

MINUTES

**Town of Southern Pines Planning Board Regular Meeting
Douglass Community Center
1185 W. Pennsylvania Avenue
February 21, 2019 at 7:00 PM**

The regular meeting of the Town of Southern Pines Planning Board was held on Thursday, February 21, 2019, at 7:00 PM at the Douglass Community Center, 1185 W. Pennsylvania Avenue, Southern Pines, North Carolina.

Planning Board members present: Chairman Bill Pate, Vice Chairman Gary Carroll, William Ross, Mike Saulnier and Diane Westbrook.

Planning Board member absent: Larry Harward.

Town staff members present: Chris Kennedy, Assistant Town Manager/Community Development Director, B.J. Grieve, Principal Planner, Suzy Russell, Planner, and Cindy Williams, Secretary to the Planning Board.

Chairman Pate called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES:

Mike Saulnier made a **motion**, which was seconded by William Ross, to approve the Minutes of the December 20, 2018 meeting. **The motion carried unanimously.**

Chairman Pate requested to be recused from public hearings Z-05-18, CU-12-18 and CU-01-19 due to his professional relationship with one of the parties to the application.

Mike Saulnier made a **motion**, which was seconded by Gary Carroll, to accept the request to be recused from public hearings Z-05-18, CU-12-18 and CU-01-19. **The motion carried unanimously.**

Vice Chairman Carroll stated that public hearing Z-05-18 was opened at the December 20, 2018 regular meeting of the Planning Board and continued to the February 21, 2019 regular meeting.

PUBLIC HEARINGS:

1. **Z-05-18: Request to rezone a 2.01 acre parcel on the south side of Morganton Road between the intersections of Brucewood Road and US Highway 15-501 from FRR (Facilities, Resource and Recreation) to GBCD (General Business Conditional District); Petitioner: Pines Funerals by Koontz Jones Design, Agent**

On behalf of current property owners Sandhill Cemetery Corporation and Pinelawn Management, LLC, as well as applicant Mr. Robert Nunnaley of Pines Funerals, Mr. Bob Koontz of Koontz Jones Design is requesting to rezone a 2.01-acre parcel from FRR (Facilities,

Resource and Recreation) to GB-CD (General Business Conditional District) to develop a funeral home and crematorium. The subject property is a 2.01-acre portion of two parcels identified as PIN: 857100297353 (PARID: 00038504) and PIN: 857100296246 (PARID: 20160262). Per the Moore County tax records, the property owners are listed as Sandhill Cemetery Corp. and Pinelawn Management, LLC respectively.

STAFF REPORT – Mr. BJ Grieve, Principal Planner:

Mr. Grieve provided an overview of the request to rezone 2.01 acres from FRR to GBCD (General Business – Conditional District) and stated that the uses would be limited to a funeral home and a crematorium. A funeral home is a permitted use within the underlying GB zoning district but a crematorium is a conditional use. A second access to the subject property will be added. The CLRP Future Land Use Map presently designates the property as “Parks and Open Space” so rezoning to a commercial use would require an amendment to the Future Land Use Map.

APPLICANT PRESENTATION – Mr. Robert Nunnaley:

Mr. Nunnaley, owner of Powell Funeral Home, addressed the Board and expressed his desire to relocate the funeral home and crematorium from its current location in Downtown Southern Pines to the Pinelawn Cemetery property.

Mr. Bob Koontz addressed the Board and provided an overview of the surrounding area, stating that the subject property is located on Morganton Road within a commercial corridor. There is presently a small office, which will be removed, and a mausoleum on the property. The entire parcel consists of approximately 30 acres with 15 acres of that being the cemetery. Mr. Koontz shared the presented the proposed site plan and stated that the main entrance will remain in its current location and a second access off of Old Morganton Road will be added.

Mr. Koontz stated that a funeral home and a crematorium are compatible with the current use of the property and the rezoning is justified as all of the existing and proposed uses are classified under the Death Care Services land use code. Major subdivision approval is required due to the extension of public utilities.

Ms. Westbrook inquired about the flow of traffic through the development and Mr. Koontz responded that there will only be five to six employees and that trip generation for funeral homes and cemeteries is essentially the same and will not contribute to peak hour traffic.

Ms. Westbrook asked if the rear of the building will face Morganton Road and Mr. Koontz responded yes but there will be a heavily landscaped buffer.

Mr. Koontz submitted a red-cockaded woodpecker study to be entered into the record.

Mr. Grieve proposed that the staff memo be entered into the record as Exhibit A, the Power Point presentation as Exhibit B and the red cockaded woodpecker study as Exhibit C.

Mr. Saulnier asked if the funeral home, cemetery and crematorium will all be operated by one organization and Mr. Koontz confirmed.

Vice Chairman Carroll inquired about signage and Mr. Koontz responded that any additional signage would be submitted for approval at a later date.

Ms. Westbrook asked if natural gas currently exists at that location and Mr. Koontz responded yes.

Mr. Marsh Smith, a resident of Southern Pines, addressed the Board and expressed his concerns regarding the proposed rezoning to allow a crematorium and urged the Board to deny the rezoning request.

Vice Chairperson Carroll asked if the Board had any additional questions and there were none.

Mike Saulnier made a **motion**, which was seconded by Diane Westbrook, to close the public hearing. **The motion carried unanimously.**

Vice Chairman Carroll commented that he respectfully understood Mr. Smith's comments, but in this particular case this is not the addition of a new funeral home but the relocation of an existing funeral home from one location to another to possibly a more suitable environment.

PLANNING BOARD ACTION/RECOMMENDATION TO THE TOWN COUNCIL:

Mike Saulnier made a **motion**, which was seconded by William Ross, to recommend to the Town Council approval of the proposed amendment and that the Town Council declare that the approval of the proposed amendment is also an amendment to the Comprehensive Long Range Plan as the following changes and conditions were taken into account in considering the proposed amendment and therefore the approval is reasonable and in the public interest:

- a. although not consistent with the adopted Comprehensive Long Range Plan and the Future Land Use Map, it is compatible with current and surrounding land uses; and
- b. there are no adverse impacts to neighboring lands, and no negligible impacts on the health, safety and welfare of the Town.

The motion carried unanimously.

2. CU-12-18 & CU-01-19: Conditional Use Permit for a Major Subdivision and to Develop a Crematorium on 2.01 Acres on the south side of Morganton Road between Brucewood Road and Beverly Lane; Petitioner: Pine Funerals by Koontz Jones Design, Agent

On behalf of current property owners Sandhill Cemetery Corporation and Pinelawn Management, LLC, as well as applicant Mr. Robert Nunnaley of Pines Funerals, Mr. Bob Koontz of Koontz Jones Design is requesting a Conditional Use Permit for a Major Subdivision and development of a crematorium on a new 2.01-acre parcel. The subject property is a portion of the parcels identified as PIN: 857100297353 (PARID: 00038504) and PIN: 857100296246 (PARID: 20160262). Per the Moore County tax records, the property owners are listed as Sandhill Cemetery Corp. and Pinelawn Management, LLC respectively.

Mike Saulnier made a **motion**, which was seconded by Diane Westbrook, to reopen public hearing CU-12-18 and to open public hearing CU-01-19. **The motion carried unanimously.**

OATH OF TESTIMONY:

Cindy Williams administered the oath of testimony to those wishing to speak during the hearing.

STAFF REPORT – Mr. BJ Grieve, Principal Planner:

Mr. Grieve stated that the first Conditional Use Permit application was for a major subdivision, and the second was for a crematorium. Pursuant to the UDO, two projects that are submitted together they may be reviewed concurrently.

The subject 2.01 parcel is being carved out of two existing lots. There are two issues which preclude this from being considered a minor subdivision. The first is that the sewer line will need to be extended a greater distance than is allowed for a minor subdivision. In addition, a minor subdivision cannot create a direct access to a collector or an arterial roadway. The subject property is going to be accessing both an arterial and a collector street. There is an existing access off of West Morganton Road and a new access off of Old Morganton Road will be created.

A funeral home is a permitted use by right within the General Business (GB) zoning district but a crematorium is a conditional use. If this 2.01 acre parcel is going to be served by Town water and sewer services, it will need to be annexed into the Town.

APPLICANT PRESENTATION – Mr. Bob Koontz:

Mr. Koontz addressed the Board and stated that they would allow their testimony and submitted documents from the previous presentation regarding the Conditional Use Permit for a major subdivision to stand as their testimony.

Mr. Koontz stated that the crematorium will be located between the mausoleum and the funeral home. Mr. Koontz requested that the RCW letter and his Power Point presentation be entered into the record.

Mr. Saulnier asked Mr. Koontz if he expects the Old Morganton Road access to have less use or about the same.

Mr. Koontz responded that he would think the Old Morganton Road would be used less and could serve as the emergency access and therefore eliminate the need for modifications to the main entrance.

Mr. Saulnier asked if he anticipated any issues with the sewer extension. Mr. Koontz responded that if there is right-of-way available it can be run along Morganton Road and if not, an easement will be granted on the site for the extension of the utility.

Mr. Saulnier stated that based on the description of the building and its location it seems to be well planned.

Vice Chairman Carroll inquired about the anticipated height of the funeral home and Mr. Koontz responded that it will be a one story building.

Mr. Ross asked if any smoke will be generated by the crematory and Mr. Koontz responded that with the new technology, the unit will not emit smoke.

Mr. Grieve stated that the Town is primarily concerned that the sewer line is extended to a point on the property where service can be connected but that at a minimum an easement that extends to the furthest extent of the property be provided. Mr. Grieve asked Mr. Koontz if that was agreeable and Mr. Koontz responded yes.

There being no further comments or questions, Vice Chairman Carroll entertained a motion to close the public hearing.

Diane Westbrook made a **motion**, which was seconded by Mike Saulnier, to close the public hearing. **The motion carried unanimously.**

PLANNING BOARD ACTION/RECOMMENDATION TO THE TOWN COUNCIL:

FINDINGS OF FACT (PRELIMINARY PLAT):

FINDING OF FACT #1

Mike Saulnier made a **motion**, which was seconded by Diane Westbrook, to recommend that as a finding of fact the application is complete and that the facts submitted are relevant to the case. **The motion carried unanimously.**

FINDING OF FACT #2

Mike Saulnier made a **motion**, which was seconded by Diane Westbrook, to recommend that as a finding of fact the application complies with Section 2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that the application is consistent with the proposed amendment to the Comprehensive Plan; the proposed subdivision complies with the UDO and state regulations; and it is compatible with the existing and/or permissible zoning and future land uses of adjacent property. **The motion carried unanimously.**

DECISION OF THE BOARD:

Mike Saulnier made a **motion**, which was seconded by William Ross, to recommend to the Town Council approval of the Preliminary Plat. **The motion carried unanimously.**

FINDINGS OF FACT (CONDITIONAL USE PERMIT CU-01-19):

FINDING OF FACT #1

Mike Saulnier made a **motion**, which was seconded by William Ross, to recommend that as a finding of fact the application is complete and that the facts submitted are relevant to the case. **The motion carried unanimously.**

FINDING OF FACT #2

Mike Saulnier made a **motion**, which was seconded by Diane Westbrook, to recommend to the Town Council that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that it is an efficient extension of public utilities. **The motion carried unanimously.**

DECISION OF THE BOARD:

Mike Saulnier made a **motion**, which was seconded by Diane Westbrook, to recommend to the Town Council the approval of CU-01-19. **The motion carried unanimously.**

FINDINGS OF FACT (CONDITIONAL USE PERMIT CU-12-18):

FINDING OF FACT #1

Mike Saulnier made a **motion**, which was seconded by William Ross, to recommend that as a finding of fact the application is complete and that the facts submitted are relevant to the case. **The motion carried unanimously.**

FINDING OF FACT #2

Mike Saulnier made a **motion**, which was seconded by William Ross, to recommend to the Town Council that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that the proposed conditional use is in compliance with all regulations of the applicable zoning district and any applicable supplemental regulations; the proposed conditional use conforms to the character of the neighborhood; there is adequate infrastructure to support the conditional use as a crematorium; the proposed use does not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or diminish the value of surrounding properties; and the operation of the proposed use will not be detrimental to or endanger public health, safety, comfort or general welfare. **The motion carried unanimously.**

DECISION OF THE BOARD:

Mike Saulnier made a **motion**, which was seconded by Diane Westbrook, to recommend to the Town Council the approval of CU-12-18. **The motion carried unanimously.**

3. **PD-07-18: Planned Development District - Preliminary Development Plan for Phase 2A and Phase 9 of the Caropines Master Planned Development; Petitioner, Perry Shelley**

On behalf of Caropine Ventures, LLC and 71st Partners, LLC, Mr. Perry Shelley has submitted a Planned Development District – Preliminary Development Plan application for Phase 2A and Phase 9 of the Caropines master-planned development pursuant to §2.18.5 and §3.5.14 of the Town of Southern Pines Unified Development Ordinance (UDO). Phase 2A contains 8.93 acres and will consist of 25 single-family lots. Phase 9 contains 3.98 acres and will consist of

eleven (11) cottage lots. Per the Moore County tax records, the property owners are listed as Caropine Ventures, LLC and 71st Partners, LLC.

William Ross made a **motion**, which was seconded by Mike Saulnier, to open the public hearing. **The motion carried unanimously.**

OATH OF TESTIMONY:

Cindy Williams administered the oath of testimony to those who planned to speak during the hearing.

STAFF REPORT – BJ Grieve, Principal Planner:

Mr. Grieve provided an overview of the Preliminary Development Plan for the first two phases of the Caropines Conceptual Development Plan that was approved on October 9, 2018. He stated that Lots 5 and 6 of the cottage lots extend beyond Area “F” and encroach into the open space. Mr. Grieve suggested that the Board recommend to the Town Council that they require the number of remaining lots be provided with each Preliminary Development Plan. Staff also wanted to bring to the Board’s attention that the infrastructure for Phase 2A requires that the water line be looped. The Town has a policy that water lines be looped.

Mr. Grieve stated that trees were removed without approval of the US Fish & Wildlife Service while clearing the water line easement. The applicant has submitted an updated biological assessment.

A copy of the Traffic Impact Analysis, which was reviewed as part of the Conceptual Development Plan, does not state at what point improvements must be made. The applicant submitted a phasing study which was submitted to NCDOT as well as the Town’s consulting engineer. The phasing study calls for four phases of developing the infrastructure required by the TIA. NCDOT approved three instead of four phases of infrastructure improvements.

APPLICANT PRESENTATION – Mr. Bob Koontz:

Mr. Koontz addressed the Board, stated that this Preliminary Development Plan reflects the requirements of the Conceptual Development Plan, and provided an overview of the project. He said there had been some miscommunication which resulted in the removal of trees that were not included in the original biological assessment. The property is part of the Safe Harbor Program and the developer will ultimately be maintaining and increasing habitat as part of that program. A revised biological study has been conducted.

Mr. Koontz provided a utility plan, a proposed landscape plan and a running tabulation of the number of approved units that have been constructed as well as open space within the development to date. He also provided an overview of the stages of development at which each of the three phases of NCDOT improvements will be required.

Mr. Eli Monroe, 305 Avenue of the Carolinas, addressed the Board and asked if construction traffic could be limited to the emergency access and Mr. Koontz confirmed.

Ms. Kathryn Chow, 535 Avenue of the Carolinas, asked when a park or playground will be built, and expressed concerns about drainage issues within the development.

Chairman Pate asked Mr. Kennedy if the developer is required to meet certain stormwater standards. Mr. Kennedy responded yes.

Mr. Marsh Smith spoke in opposition to the project.

Mr. Koontz stated that the developer is in the process of creating an amenity package to distribute to the residents to determine priorities for those amenities.

Mr. Pate asked if there will be a new homeowners association for the lots to be developed and Mr. Koontz said there will be two separate associations.

There being no further comments or questions, Chairman Pate entertained a motion to close the public hearing.

Gary Carroll made a **motion**, which was seconded by William Ross, to close the public hearing. **The motion carried unanimously.**

PLANNING BOARD ACTION/RECOMMENDATION TO THE TOWN COUNCIL:

FINDINGS OF FACT:

FINDING OF FACT #1

Mike Saulnier made a **motion**, which was seconded by William Ross, to recommend as a finding of fact that the application is complete and that the facts submitted are relevant to the case in that the proposed Preliminary Development Plan is in accordance with the approved Conceptual Development Plan. **The motion carried unanimously.**

FINDING OF FACT #2

Mike Saulnier made a **motion**, which was seconded by Gary Carroll, to recommend as a finding of fact that the application complies with UDO Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-6, in that:

1. it will achieve the purposes of the Preliminary Development Plan and it is consistent with the Conceptual Development Plan and it conforms to all of the applicable provisions of the Conceptual Development Plan and the UDO;
2. the Preliminary Development Plan represents an overall development pattern that is consistent with the goals and policies of all applicable planning documents;
3. the proposed Preliminary Development Plan satisfies the criteria for a zoning map amendment;
4. the proposed development is located in an area that is appropriate; and
5. the proposed development will not create the need for an inefficient extension or expansion of public facilities, utilities or services.

The motion carried unanimously.

DECISION OF THE BOARD:

Mike Saulnier made a **motion**, which was seconded by William Ross, to recommend to the Town Council the approval of PD-07-18 with the following conditions:

1. the encroachment of Lots 5 and 6 into the open space be discussed;
2. construction traffic be limited to the emergency access road; and
3. the developer ensure that they will stay in communication and compliance with the US Fish and Wildlife Service with regard to protection of the red-cockaded woodpecker habitat.

The motion carried unanimously.

OLD BUSINESS:

None.

NEW BUSINESS:

Chris Kennedy stated that Planning staff would be bringing staff initiated UDO text amendments before the Board at the March regular meeting.

There being no further business the meeting adjourned at 9:40 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board