

## ..TITLE

Vote to approve a quasi-judicial request by Duke Energy for a Special Use Permit for a new 120 ft wireless support tower at a substation location on Parcel 62351, located at 1785 Corinth Rd, Cape Fear Township.

## ..ABSTRACT

### Action Requested:

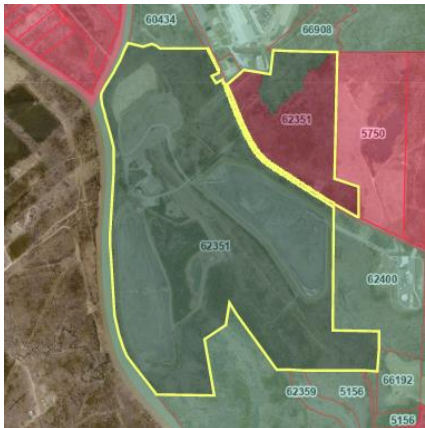
Vote to approve a quasi-judicial request by Duke Energy for a Special Use Permit for a new 120 ft wireless support tower at a substation location on Parcel 62351, located at 1785 Corinth Rd, Cape Fear Township.

### Introduction & Background:

A quasi-judicial public hearing was held August 21, 2023. Planning staff presented the application a representatives from Duke Energy presented the request. No one else provided testimony during the hearing.

The total site is approximately 483 acres and is split zoned Heavy Industrial and R-1 Residential. The substation site is located within the R-1 residential area however, it has been used by the Duke Energy for over three decades.

### *Zoning map of the area*



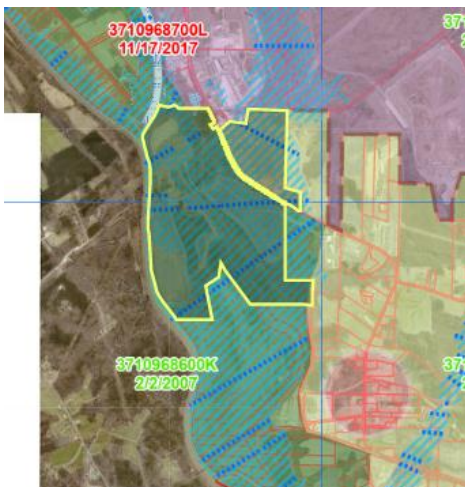
### Discussion & Analysis:

When determining whether a Special Use Permit request should be approved as per Section 5 Conditional Zoning Districts, the following findings must be supported.

- 1. The alleged error in the Ordinance, if any, would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.** Wireless telecommunication towers are allowed as a Special Use Permit in a residentially zoned districts. No errors are being claimed in the Ordinance.

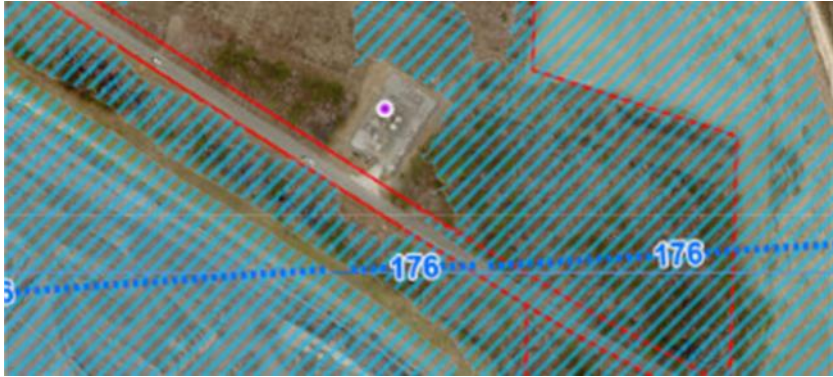
2. **The requested special use permit is either essential or desirable for the public convenience or welfare.** In order to provide faster, remote monitoring between substations, this tower will improve service outage notifications in cases of power failure and to securely transmit information between stations. Due to security concerns, cell providers will not be permitted to co-locate on any of the utility company towers.
3. **The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.** Due to the height being 120 ft, the FAA does not require the top of the tower to have a flashing beacon. The tower will be a cambium pole, galvanized steel to match the other equipment existing at the substation. The tower will be located within the existing fenced, secure area and will not require any additional build upon area. There will be no audible noise, chemicals, or radioactive agents present.
4. **The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**
  - Chapter 2, Issues and Opportunities; Land Use Suitability- this use will not hinder any future land development as it will be located on existing property utilized by Duke Energy
  - Chapter 4, Plan Elements; ED Policy 4, Strategy 4.4- encourage the continued use of existing commercial and industrial uses to expand services in correct zoning districts.

*Land Use Plan Map*

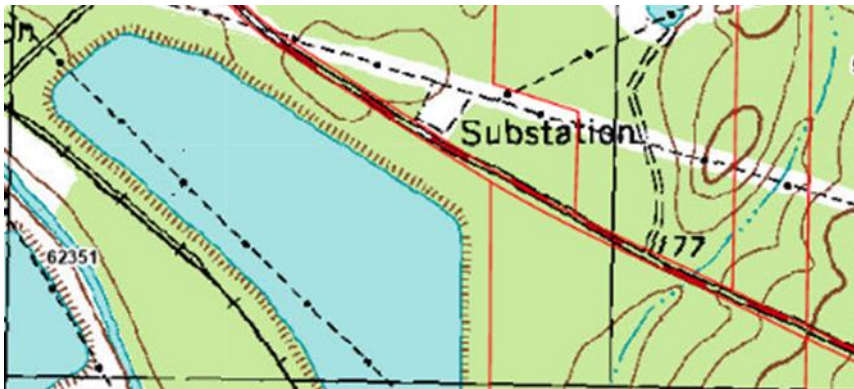


- Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies, and regulations.** This is an unmanned site so no utilities are required. There is an existing gated access drive that will continue to be used. No new land disturbance is required.

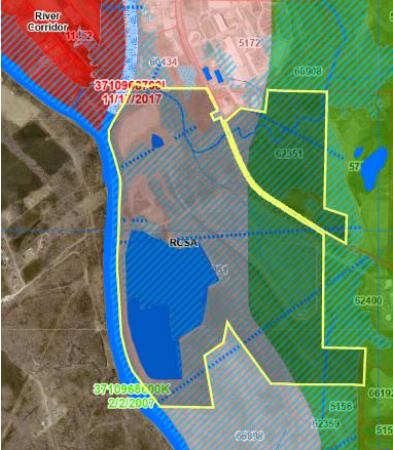
*FEMA flood map 3710968600K, dated 02/02/2007 shows floodable areas outside of the substation area*



*USGS map also shows substation location on the highest elevation of the property*



County watershed map shows the substation within the WSIV-Protected Area



**How does this relate to the Comprehensive Plan:**

- Chapter 2, Issues and Opportunities; Land Use Suitability- this use will not hinder any future land development as it will be located on existing property utilized by Duke Energy
- Chapter 4, Plan Elements; ED Policy 4, Strategy 4.4- encourage the continued use of existing commercial and industrial uses to expand services in correct zoning districts.

**This item was on the consent agenda for the Planning Board held on September 5, 2023 and was recommended for approval by a unanimous vote.**

**Recommendation:**

The Planning Board, by unanimous vote, recommends adoption of resolution approving a quasi-judicial request by Duke Energy for a Special Use Permit for a new 120 ft wireless support tower at a substation location on Parcel 62351, located at 1785 Corinth Rd, Cape Fear Township with the following conditions:

**Site Specific Conditions**

1. A development permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan becomes null and void.

**Standard Site Conditions**

2. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as

stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.

3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Watershed Protection, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

**Standard Administrative Conditions:**

4. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
5. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
6. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
7. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.