



AGENDA

Monday, July 26, 2021: 3:00 PM

Town Council Work Session

**C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave**

1. CALL TO ORDER

2. TOWN MANAGER'S COMMENTS

3. ACTION ITEMS

- a. Written Decision for CU-01-21: Conditional Use Permit Request for a Monopole at 184 Wooster Road**

Council conducted a quasi-judicial hearing and approved this application on July 13, 2021. Staff has prepared a written decision summarizing the findings of fact and Council decision.

4. COUNCIL UPDATES AND DISCUSSION

- a. Southern Pines Land & Housing Trust: Vincent Gordon**

The Land & Housing Trust has requested that the Town provide \$160,000 toward the acquisition of the Southern Pines Primary School from Moore County Schools. Chair Vincent Gordon will present the request to Council.

5. COUNCIL CLOSED SESSION

Council will hold a closed session as authorized in N.C.G.S. § 143-318.11(a)(3).

6. ADJOURNMENT

Work Session Agenda Item

To: Reagan Parsons, Town Manager

From: Suzy Russell, Planner II

Subject: Written Decision of the Board for CU-01-21: Conditional Use Permit; New Construction of a Carolina Power & Light (Duke Energy) Monopole at the existing Duke Energy Substation, 184 Wooster Road; Authorized Agent, Tower Engineering Professionals; Owner, Carolina Power & Light

Date: July 26, 2021

I. PURPOSE:

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Staff has prepared a draft of the Written Decision of the Board document for the application CU-01-21 that was heard by the Town Council at the regular meeting on July 13, 2021 and that the Town Council may now wish to adopt. If the Town Council approves the written decision of the board document, the Mayor will sign the document. The original signed version will be delivered to the petitioner, along with the conditional use permit with staff maintaining copies of the signed document in the file.

II. SUMMARY OF APPLICATION REQUEST:

On behalf of Carolina Power & Light, Mr. Ryan Woods of Tower Engineering Professionals, has submitted an application for a Conditional Use Permit for the new construction of a 140’, (20’ embedded underground), Valmont Class HID direct embedded monopole tower at an existing Duke Energy substation. The purpose of installing this monopole is to upgrade Duke Energy’s internal communications to control and run diagnostics on the existing substation located at 184 Wooster Road. The subject parcel is a 1.49 acre parcel located within the Town of Southern Pines extra-territorial jurisdiction (ETJ) and in the Rural Residential (RR) zoning district. The subject property is identified as PIN: 859205196117 (PARID: 00032107). The property owner according to the Moore County tax records is Carolina Power & Light.

III. TOWN COUNCIL PUBLIC HEARING AND ACTION:

A public hearing for this request was held at the July 13, 2021 regular business meeting of

the Town Council. All public notice requirements were met for that hearing date. The Town Council had four (4) members present with one (1) member absent. The Town Council opened the quasi-judicial public hearing and received evidence from those in attendance regarding preliminary development plan application CU-01-21. Planner II, Ms. Suzy Russell entered the staff report into the record as Exhibit A and provided an overview of the project and applicable criteria for review.

Mr. Toby Coleman, attorney for Duke Energy, presented opening remarks for the case. Mr. David McNeil, for Duke Energy, provided a detailed report describing the location of the parcel and addressed why the communication towers are an important for creating a smarter grid. The applicant's presentation was entered into the record as Exhibit B.

There was no testimony from the general public and the town council closed the public hearing and voted on Conditional Use Permit application CU-01-21.

The town council voted 4-0, with one member of Town Council absent, to adopt Attachment A to staff report CU-01-21 as findings of fact. Attachment A included findings of fact that the application is complete, the facts submitted were relevant to the case, and that the application complies with Section 2.21.7, Criteria A-F. Attachment A included a description of the manner in which each of the four criteria are met. The Town Council then voted 4-0, with one member of Town Council absent, to approve the Conditional Use Permit under application CU-01-21.

IV. ATTACHMENTS:

1. Written Decision for CU-01-21 (DRAFT)

V. TOWN COUNCIL ACTION:

The Town Council may wish to take one of the following actions:

1. No action;
2. Accept the Written Decision for CU-01-21 as prepared by the Town staff;
3. An action listed above with the following conditions...
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUCIL

July 13, 2021

6:00 pm

The Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: CU-01-21

A public hearing regarding the proposed Conditional Use Permit was held on July 13, 2021. The meeting was called to order with four (4) members present with one (1) member absent and the Mayor declared a quorum. The oath was administered to all witnesses choosing to speak. Ms. Suzy Russell, Planner II for the Town of Southern Pines, presented the staff report. Mr. David McNeil, district manager for Duke Energy, presented as the petitioner.

Matter at Issue:

CU-01-21 Conditional Use Permit for the installation of a monopole tower; Petitioner: Duke Energy

On behalf of Duke Energy, Mr. Ryan Woods of Tower Engineering Professionals, submitted an application for a Conditional Use Permit for the new construction of a 140', (20' embedded underground), Valmont Class HID direct embedded monopole tower at an existing Duke Energy substation. The purpose of installing this monopole is to upgrade Duke Energy's internal communications to control and run diagnostics on the existing substation located at 184 Wooster Road. The subject parcel is a 1.49-acre parcel located within the Town of Southern Pines extra-territorial jurisdiction (ETJ) and in the Rural Residential (RR) zoning district. The subject property is identified as PIN: 859205196117 (PARID: 00032107). The property owner according to the Moore County tax records is Carolina Power & Light (Duke Energy).

Ms. Suzy Russell presented the Town of Southern Pines staff report (Exhibit A) and reviewed compliance with the applicable sections of the Unified Development Ordinance.

Mr. David McNeil presented the case for the approval of Conditional Use Permit application CU-01-21 (Exhibit B). Mr. McNeil explained that Duke Energy will place a 140' direct embedded communications tower at their existing substation in order to improve reliable communication to support and report monitoring of transmission equipment and to collect data.

Town Council Action:

Therefore, having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing,

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO §2.21.7 and as presented in Attachment A in staff report CU-01-21:

Finding of Fact #1: By a vote of 4-0, with one member absent, the Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Conditional Use Permit approval have met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2: By a vote of 4-0, the Town Council finds that the application complies with UDO §2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that:

A. The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

The Town Council finds that the application CU-01-21 does not deviate from any applicable standards summarized in §3.5.2 *Rural Residential Zoning District Standards* of the Unified Development Ordinance and the applicable supplemental use regulations summarized in §5.23 *Towers and Related Structures* standards of the Unified Development Ordinance

B. The proposed conditional 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;

The Town Council finds that the proposed installation of a new monopole at the existing Duke Energy substation will not affect the character of the neighborhood because the addition of the 140' monopole will not alter the substation overall footprint.

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

The Town Council finds the existing Duke Energy substation is located within the Southern Pines extraterritorial jurisdiction and is not served by TOSP public facilities.

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 Town Council finds that the proposed development will likely not have detrimental impacts on the permitted uses of adjacent properties or impair property values because it is consistent with the existing zoning standards.

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

The Town Council finds that the installation of the 140' Duke Energy monopole will not have detrimental impacts on the safety, comfort or general welfare because this development will be required to adhere to all site development standards and building standards, including, but not limited to compliance with the building and fire code. The applicant will be required to meet all conditions imposed as well as meet all regulatory measures.

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 Town Council finds that the proposed development complies with applicable standards and regulations found within the Town of Southern Pines UDO that are based on the public interest and welfare. Planning staff recommends that the Town Council consider the draft findings following the public hearing and evidence presented therein.

Decision of the Council:

By a vote of 4-0, the Town Council voted to approve the Conditional Use Permit Application CU-01-21 as requested by the applicant.

This is the 26th day of July, 2021.

FOR THE TOWN COUNCIL:

Carol Haney, Mayor

Cc: Ryan Woods, Tower Engineering rjwoods@tepgroup.net
Dale Brooks, Duke Energy dale.brooks@nduke-energy.com



For: Town of Southern Pines

14 July 2021

Subject: Request for Funding to Support the Acquisition of Southern Pines Primary School

The Southern Pines Land and Housing Trust (SPLHT) is currently in private negotiation with Moore County Schools (MCS) for the Acquisition of the Southern Pines Primary School (SPPS). The negotiation process should begin by the end of this week and conclude by July 29 in order to make the MCS work agenda for their August meeting.

The SPLHT is requesting the Town of Southern Pines for **\$160,000** to reach the MCS appraisal cost of \$685,000 for the acquisition of the SPPS property. The SPLHT has raised \$525,000.

The appraisal was prepared by Village Appraiser for MCS. The appraisal is attached and the total cost for SPPS is \$685,000. MCS had the appraisers sub-divide the property into three separate parcels (see page 3). Parcel 1A is \$300,000, Parcel 1B-4A is \$325,000, and Parcel 4B is \$60,000 that totals \$685,000 which is the figure that MCS is using for fair market value (see page 7).

The Site and Building Assessment and Feasibility Study prepared by Perkins & Will on behalf of the SPLHT is attached. This study describes in detail the planned uses for each building in relationship to the structure, building code, and other special considerations. Also attached is an ariel view that describes the building uses and shows the site for Habitat for Humanity's affordable housing for teachers.

Beyond the acquisition process, we are already planning and continuing our fundraising campaign, product sales, grants, and property rentals and leases as described in our economic feasibility study for sustaining operations and maintenance. Although we are engaged with many other financial resources, two of our premiere partners for grants and other funding are Eboni Alexander, Executive Director for the Black Family Land Trust and LaToya Kyle, Market Director for the Southeast Region with Low Income Investment Fund (LIIF). LIIF is under the Department of Treasury and their focus is on affordable housing and community-based facilities. LaToya is originally from WSP and now has joined our team on the Board for the SPLHT.

And finally, by supporting the SPLHT financially, the Town of Southern Pines is accomplishing one of its major strategies for revitalization from the DFI Study by supporting the redevelopment of the SPPS consistent with its history.

Respectfully Submitted,

Vincent R. Gordon
Chair, Southern Pines Land
& Housing Trust