

MINUTES
Town of Southern Pines Planning Board Regular Meeting
June 17, 2021 at 6:00 PM

The regular meeting of the Town of Southern Pines Planning Board was held on Thursday, June 17, 2021, at 6:00 PM at the Douglass Community Center, 1185 W. Pennsylvania Avenue, Southern Pines, North Carolina.

Board members present: Chairman Gary Carroll, Vice Chairperson Diane Westbrook, Benjamin Greene, Cooper Carter, Lemuel Dowdy and Kim Wade.

Board member absent: Andy Bleggi.

Town staff present: B.J. Grieve, Suzy Russell and Cindy Williams.

Chairman Carroll called the meeting to order at 6:00 PM.

APPROVAL OF MINUTES:

Benjamin Greene made a **motion**, which was seconded by Diane Westbrook, to approve the Minutes of the May 20, 2021 regular meeting. **The motion carried unanimously.**

PUBLIC HEARINGS:

1. **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**

Mr. Ryan Woods of Tower Engineering Professionals, on behalf of Carolina Power & Light, submitted an application for a Conditional Use Permit for the construction of a new 140' Valmont Class HID direct embedded monopole tower, 20' of which will be embedded underground, 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 1.49 acre parcel is located within the Town of Southern Pines extra-territorial jurisdiction (ETJ) and the Rural Residential (RR) zoning district. The subject property is identified as PIN: 859205196117 (PARID: 00032107). Pursuant to the Moore County tax records, the property owner is listed as Carolina Power & Light.

Lemuel Dowdy made a **motion**, which was seconded by Cooper Carter, to invoke UDO §2.5.2 allowing the Board to follow the rules for a legislative hearing. **The motion carried unanimously.**

Chairman Carroll confirmed that there were no conflicts of interest among the members of the Board.

Kim Wade made a **motion**, which was seconded by Lemuel Dowdy, to open the public hearing. **The motion carried unanimously.**

STAFF PRESENTATION:

Ms. Suzy Russell provided an overview of the request and stated that staff had found the application to be generally consistent with the criteria and standards of the UDO.

B.J. Grieve shared drone footage of the subject property.

APPLICANT PRESENTATIONS:

Mr. David McNeill, Duke Energy District Manager, stated that Duke Energy is in the process of upgrading its communications network and installing poles at several substations across the state to support remote monitoring and control capabilities. The cambium pole will be 140 ft. tall with 20 ft. being underground and it will be located within their existing substation to collect data and control their transmission and distribution equipment. They require a tall enough pole to provide a line of sight with their existing tower structures throughout North Carolina. This technology provides an essential communications function following major storms, offering a reliable platform to communicate important messages and information to individuals and groups of employees during the power restoration process. They estimate that the project will be completed by November 1, 2021, weather permitting.

Lemuel Dowdy asked Mr. McNeill how many towers have been installed in North Carolina to date.

Mr. McNeill responded that they have a network of towers but the current provider has informed them that they are going to discontinue their service so Duke Energy is in the process of installing the cambium poles to upgrade their system and enhance communications throughout the state.

Mr. Dowdy asked if the intended use of the tower is for the power restoration process only or if it will have other uses.

Mr. McNeill responded that the tower will be for power restoration but it will also enable them to communicate more effectively in everyday operations.

Chairman Carroll inquired about the capacity of the tower and what could be added to the tower in the future.

Mr. Toby Coleman, attorney for Duke Energy, responded that the application was for a single dish that is essentially a replacement of the current fiber-based communication system. Century Link has notified Duke and other customers that they are no longer going to be in the fiber communication business. One of the reasons for the tower is to maintain the high speed network so there is no intent to have any colocations on these towers at this point. There has not been a specific study as to whether there could be other towers or what these towers could support. Another study would need to be conducted and submitted to the Town for review and analysis prior to any colocations.

Cooper Carter asked for confirmation that the reason for this pole is that their provider is eliminating their fiber infrastructure.

Mr. Coleman responded that Cambium Networks uses wide band radio to communicate and the point to point network does not necessarily follow the existing fiber lines that would be in rights-of-way so this is a good way to monitor them. They have the existing structures and a lot of tall towers and they are creating point to point networks mainly throughout Eastern North Carolina right now within their existing substation enclosures.

Mr. Dowdy inquired about the height of the highest tower that is currently located at this site.

Mr. Coleman responded that there is no tower on the site currently. There are transmission lines in the area that range from 40' to 60' high so this would be twice as tall.

Mr. Carter asked staff if there are any standards in the UDO for this type of tower.

Ms. Russell responded that the applicant meets the standards of the UDO. The property is located in the RR zoning district and a tower that is 50' or taller requires a Conditional Use Permit. They must be 1,000 ft. from a PD zoning district. They are near a PD zoning district and the UDO stipulates that towers may not to be located within 1,000 feet of any residential development but that PD does not have any residential uses. The applicant has submitted all required documentation.

Benjamin Greene made a **motion**, which was seconded by Cooper Carter, to close the public hearing. **The motion carried unanimously.**

Discussion ensued among members of the Board with regard to the process for colocations on the tower in the future.

Mr. Grieve stated that staff does review colocations but colocations are allowed under federal law. If substantial changes are being made to the height or the base then local regulations apply.

ACTION OF THE BOARD:

Lemuel Dowdy made a **motion**, which was seconded by Cooper Carter, to adopt Attachment “A” of the staff report as their findings of fact regarding proposed Conditional Use Permit CU-01-21. **The motion carried unanimously.**

Lemuel Dowdy made a **motion**, which was seconded by Diane Westbrook, to recommend approval of Conditional Use Permit CU-01-21 to the Town Council. **The motion carried unanimously.**

2. **CU-02-21: Conditional Use Permit and Preliminary Plat for a Major Subdivision on the Northwest Side of SW Service Road between SW Service Road and South Hale Street; 660 SW Service Road; Petitioner: Marcel O. Goneau, Jr.**

Mr. Marcel Goneau has submitted a Conditional Use Permit application and a Major Subdivision Preliminary Plat application requesting approval of a mixed-use development on 2.805 total acres. Pursuant to §2.20 of the Unified Development Ordinance, all major subdivisions require approval of a Conditional Use Permit. The subject parcels are currently zoned Office/Service (OS) and are identified as PIN 857108887345 (PARID 96000398); PIN 857108888362 (PARID 00039171); PIN 857108889334 (PARID 00033309); PIN 857108980445 (PARID 00039172); and PIN 857100981555 (PARID 20190151). The property owner is listed as Tams Properties, LLC in the Moore County tax records.

Kim Wade made a **motion**, which was seconded by Lemuel Dowdy, to invoke UDO §2.5.2 allowing the Board to follow the rules for a legislative hearing. **The motion carried unanimously.**

Chairman Carroll confirmed that there were no conflicts of interest among the members of the Board.

Lemuel Dowdy made a **motion**, which was seconded by Benjamin Greene, to open the public hearing. **The motion carried unanimously.**

STAFF PRESENTATION:

Ms. Suzy Russell provided an overview of application CU-02-21 for a mixed-use residential and office development on 2.805 acres that are currently zoned OS (Office/Service) and designated as “Commercial” on the Comprehensive Long Range Plan Future Land Use Map. All of the proposed uses are permitted uses in the OS zoning district. Ms. Russell stated that the application appeared to be generally consistent with the criteria for a Conditional Use Permit. Ms. Russell distributed a copy of an email received from a concerned citizen shortly before the meeting to the members of the Board for their review.

B.J. Grieve shared aerial footage of the subject property.

Chairman Carroll asked how long the property has been zoned OS.

Mr. Grieve responded that the Town rezoned several properties along the highway from GB to OS several years ago.

Chairman Carroll asked if the type of development being proposed is permitted in GB.

Ms. Russell responded that what is allowed in OS is allowed in GB, but there are more permitted uses in GB than in OS.

APPLICANT PRESENTATIONS:

Mr. Brad Schuler of Paramount Engineering stated that the proposed development will include a total of 32 residential units and five (5) office units and complies with the standards of the UDO, including the minimum of 10% of required open space. Overall, this project would provide an appropriate transition between US Hwy 1 and the existing single-family development. They also feel that the inclusion of the residential units makes it more compatible with the abutting neighborhood. A majority of the property will be residential and they will provide a buffer along Hale Street and along the highway and interconnectivity to the adjacent neighborhood. They do believe the application complies with the criteria for a Conditional Use Permit and for a Preliminary Plat and they agree with staff's findings of fact as set forth in the staff report.

Mr. Mike Nichols of Paramount Engineering stated that they intend to provide the required buffers and the right-of-way buffers will remain. The property line is 27 feet from the edge of the pavement and there will be an additional 15 ft. of required landscape buffer. There will be two access points which will lessen any potential impacts to Hale Street. Onsite circulation has been coordinated with the Fire Department through the technical review process. The required amount of open space will be provided throughout the site and will include a playground. Storm water has been designed at the lower point on the property so all water collected onsite will end up in the storm water basin and then find its way out to existing infrastructure that is capable of handling the anticipated flow toward SW Service Road.

They feel like with the 15 ft. buffers and the 50 ft. landscape buffer from Hwy 1, the perimeter will be heavily buffered. All of the buildings will be orientated internally.

PUBLIC COMMENT:

Ms. Felicia Winfield expressed concerns regarding the proposed development, including the number of dwelling units given the size of the property, the cost of the units, and its inconsistency with the West Southern Pines neighborhood.

Ms. Nora Bowman of 740 S. Hale Street stated that affordable housing would be desirable but she did not feel that the proposed development was appropriate. During the time the DFI study was being conducted, there was mention of an advisory board being created for the redevelopment of

West Southern Pines and she felt that before anything is built in West Southern Pines it should go before that board for review. She also expressed concern about increased traffic on Hale Street, and requested affordable housing and a use that is allowed in the Office/Service zoning district and that would benefit West Southern Pines.

Ms. Margaret McKayhan of 315 N. Stephens Street stated that having the traffic coming in off the Service Road makes more sense than off of Hale Street. She expressed concerns about water runoff. She asked if a community meeting had been held and how affordable the units would be, and stated that everyone needs to work together.

Mr. Nichols responded that a neighborhood meeting was not required and was not held.

Mr. Arthur Mason of 795 W. New Hampshire Avenue asked how the development will impact property taxes.

Mr. Donald Rich of 680 S. Mechanic Street stated that the proposed project will change the character of his neighborhood and decimate a significant amount of greenspace in the area. He expressed concern about increased taxes, traffic impacts and the possibility that West Southern Pines residents will be forced out of their community.

Ms. Jennifer Williams of 145 N. Maine Avenue expressed concern about the number of apartments, townhomes and condominiums and infill development that is occurring in Southern Pines. She inquired about the sale price of the units and asked who will be responsible for maintaining the property.

Mr. Marcel Goneau and stated that this project is the result of what the residents were asking for during the hearing on the storage facility. He has intentions of providing an affordable product and doing his best for this community. There were requests for affordable housing and a minimal amount of light commercial office spaces. You have to be able to develop enough real estate on the site to be able to produce an affordable product. This site could be all offices and would meet the UDO requirements which would increase traffic. Mr. Goneau said he has approached this more from a residential standpoint and feels like that is more conducive to the way residents said they wanted the site to be developed.

Mr. Goneau stated that he chose this site because the price of this property compared to other properties in the Southern Pines area given the amount of acreage and the number of units he believes the numbers work to create an affordable product. The property is zoned appropriately and it meets the expectations of what he is trying to accomplish. A reduction in density would mean an increase in price.

Mr. Nichols stated that the HOA will be responsible for property maintenance within the development. They are not qualified to answer the question of how property taxes will be affected, but in his opinion the project meets the need for affordability and creates a balance between the high intensity uses on Hwy 1 and the residential neighborhood.

Mr. Tim Clinkscales from Paramount Engineering stated that a little less than 300 trips per day would be generated. In OS zoning you could develop all offices which could result in 40% more traffic if there was no residential component and it was all offices. The access points are required by the Fire Department. The traffic flow to the site will go out to Hwy 1 and most residents are going to use Service Road because it is a more direct route to the major arterial street. The threshold in Southern Pines for a traffic study is 1,000 trips and they estimate less than 300 trips.

Mr. Dowdy commented that Wisconsin Avenue appears to be a more direct route to Hwy 1.

Mr. Clinkscales said vehicles would want to enter the development from Service Road.

Diane Westbrook commented that it would depend on what direction a person was traveling on US 1.

Mr. Clinkscales stated that the mail kiosks will be near the SW Service Road entrance.

Kim Wade asked if an increase in traffic near the daycare on Service Road was a concern.

Mr. Clinkscales responded that all traffic is a concern but this development would create very low density trip generation. Even in the peak hours it would result in a total of approximately 50 trips during those hours. The traffic intensity will be low compared to what it could be if something else was developed in that location. Something will be built on that site and if the residential portion is not approved then the next alternative will be a commercial office use.

Kim Wade asked the applicant and his team if they had considered that in order for someone to make \$30,000 per year they would have to make \$15.00 per hour and the concern of the residents of West Southern Pines is that these units will not be affordable for future property owners in West Southern Pines because the median income in West Southern Pines is less than \$30,000.00.

Benjamin Greene stated that the terms *affordable product* and *affordable housing* have been frequently used and asked the applicant to provide some actual numbers.

Mr. Nichols stated that price varies from community to community based on income and family size.

Mr. Dowdy said they must have some idea of the cost of the units.

Mr. Goneau responded that the units are going to be for sale and not for rent. Buildings 1, 2 and 3 will be primarily townhomes with two or three bedrooms and two bathrooms and the condominiums will have one bedroom and one bathroom. He thinks the one bedroom units will start at \$138,000, the two bedroom units will start in the low to the mid \$200,000's, and the three bedroom units will be in the \$260,000 range.

Ms. Wade asked Mr. Goneau what market he was targeting.

Mr. Goneau responded that he was targeting residents who could afford the units.

Ms. Wade asked if he had taken into consideration what the residents of West Southern Pines had said because the price range is not affordable for them and asked if he was targeting military families and how many folks he thought made enough money to afford a one bedroom home for \$130,000.

Mr. Goneau responded that it could be an investor who wants to purchase a unit and rent it out but he could not qualify the demographic.

Ms. Wade asked Mr. Goneau if he saw the conflict in his approach because he was saying the units would be affordable but the people who live in the West Southern Pines Overlay district do not qualify to purchase these units.

Mr. Goneau responded that he was not discounting their ability to afford the units.

Ms. Wade said she was not saying that he was, but asked if he had really listened to what had been said.

Mr. Goneau responded that he felt that he had unless he was missing her point. He felt like these price points would allow individuals to be able to purchase within the community.

B.J. Grieve provided some rough calculations of mortgage payments based on the sale prices.

Chairman Carroll asked if a change in the traffic flow to reduce the amount of traffic on Hale Street would be possible.

Mr. Goneau said that was absolutely something that he would consider and that the location of the mail kiosks would encourage residents to use the main entrance.

Mr. Dowdy stated that Mr. Goneau had implied that these were the lowest prices he could offer to make the project feasible so the implication is if a builder wanted to build

Diane Westbrook inquired about sizes of the units.

Mr. Goneau responded that the three bedroom units will be approximately 1,500 square feet and the one bedroom units will be approximately 750 square feet.

Ms. Wade stated that most of the people who could afford to live in this development would not include the residents of West Southern Pines and that there is data to support that the median income for the residents of West Southern Pines is less than \$30,000. Most residents in the vicinity of the proposed development make \$7.00 to \$10.00 per hour, or less than \$30,000.00 per year.

Mr. Goneau responded that he was not necessarily targeting an audience as much as making it available to a population of people and he is willing to take the risk that there is a population that is able to afford these units.

Ms. Wade said the reason she brought that up was because he said he had listened to the residents at the time the storage facility was proposed and he had customized this project accordingly.

Mr. Goneau responded that he felt that this project would meet the needs of a percentage of the community.

Lemuel Dowdy said he would be interested to know what percentage of residents of West Southern Pines make enough money to be able to afford these units.

Chairman Carroll said affordability was something to consider but they needed to consider the entire project.

Mr. Goneau requested a continuance of the public hearing to the July 2021 Planning Board meeting.

Chairman Carroll asked Mr. Goneau if he would have an opportunity to meet with members of the community in the meantime.

Mr. Goneau said he would entertain the possibility of a neighborhood meeting.

ACTION OF THE BOARD:

Benjamin Greene made a **motion**, which was seconded by Kim Wade, to continue the public hearing to the July 22, 2021 regular meeting. **The motion carried unanimously.**

UNFINISHED BUSINESS:

No unfinished business was discussed.

NEW BUSINESS:

No new business was discussed.

Diane Westbrook made a **motion**, which was seconded by Benjamin Greene, to adjourn the meeting. **The motion carried unanimously.**

The meeting adjourned at 8:34 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board