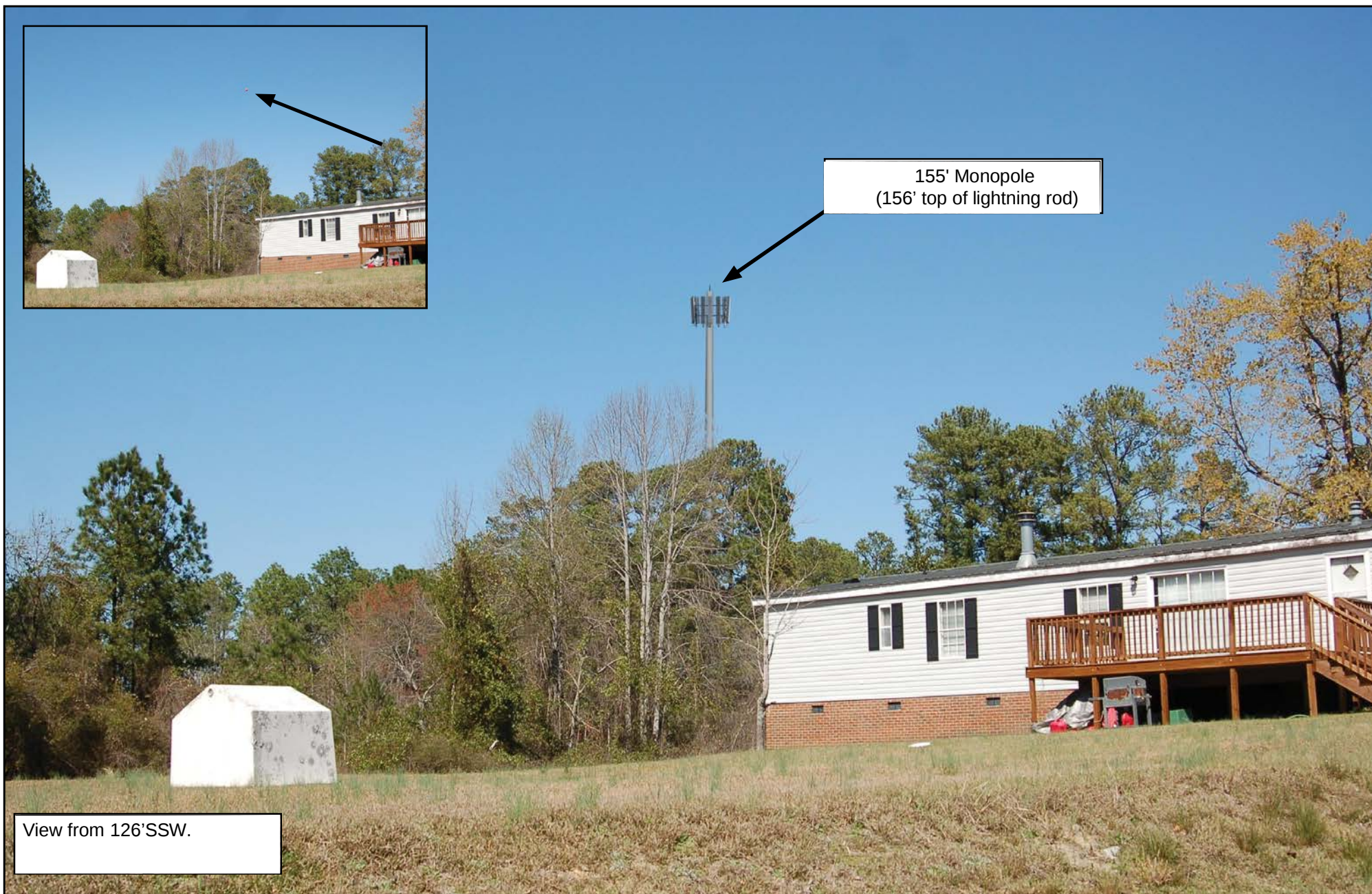
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View #12 looking east from 800-ft (0.15 miles)



155' Monopole
(156' top of lightning rod)



View from 126'SSW.

View #13 looking north northeast from 1,000-ft (0.19 miles)



View #14 looking north from 800-ft (0.15 miles)

155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #15 looking northwest from 1,000-ft (0.19 miles)

Kimley»Horn

155' Monopole
(156' top of lightning rod)
Not visible in this view

View from 126'SSW.

View #16 looking northwest from 800-ft (0.15 miles)

Kimley»Horn

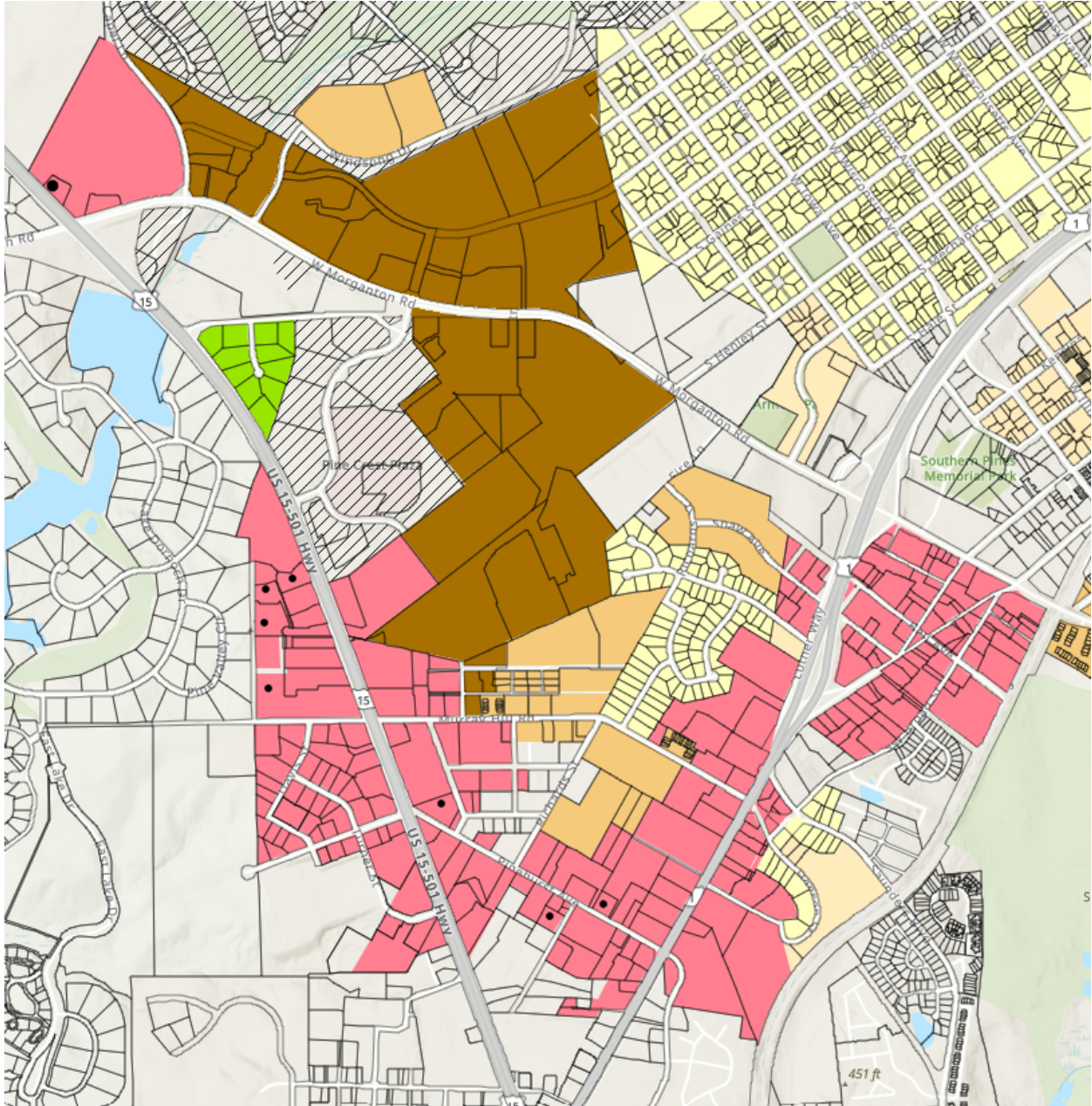
Southern Pines Unified Development Ordinance Proposed Text Amendment Summary

- §5.23. Towers and Related Structures
 - (B) – Towers cannot be located within one thousand (1,000) feet of any **RE, RS, RM** zoning district or any residential development in a **PD** zoning district.
 - (C) Towers taller than fifty feet (50') are allowed by Special Use Permit in the **RR, GB** and **FRR** districts.
- TowerCo proposes an amendment to the Unified Development Ordinance to reduce setbacks to 800' of any **RE, RS, RM** zoning district or any residential development in a **PD** zoning district.
- Using the Town of Southern Pines online mapping tool, TowerCo measured 800' from the nearest **RE, RS, RM** and **PD** lot line to the nearest **RR, GB** or **FRR** districts.
- A total of fourteen (14) parcels are impacted by the reduction of 1000' setbacks to 800' setbacks.
- The greatest impacts were on the GB parcels (9 total) and all were within the same GB area of the map (shown below). Multiple towers in one area of a town are not standard in the industry.
- Several of the parcels for the **RR, GB**, and **FRR** districts already meet the 1000' setbacks.
- Residential development was not considered when analyzing the **PD** zoning district, therefore all measurements were made using the assumption that residential development is in every **PD** district.

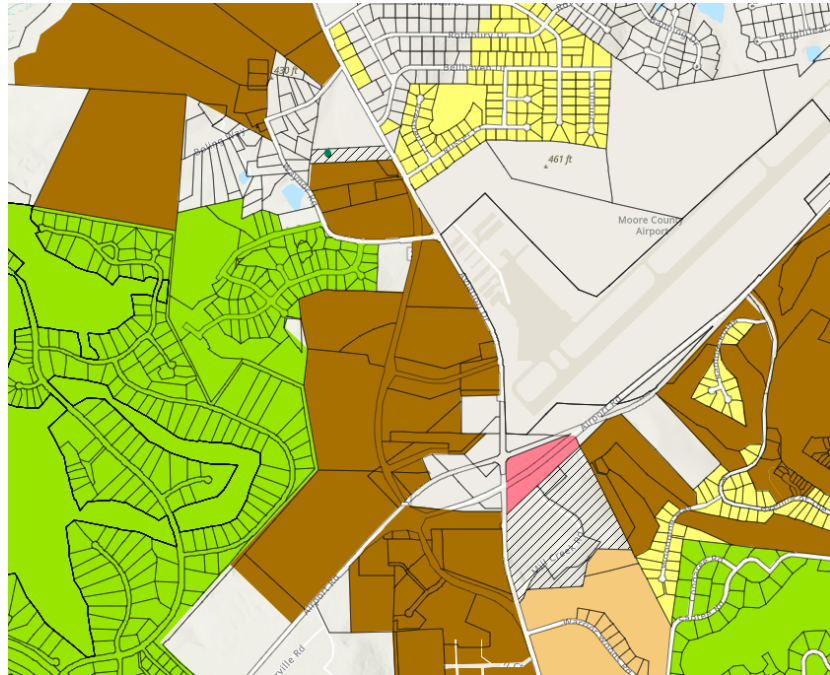
GB / GBCD DISTRICTS

-  GB, General Business
 GBCD, General Business Conditional District

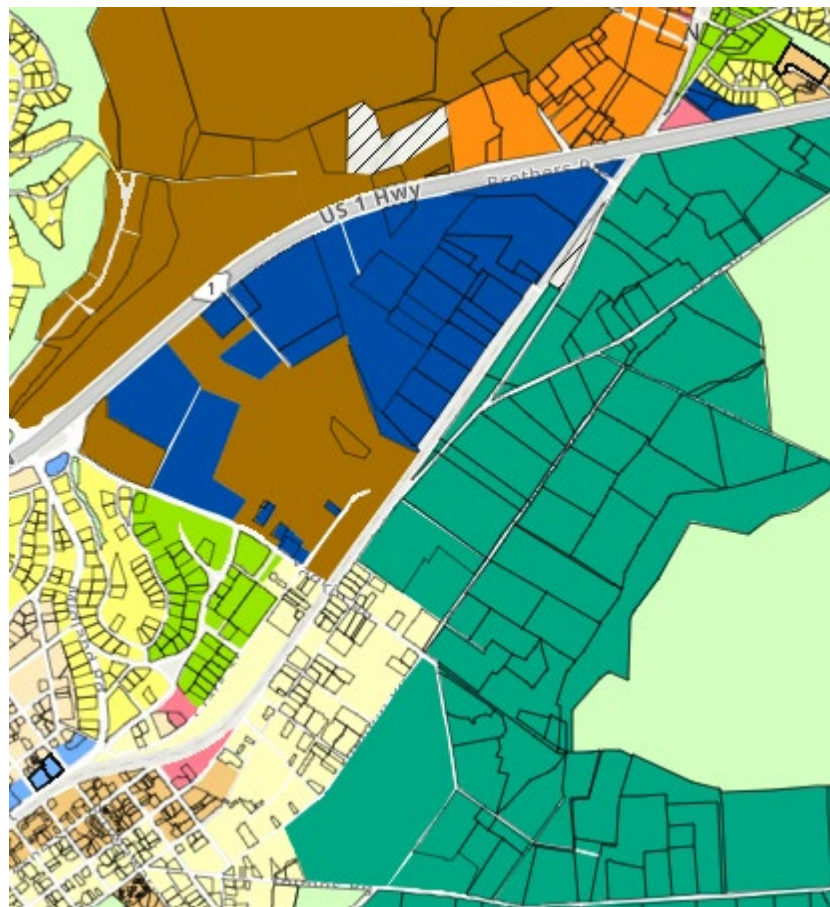
Nine (9) total properties impacted in these areas out of 100+ GB/GBCD parcels are impacted and identified by the “•.” Eight (8) impacted parcels in the below area.



One (1) GB parcel is impacted in the below area.



No GB parcels impacted in the below area.

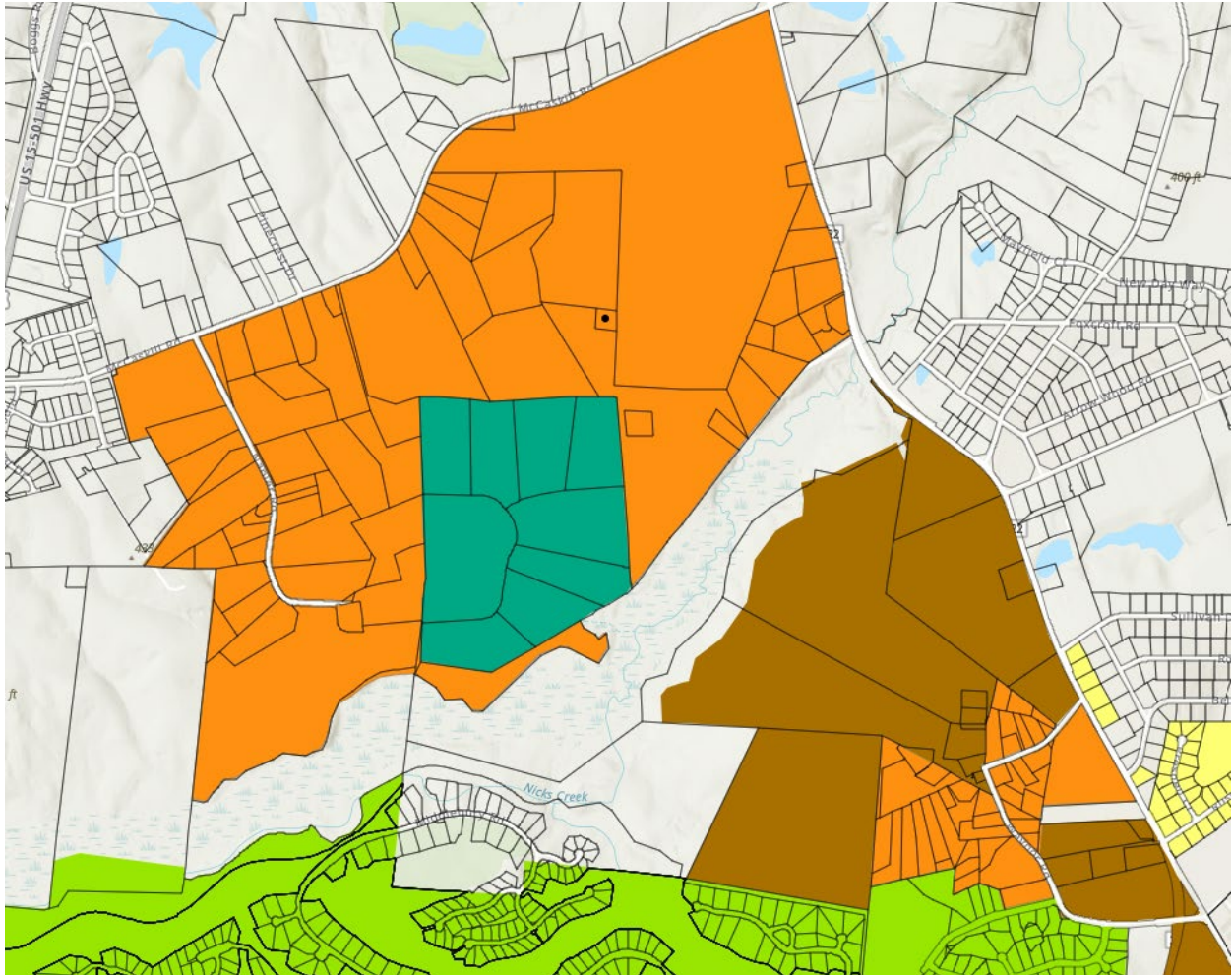


RR PARCELS

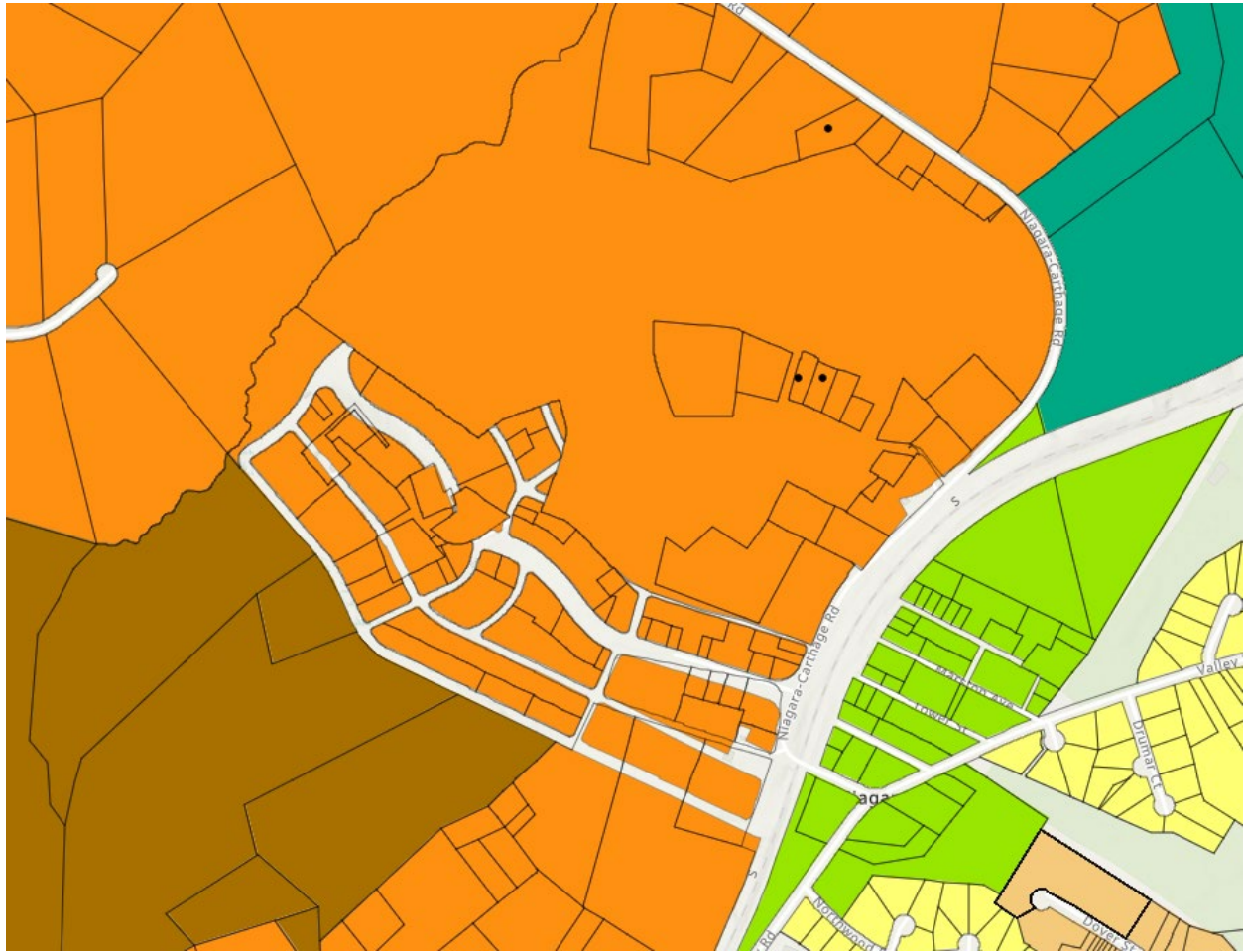
- RR, Rural Residential
- RR-CD, Rural Residential - Conditional District

Four (4) parcels total impacted in RR zoning district out of 300+ parcels

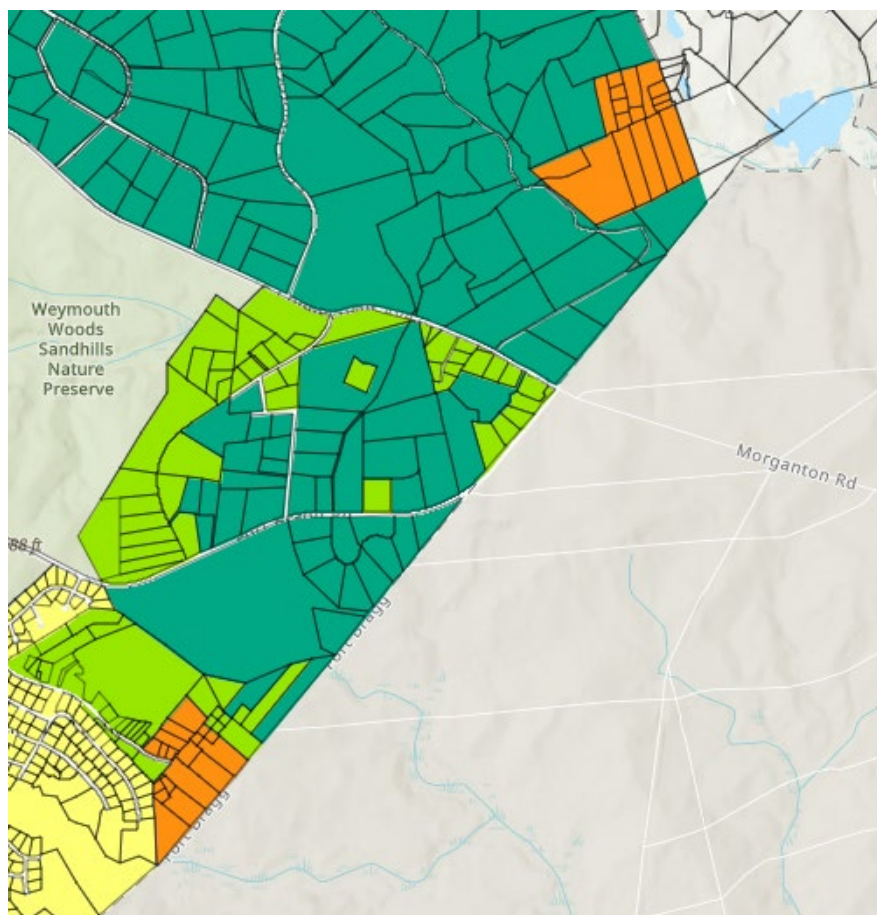
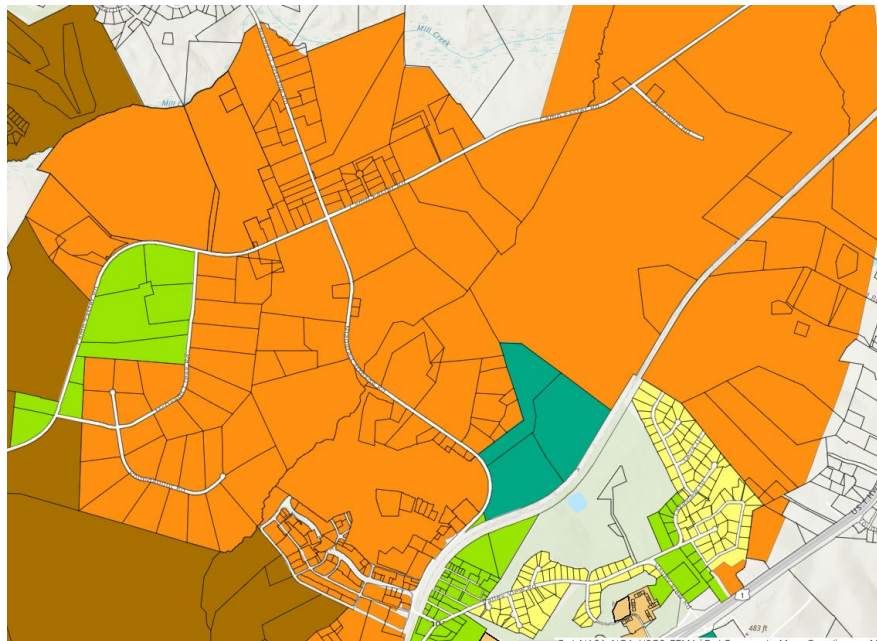
One parcel impacted in these RR areas and identified by the “•.”



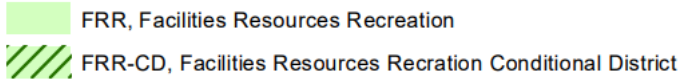
Three (3) parcels impacted in this RR area and identified by the “•.”



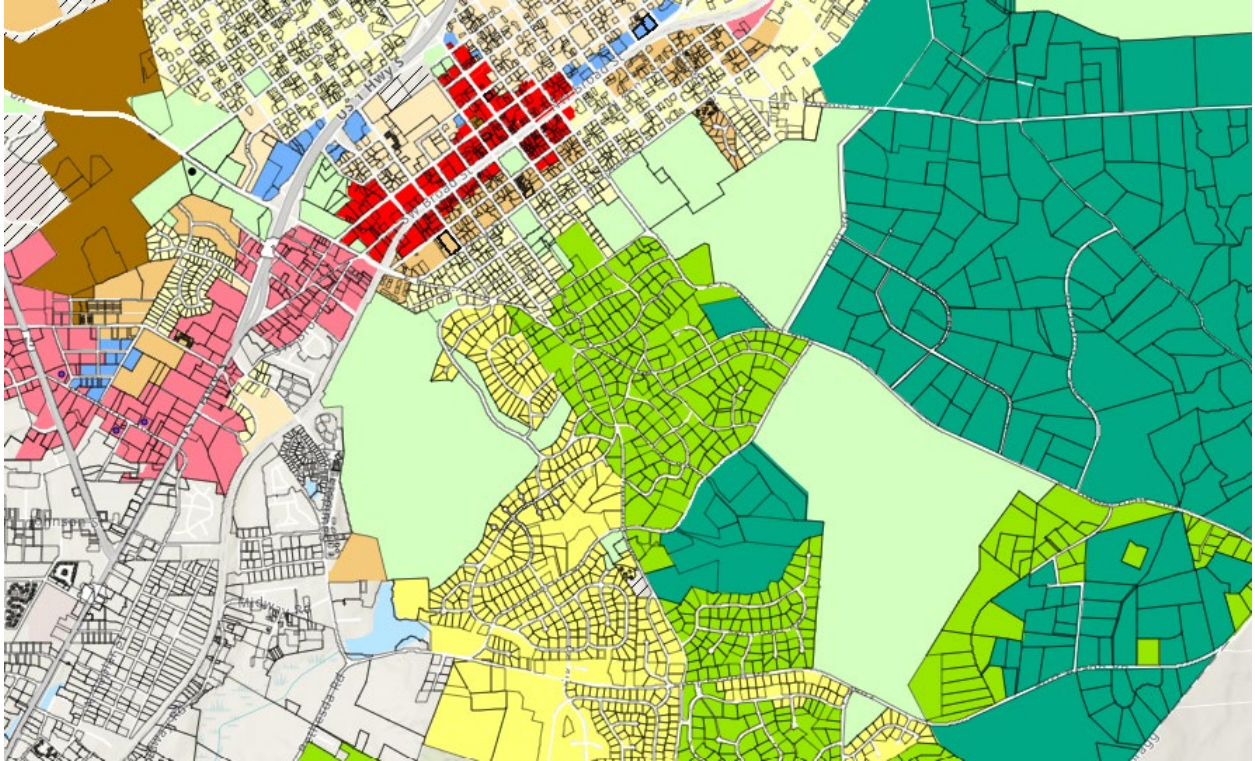
No parcels impacted in these RR areas.



FRR/FRRCD DISTRICTS



One (1) parcel total impacted in FRR/FRRCD zoning districts out of 50+ parcels and identified by the “•.”



No parcels are impacted in these FRR/FRRCD areas.

