

MINUTES
Town of Southern Pines Planning Board Regular Meeting
via virtual meeting
July 23, 2020 at 6:00 PM

The regular meeting of the Town of Southern Pines Planning Board was held on Thursday, July 23, 2020, at 6:00 PM via video conference.

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

Board member Andy Bleggi was absent.

Town staff present: Suzy Russell, Planner, Lauren Long, Planner, and Cindy Williams, Secretary to the Planning Board.

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

APPROVAL OF MINUTES:

Diane Westbrook made a **motion** to approve the Minutes of the June 18, 2020 regular meeting. **The motion carried unanimously.**

Chairman Carroll made a **motion**, which was seconded by Diane Westbrook, to invoke UDO §2.5.2 and review the agenda items legislatively. **The motion carried unanimously.**

PUBLIC HEARINGS:

1. **Z-03-20 Request to rezone a 2.54 acre parcel located within Southern Pines Village from GB-CD to GB-CD; Applicant: Hutton Build; Authorized Agent: Philip Picerno of LKC Engineering, LLC**

Mr. Philip Picerno of LKC Engineering on behalf of Hutton Build requests to rezone a 2.54 acre parcel located within Southern Pines Village from GB-CD (General Business Conditional District) to GB-CD (General Business Conditional District); The subject property is identified as PIN: 857106383435 (PARID: 20050318). Per the Moore County tax records, the property owner is listed as First Scotland Financial, LLC.

Chairman Carroll confirmed that there were no conflicts of interest among the members of the Board with regard to the application.

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

STAFF PRESENTATION – Suzy Russell:

Ms. Russell entered file Z-03-20 into the record and stated that Mr. Philip Picerno, on behalf of Hutton Build, had submitted a request to construct a 99,000 SF three-story self-storage facility on 2.54 acres within Southern Pines Village, which is currently zoned GB-CD with designated land uses specified in file Z-06-92. The current permitted uses of the subject property do not include self-storage. The applicant is requesting to build to the General Business development standards. However, the proposed landscaping screens and the use of metal siding as a building material do not comply with the General Business development standards.

Ms. Russell stated that UDO §4.3.5(B)(2) states that mini warehouses are required to be screened from unobstructed site views. The submitted site plan does not reflect the width of the area on each side of the proposed building, but there does not appear to be enough space for a planting area. Several of the existing trees will be removed to construct the building, making the building more visible from the street and sidewalks, as well as from the neighboring properties. There is a vegetative buffer at the rear of the property but the building will not be screened from the adjacent residential neighborhood.

Ms. Russell stated that she had spoken with the Town Engineer and the Assistant Town Manager and they informed her that Brucewood Road is absolutely capable of handling the traffic capacity and that it is built to handle the types of anticipated vehicles that would utilize the storage facility. Both stated that the entrance should be carefully considered with regard to safety and possibly a right in/right out would be required which would be addressed during the site plan review process but it is important to consider as part of the rezoning request. The Town Engineer wanted the Board to be aware that there are significant stormwater problems in that particular area but that it was a positive that the applicant would not be discharging into the stormwater pond.

Ms. Russell stated that she had conducted some research regarding other rezonings within the development at the Board's request and found Z-07-94 for the Residence Inn which was approved for an 80 unit hotel/motel; V-01-08 to remove the Super K building and replace it with Home Depot and five new retail buildings and one future building pad which was approved; and Z-02-12 was a request to rezone a parcel within Country Club Hills to General Business, which was withdrawn.

With regard to public notice, Ms. Russell stated that a sign advertising the public hearing was posted on the property on July 2, 2020 and a Public Hearing Notice was mailed to the owners of all properties within 200 feet of the subject property and posted on the Town's website on July 6, 2020.

Ms. Russell shared RLUAC's response to a request for agency comments.

APPLICANT PRESENTATIONS:

Attorney Nick Robinson, present on behalf of the applicant, addressed the Board and stated that the very modern indoor climate-controlled self-storage concept has recently evolved into a completely different appearance that looks and functions much more like a modern Class A office

building from the exterior. The property is currently zoned GB-CD and the Conditional District limits the uses to Office or Neighborhood Business. The Residence Inn is on one side of the site and Elmcroft of Southern Pines assisted living facility is on the other. If the request is approved, the property will still be zoned GB-CD but the uses will be modified and paired down to allow self-storage as the only land use.

Mr. Aaron Breeden, Vice President of Hutton Build, addressed the Board and stated that they were proposing an indoor climate-controlled storage facility that will almost function like an office product. Everything will be internal with controlled access and there will be a full-time manager on site. They are prepared to change the standing seam metal siding to hardy plank siding. The proposed height of the building is just over 35 ft. Mr. Breeden said he felt the architecture of the building would enhance and not detract from what currently exists in the vicinity. Significant landscape screening will be provided and he felt that they were successfully utilizing the challenging topography of the site.

Mr. Philip Picerno of LKC Engineering addressed the Board and stated that there is approximately 30 feet of elevation change from the northeast corner to the southwest corner of the property. The site is currently vacant and predominately wooded. There are no wetlands, streams or floodplains to contend with on site and the property is not located within a High Quality Watershed. Access will be opposite the Sandhills Theater and the Kohl's Shopping Center connection. There will be one ingress lane and one egress lane. The internal driveway is designed to accommodate emergency vehicles. Fourteen parking spaces are required and will be located in front of the building. A sidewalk will be installed along the front of the property and connect to the existing sidewalks.

Mr. Picerno stated that stormwater will be collected onsite via a network of curb and gutter, catch basins and storm pipe and will direct the stormwater to one of two underground stormwater management systems and released at the rear of the site. The site will be served by Town utilities that run along Brucewood Road. There is an 8" sanitary sewer line and an 8" water line with no main extensions. A fire flow test has been conducted and there is plenty of pressure flow to supply the building and the building will also be sprinkled.

Mr. Picerno stated that aside for the required landscaping there will be a 100 foot undisturbed natural buffer at the rear of the site adjacent to the residential properties. There will also be a planted landscape berm along the front of the site that will be consistent with the previously approved zoning application that Ms. Russell referenced. They will work with staff to ensure that all landscaping criteria is met. The applicant is proposing a landscape screen along the north side of the building adjacent to the Elmcroft senior living facility.

Mr. Robinson stated that several existing trees are on a neighboring property and will not be removed. The applicant has proposed installing the section of sidewalk along the front of the subject property to connect the sidewalk system and provide access all the way to Morganton Road which Mr. Robinson felt was a significant element in terms of compliance with the Comprehensive Long Range Plan.

Mr. Robinson stated that if the property was rezoned to General Business with no conditions there would be no building setback or buffer requirement but a 100 ft. buffer was built in for the protection of the adjacent residential properties. The applicant is willing to keep the 100 ft. undisturbed wooded buffer in place as a condition of approval of the project. Mr. Robinson shared an image of the three residential lots behind the subject property showing the distance of the existing homes from the 100 ft. buffer.

Mr. Robinson stated that UDO §2.17.9 Criteria (A) through (H) need to be addressed for a zoning map amendment, with criteria (A) being Consistency with the Adopted Comprehensive Plan. The Town of Southern Pines Comprehensive Long Range Plan (CLRP) lays out visions, goals and policies for the Town for long-range planning. Mr. Robinson addressed the following visions that are set forth in the CLRP:

Natural resources will be protected. The site plan for this project incorporates a 100 ft. natural, completely undisturbed, wooded buffer which is distinguishable from a setback. This amounts to basically 23% of the lot that will be left in its natural state and undisturbed. The buffer will preserve the natural resources in compliance with the CLRP but also create an appropriate transition between the adjoining residential area and the traditional mixed-use area of Town.

Mobility will be enhanced by maintaining existing transportation options and providing new ones. This includes an extensive network of sidewalks supporting non-motorized transportation. This project will connect a few hundred feet of missing sidewalk that will directly support non-motorized transportation along Brucewood Road.

Mr. Robinson addressed the following goals that are set forth in the CLRP:

G-4. Neighborhoods. It is clear that the site plan is definitely going to preserve the residential neighborhood because it has all of the safety features built into it that the existing zoning has in terms of a non-disturbed buffer and it will also conform to the neighbors to the North and the South because, in effect, it is going to be set up in a very similar way with very similar architecture, particularly with the metal siding being removed.

Goal G-8. Mobility. Increase mobility options for residents throughout Southern Pines. This will certainly do that from a pedestrian standpoint.

Goal G-11. Housing. Facilitate the provision of a broad range of housing choices that serve residents of all abilities and incomes. This is critical and when you create good, affordable and attractive self-storage you create the opportunity for people with less ability and less income to live in a smaller affordable type of housing, whether it be an apartment or a smaller home. It is quite clear that well designed, well modeled self-storage facilities help to facilitate housing across the broad continuum for people of all incomes.

G-13. Growth. Ensure that services, facilities and land resources accommodate anticipated growth while enhancing the quality of life for Southern Pines' residents. Having an attractive self-storage facility in Town will definitely accommodate anticipated growth. As Mr. Breeden stated, 77% of the users of a facility like this would be residential-type users.

G-10. Economy. Achieve a sustainable, resilient, balanced economy. This will certainly help tax base and the like.

Mr. Robinson stated with respect to the goals of the CLRP, he felt it was clear that a project of this type meets many of them.

Mr. Robinson stated that the CLRP sets forth policies it wants to engender in the Town of Southern Pines, including the following:

P-2. Neighborhoods. Ensure that new development and redevelopment are compatible with the overall scale, architectural, transportation and public space characteristics of the neighborhood in which it occurs. It is really important to keep in mind that the footprint of the building is 32,000 SF. If you take a look at it in line with the Residence Inn and Elmcroft, it is without a doubt compatible with the overall scale and architectural scheme of that neighborhood.

The CLRP wants the Town to make sure that when new projects come in they are consistent with the Future Land Use Map. The subject property is within the Traditional Mixed-Use area on the CLRP Future Land Use Map so when you look at the totality of that section you are going to want a mixture of uses.

Mr. Robinson stated that it is important for the Board to take into account that not every lot within a traditional mixed-use zone needs to be a traditional mixed-use. You want to look at the whole zone and assess whether there is a variety of uses within that zone. When you look at what Ms. Russell provided in her staff report, there are all kinds of uses within that zone – a movie theater, grocery store, senior living, hotel and apartment buildings. One thing it does not have is internal climate controlled storage. This adds to the mix of uses within the district and supplements the mixed use goal.

The Town wants to encourage safe, convenient and economical transportation alternatives, which the addition of the last section of sidewalk will provide. One of the policies is that when you are improving a street or a lot on a street you want to design and construct it to support the needs of all users, including pedestrians. This project will quite clearly meet that policy.

P-11. Economy. Foster a healthy, sustainable and resilient economy by: a. encouraging business diversity. There are no other self-storage facilities and if this one meets the design requirements of Southern Pines it certainly meets the policies of the CLRP.

Mr. Robinson stated that the proposal meets all four of Land Uses Issues listed in the CLRP simultaneously:

Accommodating Projected Growth. Self-storage is definitely something that accommodates growth because it gives the opportunity for people to find a place to put their stuff.

Maintaining a Sustainable Mix of Land Uses. It clearly does that because you do not already have any storage in the mixed-use section.

Promoting Compatible Infill Development. Meaning when you have a lot that has been sitting there for 27 years that already has water and sewer running by it and a maintained road running by it, what you want to do is find a way to take advantage of the existing infrastructure and put something in place that will function and this project will do that.

Establishing Compatible Transitions Between Uses. The residential development, the 100 ft. buffer, the self-storage facility and the shopping center is a classic well-planned transition from residential into high activity, high parking, high intensity retail.

Mr. Robinson next referenced the criteria set forth in UDO §2.17.9 and stated as follows:

1. Consistency. The fact that the project meets the goals, policies, visions and the four land use challenges of the CLRP makes it clear that this project does comply with the CLRP.

2. Adverse Impacts on Neighboring Lands. A project was approved for this location 27 years ago that had a few conditions attached to it and the only conditions that have not been satisfied so far on this lot are that the parcel be planted with berms and landscaping along the street frontage, and the applicant will voluntarily implement that per the proposed landscaping plan, and that a concrete sidewalk be installed and they are going to install a four (4) ft. wide sidewalk along the front of the property and connect the two sections of sidewalk. The original zoning also required a 35 ft. maximum building height. There is a formula in the UDO of how to calculate building height. When you use that formula it comes out to 36'2" high and in the underlying GB zoning you may have a building up to 45' high. The existing zoning states a maximum height of 35 ft. They are asking for a height that is nine (9) ft. shorter than the maximum in the underlying zoning district and 14" taller than what was originally approved which they think is reasonable under the circumstances. The 14" is not going to make any difference from a visibility or any other standpoint and it is well below the maximum height allowed in the General Business zoning district. This lot, under its current zoning, is subject to a 100 ft. undisturbed rear buffer and of course they are going to abide by that. So in terms of impacts on neighboring lands they think this project fits right in and there is an extensive distance between the residences or building pads and the back of this building.

3. Suitability as Presently Zoned. This parcel is not suitable as presently zoned because a storage facility is not currently allowed so a rezoning is necessary. It is important to note that a self-storage facility is allowed by right in a General Business district. It is not a significant change to allow something that is allowed by right in a General Business district as long with appropriate conditions which they are willing to agree to.

4. Health, Safety and Welfare. They believe that this project is consistent with the health, safety and welfare of Southern Pines and also Southern Pines Village. It will provide much-needed and attractively designed indoor self-storage. It will enhance the commercial tax base, improve the sidewalk and mobility network, and it will decrease traffic compared to current allowable uses. A self-storage facility is one of the very least impactful uses in terms of parking. A traffic impact letter was submitted with the application that essentially says that during peak traffic hours in the

morning there will be 14 trips and 10 trips in the evening or vice versa but it is a very small number of total trips during the peak hours.

5. Public Policy. The project needs to be consistent with public policy and they believe it is based on what he reviewed in the Policy section of the CLRP.

6. Size of Tract. This is a 2.54 acre site which is more than sufficient to accommodate both the structure and the 100 ft. rear yard buffer which is pretty unique in a commercial environment based on his experience.

7. Other Factors. Nothing is specified in the Ordinance that needs to be reviewed.

8. Applicant Representations. They would suggest that in this case the applicant representations are that they request that Planning Board recommend approving the project with the three conditions included in the application, which are that they will install a 4 ft. wide sidewalk, they will voluntarily implement the 100 ft. undisturbed buffer and they will install all landscaping per the landscaping plan. A fourth condition would be that they will remove the metal and replace it with an approved other siding.

Mr. Robinson stated that based on that review he did not think there was a reasonable argument that the requested map amendment does not satisfy the eight criteria to be reviewed under the Ordinance and asked the Board to keep in mind that under that section of the UDO the Board's responsibility is merely to consider each of the eight criteria. The fact that this project easily meets all eight criteria means it is safe to conclude that the map amendment application can be approved.

With regard to the right in/right out and the safety of the entryway,, Ms. Russell eluded to the fact that that would be addressed at site plan review and he believed that the applicant would be willing to do whatever NCDOT states is appropriate.

Mr. Robinson said he recalled there was some mention of stormwater and that it was good news that it does not drain in a way that would be negative and that the Board could ask Mr. Picerno any questions they may have regarding best management practices that are incorporated into the site.

Mr. Robinson said with regard to the red cockaded woodpecker, it sounded like Ms. Russell had received an email that said something about the possibility of the southwestern corner of the site needing to be preserved, which would be well within the 100 ft. buffer, but they would be willing to engage a consultant to conduct a survey before they get to the Town Council.

Mr. Robinson respectfully requested that the Board recommend approval of the application with the conditions they submitted because they think it is a good use for Southern Pines and it is consistent with all of the regulatory requirements.

Ms. Russell said the applicant had stated that there are trees in that area but many of those trees are deciduous trees. The trees in the median will have no leaves in the late fall and winter up until April or May when they start budding. The first section of trees that you will look through are deciduous and on the Elmcroft property.

Chairman Carroll stated that he recognized that those trees were not within the applicant's control and were therefore immaterial.

Lemuel Dowdy asked the applicant to elaborate on the removal of the metal siding.

Mr. Breeden responded that they would be happy to change the standing seam metal siding on the North, South and West elevations to a hearty plank lap siding similar to what is on the exterior of Lowes Foods or the Residence Inn.

Mr. Robinson stated that the applicant was saying that if there was a concern about metal siding a condition of approval could be that there be no metal siding on the structure but only other approved materials and the applicant is willing to accept that condition.

Kim Wade commented that she felt the design was beautiful and she would love to see something like that in Southern Pines but expressed concern about the safety of customers leaving the facility and crossing the median to travel North. She asked Mr. Breeden what safety measures had been considered.

Mr. Breeden responded that he does not have specific data but most customers going to a site will be in their personal vehicles and there will be a very low number of U-Haul trucks or larger trucks similar to the vehicles using the service road for the Kohl's department store and crossing the median to make left and right turns.

Ms. Wade commented that the curve is a blind spot for traffic traveling in both directions.

Mr. Robinson responded that when the applicant gets to the site plan approval process his expectation would be that there would be a measurement of appropriate site distances there and if there are adjustments in one direction or the other that have to be made about the driveway locations to accommodate a safe site distance that would happen at that point just to make sure it is safe or as Ms. Russell mentioned, it might be converted to a right in/right out. If it is right in then a right turn out of the development would be fairly easy in comparison to a left turn across the median. Whatever is required for safety purposes will be accepted without hesitation.

Mr. Picerno confirmed that they would need to ensure there is adequate site distance. One of the good things to point out is this site is on the outside of the curve which helps with site distance so again, they are going to make sure there are no obstructions in the way. There will be site triangles that have to stay clear of obstructions and they will need to make sure they have adequate site distances.

Mr. Dowdy asked the applicant what he plans to do on the north and south sides of the structure with regard to screening.

Mr. Breeden responded that with the lap siding it will be an even more attractive building products he is hoping they will not need to provide as much screening.

Mr. Robinson stated that the current site plan that is proposed already calls for intermittent plantings along the north side and those would remain irrespective of what kind of siding was used.

Mr. Dowdy asked if there are any plans for intermittent plantings on the south side.

Mr. Robinson replied that none were currently planned.

Mr. Dowdy asked if that is because there is no space between the lot line and the structure on the south side.

Mr. Picerno responded that there is room on the south side and there could be some intermittent plantings on that side but they were hoping that would not be required with the use of a different building material.

Mr. Breeden said they would be glad to agree to intermittent plantings on the South side.

Ms. Russell reiterated that the base zoning is GB but it is a Conditional District so the requirements of the zoning cannot be relaxed but if the Board finds it to be under mini warehouse they would be required to have that screening which would be plant material that would grow to a maximum height of fifteen (15) feet so you are basically looking at a 10 ft. wide planting strip at a minimum that would follow the length of the building. That would need to be implemented in the 100 ft. buffer as well.

Mr. Robinson stated that §4.3.5 of the UDO talks about landscape screens and in this base zoning district no landscape screen would be required. You would want an obstructed view of the older style of mini warehouse, but no screening would be required for an office. Since this building looks like an office and not a mini warehouse they were really hopeful that there was a definition in the UDO of mini warehouse but there is not and every planner knows that the most difficult thing about coming up with a UDO is that you cannot anticipate every future design change that there might be and the massive distinction between an old style mini warehouse and the modern office design climate controlled interior self-storage facility is significantly different so there is no guidance in the applicable UDO as to whether this requirement would actually even apply to this project.

Ms. Russell is basing the definition of mini warehouse on the definition provided in the Planner's Dictionary which is not part of the regulatory scheme in Southern Pines. That is not to say it is inappropriate. It might be a good place to look for a definition but there is not an official definition and in this situation where quite clearly there is a big difference between what they are proposing and the classic mini warehouse he would just suggest that replacing the metal siding with an approved siding makes it more like an office and requires less of a completely unobstructed screening which is what Ms. Russell was suggesting. His client has said they will do intermittent plantings there and that seems like a happy medium in a situation where you have a pretty ambiguous definitional situation in the Ordinance.

Cooper Carter asked the applicant why they were trying to change the conditional zoning from office to this specific use if their argument is that this is an office. He said he understood their

argument but it is really a warehouse with an office in the front. It is not an office building. It is also 100,000 square feet so you are not talking about an office with three stories of windows. It is a warehouse with an office façade up front. By their argument they could actually argue that it should be zoned OS so they should be good with the current conditional zoning use but they are actually trying to change the conditional zoning.

Mr. Robinson responded that was a fair point and he was right but this is like an office from an exterior design standpoint but not like an office from a use standpoint. The current zoning does not allow this use so they need to have the property rezoned to allow the use and he was asking what design standards apply since the outside of the building does not look like a mini warehouse from a design perspective. It looks more like an office building. It is not used like an office building but from a design perspective it does equate more to an office than it does to a mini warehouse.

Mr. Robinson said one other element that he would like for the Board to consider is that the lot has been vacant for almost three decades with Office and Neighborhood Business zoning and it has not found a match and he thinks part of the problem with finding a match is that it is very difficult when your property slopes 30 feet from front to back to bring in enough dirt to build up a big enough pad to put an Office or a Neighborhood Business use in there because any of those uses would require so much more parking. With a 30,000 SF structure you would have to have 50 to 100 parking spaces that you would have to build a pad for and with this use you only need 14 parking spaces. In some ways this use is a match made in heaven for this tract which really has not had any other suitors interested in developing it.

Mr. Dowdy stated that the applicant had stated that they were willing to add a condition that no metal siding would be used but no drawing showing the building with no metal siding has been provided so it makes it difficult for the Board to consider the issue of screening.

Mr. Breeden shared a three dimensional renderings of what they would be proposing.

Mr. Dowdy inquired about the size of the largest storage units.

Mr. Breeden responded 10 x 30 will be the largest unit and they have very few of those. A majority of the units will be 5 x 5, 5 x 10, up to 10 x 15.

Mr. Dowdy asked if renters of the units would have 24 hour access.

Mr. Breeden responded that office hours will be 10:00 AM to 6:00 PM and tenants will have the ability to access their units for two or three hours without a manager being there. There will not be access after 9:00 PM.

Mr. Dowdy stated that the letter regarding the red cockaded woodpeckers stated that builders are encouraged to have a study conducted and asked Mr. Breeden if he was willing to agree to have a study completed as a condition of approval.

Mr. Breeden responded yes and said that they are engaging in that.

Chairman Carroll asked what happens if the specific zoning is approved and the project does not move forward.

Mr. Breeden responded that they are investing the money of one individual on her behalf and they have incurred a lot of design costs that they would never give up are committed to this site.

Chairman Carroll stated it was his understanding that the footprint and size of the building was quite a bit smaller when the project was initially presented to the Town Council.

Mr. Breeden responded that the very preliminary site plan reflected a larger footprint – 175' x 200' and a larger structure overall.

Chairman Carroll asked if the trees in the buffer or the building itself will be higher from 200 ft. away.

Mr. Breeden responded that he suspected a substantial rear buffer was originally created to create a screen for the adjacent residential properties and those trees are now a significant height.

Chairman Carroll asked Ms. Russell if setbacks were a concern with this type of use.

Ms. Russell encouraged the Board to review the conceptual plan that was included in the agenda packet. The footprint that was originally presented at a pre-application meeting was smaller than what was currently being proposed.

Ms. Russell stated that the base zoning is General Business and there are no side or rear setbacks but they will need to meet the setbacks for street trees, etc. but Planning staff has no issues with the setbacks.

Chairman Carroll asked if any responses from adjacent property owners had been received and Ms. Russell stated that she had received none.

Benjamin Greene stated that the parking and interior driveway appear to require the removal of several trees and asked what the view will be from Brucewood Road once the trees are removed.

Mr. Picerno responded that in addition to remaining vegetation, street trees and landscaping in the vehicle use area will be required to be planted.

Ms. Russell stated that the landscaping that will be required will be at the front at this point. There does not appear to be any landscaping along the sides and rear. You will see the building.

Mr. Robinson stated that as you are coming down Brucewood Road from Morganton Road you will see the required street trees in front of the building and whatever trees that are on the adjacent Elmcroft property.

Ms. Russell asked Mr. Robinson to share the GIS photograph with the Board.

Mr. Robinson did so and stated that any trees that need to be removed to construct the building will be replaced as required by the UDO for street trees.

Ms. Russell stated that all of the trees on the lot will be removed so there will not be much of an evergreen buffer remaining. The new street trees to be planted will be placed at one (1) tree per thirty (30) feet.

Mr. Robinson responded that no one is disputing that and what they are saying is that even though trees will be removed in order to construct the building and the parking area, as you are coming down Brucewood Road there are other trees that are in the line of vision. They are not trying to take credit for that but are just acknowledging the reality that as you come down Brucewood Road that is part of what you are going to see.

Mr. Picerno stated that the southern property line is incorrect in GIS. They have surveyed the property and that line is a little further North and there are a few mature pines in that area that are not on the subject property that will have to remain.

Cooper Carter asked Mr. Breeden how many self-storage developments his company has completed.

Mr. Breeden responded that this will be their third and they are well versed in making sure the facilities look good and lease well.

Mr. Cooper asked Mr. Breeden if he has done a project with Hutton where he has built next to a single-family residential neighborhood.

Mr. Breeden responded that they have not built a similar facility adjacent to single-family homes.

Mr. Cooper asked if 2.5 acres and a three (3) story building is a typical model for them.

Mr. Breeden responded that 2 acres is optimal for a multi-story building such as this.

Mr. Cooper asked if there are other potential sites in the area where they could development this project or is this the site they feel is ideal and that they want to develop.

Mr. Breeden said they chose this parcel due to its proximity to residential neighborhoods.

Mr. Robinson stated that one of these structures was built very close to his house on a pretty busy road but it backs up to single-family residential properties and there were similar concerns at that time. He can only say that that place is as quiet as a mouse. He passes by there every day and he does not think he has ever seen a car turn in there when he is passing by because they go in so infrequently and they really have not been an issue for the single-family residential properties that are behind it.

Mr. Carter commented that the 100 ft. buffer helps the residential neighborhood somewhat but there will not be a lot of screening between this site and Elmcroft. Their point is that the project meets all of the criteria but Planning staff's report states that it is inconsistent in some ways.

Mr. Robinson said the staff report was one of the reasons why he went into such great detail.

Mr. Breeden stated that the traffic within the site will be on the Residence Inn side of the property.

Diane Westbrook expressed her concerns – having been a consumer of this type of product in recent years she has concerns about traffic and would prefer a right in/right out only because she has driven that curve this week and from her past experience there are trucks larger than cars and pickup trucks that go in and out of these facilities. She also knows that when you are coming through that curve and are in front of Elmcroft my eye went to the back of the building as opposed to from the front of the building backwards. She is appreciative of the fact that the metal siding will not be used and some other type of material will be used. However, she still has concerns about the buffering. She has concerns about the usage. She understands they are saying there will be no use after 9:00 PM or before 6:00 AM but she does not know what control the Town would have over that. She went into her facility at midnight for various reasons and there were always others there. These are things she observed from looking at the site. Making left-hand turns across two lanes of traffic is risky because there could be weather conditions and time of day conditions that create more problems than just the volume of traffic.

Mr. Greene stated that a number of facilities allow motor homes and boats to be parked outside and asked if everything will have to be contained inside the building.

Mr. Breeden responded that there will be no exterior storage of any kind. They are happy to provide plantings along the North side of the property. Their facilities do not remain open 24/7 for good business sense. The majority of traffic to this type of facility occurs on weekends.

Mr. Dowdy asked if the facility will accommodate moving vans.

Mr. Picerno said the driveway has been designed to accommodate the largest Town of Southern Pines fire truck so it can certainly accommodate moving vans.

Ms. Westbrook inquired about traffic movement inside the building.

Mr. Breeden responded that internal drive thru storage will not be offered. This is an exterior loading facility.

Ms. Westbrook asked how the items are transported to the storage units.

Mr. Breeden responded that there will be two sliding doors at the front of the building and the rear of the building where items will be unloaded and carried to the storage units.

Mr. Greene asked if there will be elevators to the upper levels.

Mr. Breeden responded that there will be two elevators inside the building.

Ms. Westbrook asked if only two trucks can unload at one time.

Mr. Breeden responded that the lower level parking can accommodate several vehicles unloading at one time and the upper level can accommodate two so you could easily have four or five vehicles unloading at one time.

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

Discussion ensued among the members of the Board.

PLANNING BOARD ACTION:

Lemuel Dowdy made a **motion**, which was seconded by Benjamin Greene, that the Planning Board finds that the requested Zoning Map Amendment as a Conditional Zoning District Rezoning is not consistent with the Comprehensive Long Range Plan and the Planning Board adopts the Resolution that is included as Attachment “A” to the staff memorandum for Z-03-20 with the following edits to Attachment “A”:

The language of the paragraph that begins with “NOW, THEREFORE BE IT RESOLVED” be replaced with the following language:

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that Zoning Map Amendment Application Z-03-20 is not consistent as a conditional district rezoning. The proposed rezoning appears to be inconsistent with the CLRP. Inconsistency is found with the implementation of a 99,000 square foot storage facility that is three stories tall which is not consistent with the current Southern Pines Village nor with walking or bicycling and nor is it consistent with the current development pattern for Southern Pines Village. The Planning Board considers the present zoning use to be suitable and sufficient and evidence was not presented to the contrary.

and therefore, he moved to recommend to the Town Council denial of Z-03-20. **The motion carried unanimously.**

2. **CU-05-20 Conditional Use Permit Amendment and Major Subdivision Preliminary Plat for 29 Townhome Units; Applicants: Brownstones on Bennett, LLC and Bennett Homeowners Association, Inc. (Russell Allen); Authorized Agent: Bob Koontz of Koontz Jones Design LLC**

Mr. Bob Koontz has submitted an application on behalf of Brownstones on Bennett, LLC and Bennett Homeowners Association, Inc for a Conditional Use Permit Amendment to CU-07-14 and an amended Major Subdivision Preliminary Plat to allow an increase in

the number of townhomes in Phase One of the Brownstones on Bennett from twenty-five (25) units to twenty-nine (29) units. The Brownstones on Bennett is a mixed-use development located on South Bennett Street and Southwest Broad Street between East Illinois Avenue and West Wisconsin Avenue. The subject parcels are identified as Moore County PIN(s): PIN 858100078554 (PARID 20170074; PIN 858100078562 (PARID 20170073); PIN 858100078580 (PARID 20170072); PIN 858100079456 (PARID 20170071); PIN 858100079464 (PARID 20170070); PIN 858100079483 (PARID 20170069); PIN 858100170525 (PARID 20170076); PIN 858100170543 (PARID 20170077); PIN 858100170551 (PARID 20170078); PIN 858100170560 (PARID 20170079); and PIN 858100170478 (PARID 20170080). The Moore County tax records list the property owner as Brownstones on Bennett, LLC.

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

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

STAFF PRESENTATION – Lauren Long:

Ms. Long stated that Mr. Bob Koontz had submitted an application on behalf of the applicants for an amendment to Conditional Use Permit CU-07-14 and an amended Preliminary Plat to allow an increase in the number of townhomes in Phase One of the Brownstones on Bennett from 25 units to 29 units. The Brownstones on Bennett is located on S. Bennett Street and SW Broad Street between E. Illinois Avenue and W. Wisconsin Avenue.

In 2015 Conditional Use Permit: CU-07-14 was approved for a two phased mixed-use major subdivision. The Conditional Use Permit included a request for a mixed-use building fronting on SW Broad Street for 6,500 square feet of retail and office space as well as 15 residential dwellings as Phase Two, and twenty-five (25) townhome-style dwelling units fronting on S. Bennett Street as Phase One.

To date, 14 of the 25 approved residential dwellings have been constructed. The eleven (11) lots in the northeast of the development abutting W. Illinois Avenue and S. Bennett Street are currently undeveloped. The applicant is proposing to re-subdivide the 11 existing lots to create 15 new lots, resulting in an overall increase in the number of dwellings units from 25 to 29 units.

The increase in the number of dwelling units the applicant is requesting also triggers an increase in the density that was previously approved. The site is currently zoned Central Business (CB) and is located within the Downtown Overlay. The requested increase in density is permitted in the CB zoning district but requires 1,500 square feet for each dwelling unit when multiple dwelling units are proposed. The site consists of 2.86 acres so 28 dwelling units are allowed but the applicant is requesting a total of 45 dwelling units between both phases.

There are existing utilities for sewer and water as well as stormwater infrastructure on the site that were constructed prior to the approval of the final plat for Conditional Use Permit CU-07-14. Street access is via West Illinois Avenue and West Wisconsin Avenue which are connected internally by Brownstone Lane, a private street that provides internal circulation to the development.

Although the applicant is proposing an increase in the number of units and lots, the applicant also proposes to utilize the same building footprint included with the site plan for the Brownstones of Bennett approved in July 2015. Now, any changes in the elevation may or may not result in a change of impervious calculations affecting stormwater and the original approval of the watershed permit for the Brownstones on Bennett. Therefore, staff has drafted a condition of approval requiring that the applicant, once the elevations have been finalized, complete a pre-application consultation with staff in order to determine if either of the previous development approvals will be affected by changes to the elevations and subdivision and require a site plan amendment.

A request for agency comments was sent on July 10th and the only response received to date was from the N.C. Sandhills sub-office of the U.S. Fish and Wildlife Service stating that these parcels fall outside of any known red-cockaded woodpecker clusters.

APPLICANT PRESENTATION – Bob Koontz:

Mr. Koontz addressed the Board and stated that he was present on behalf of White Oak Properties and their request to modify the Conditional Use Permit and the preliminary plat that were approved in 2015. To date, 14 of the 25 originally approved units and all of the infrastructure have been constructed. Sales have been slower than originally anticipated in the past couple of years. Based on market conditions, public feedback and the success in selling the smaller units, the applicant is requesting a slight modification to the overall plan for the development. Essentially it is more of a request for additional units than it is for any modifications to the site plan in particular.

The property is bordered by W. Wisconsin Avenue, Bennett Street, W. Illinois Avenue and Broad Street. The request is to go from 25 to 29 units. The footprints will be similar to the existing buildings but there will be some minor modifications to the footprint and architecture. The overall context and design of the plan would not change. The character of the development would be maintained. It would simply be an internal issue and an extra driveway in the back of the units is all that will be noticeable.

The modification is in conformance with the originally approved plan and it meets the standards of the CB zoning district and the Comprehensive Long Range Plan. There is an increase of approximately 300 square feet of impervious surface which brings the total amount of impervious surface to 61.5% which is still well under the permitted 70% of impervious surface that was granted by the high density allocation for the site. The developer, White Oak Properties, decided that they wanted to make certain that the stormwater pond would accommodate any additional impervious surface and went through the process of recreating the entire construction drawing set and the site plan set which was included with the application to verify that everything does still work with the current design and that the existing infrastructure would still meet the criteria necessary for the development.

Benjamin Greene commented that he had notices that the parcel that faces Broad Street is for sale and inquired about that parcel.

Mr. Koontz responded that the parcel has been for sale since the property was developed. A 9,860 SF mixed-use building with office space on the ground floor and/or ten (10) additional residential units was approved as part of the original Conditional Use Permit and that would remain the same.

Cooper Carter asked Mr. Koontz if they intend to create parking spaces like those on Wisconsin Avenue along Illinois Avenue.

Mr. Koontz responded that there is already on-street parking along Illinois Avenue. When this property was developed there was no curb and gutter along this section of Wisconsin Avenue. The roadway was widened and parking was added as part of the development of the project. The islands were created largely due to grade conditions on Bennett Street. Illinois Avenue is a wide street with plenty of room for on-street parking and Wisconsin was not that way until it was widened.

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

PLANNING BOARD ACTION:

Cooper Carter made a **motion**, which was seconded by Lemuel Dowdy, to adopt Attachment “A” to the staff report as the findings of fact regarding proposed Conditional Use Permit CU-05-20. **The motion carried unanimously.**

Cooper Carter made a **motion**, which was seconded by Lemuel Dowdy, to recommend approval Conditional Use Permit CU-05-20. **The motion carried unanimously.**

Cooper Carter made a **motion**, which was seconded by Lemuel Dowdy, to adopt Attachment “B” to the staff report as the findings of fact regarding proposed Preliminary Plat S-21-20. **The motion carried unanimously.**

Cooper Carter made a **motion**, which was seconded by Lemuel Dowdy, to approve Preliminary Plat S-21-20. **The motion carried unanimously.**

3. **OA-01-20 Text Amendments to the Unified Development Ordinance (UDO); Petitioner: Town of Southern Pines Planning Division Staff**

The Planning Division of the Community Development Department has submitted a request to amend the Unified Development Ordinance (UDO) with a variety of proposed text amendments for the consideration of the Planning Board and Town Council. The proposed amendments include the following UDO Sections and Exhibits:

§2.20.7(E)(2) regarding reducing the required amount of collateral for a Subdivision Improvement Agreement from 150% to 125% per state statute; §2.20.8(L) regarding reducing the minimum timeframe for periodic review of a Development Agreement from 24 months to 12 months per state statute; §3.5.2, Exhibit 3-2, and §4.2.3, Exhibit 4-1, to

correct inconsistencies between the two Exhibits with regard to setback distances; Exhibit 3-15 regarding adding specific language to clarify that the keeping of up to ten (10) domestic backyard chickens (hens only, no roosters) is allowed in Residential zoning districts; §4.2.3(G)(3) and Exhibit 4-1 to allow narrow, elongated separate parcels in RE (Rural Estate) and RR (Rural Residential) zoning districts for purposes of equestrian access; §4.2.4 regarding the deletion of minimum square footage for single-family dwellings per state statute; the deletion of §4.11.10(N) through (X) as these subsections are a repeat of subsections (D) through (M); §4.11.11(C) regarding increasing the required dimension of the paved portion of a cul-de-sac from a 37.5 foot radius to a 43 foot radius per Fire Department and Town Engineer recommendation; §4.15.5(A) regarding a clarification that only new utilities being installed within parcels being subdivided are required to be underground per state statute; §9.3 regarding updating the definition of Subdivision to match the definition in state statute; and Appendix A regarding a clarification that a Traffic Impact Assessment must be submitted and accompanied by the Town Engineer's report and to delete items and add items in the required contents of a Major Subdivision Final Plat application.

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

STAFF PRESENTATION – Suzy Russell:

Ms. Russell addressed the Board and asked if any members of the Board had any comments regarding any of the proposed text amendments and there were none.

Mr. Larry Best of the Walthour Moss Foundation addressed the Board and stated that they have been working on preserving equestrian and pedestrian passages throughout horse country and they were losing historic trails so they started this program approximately 18 years ago. To date they have acquired 90 easements by easement or by fee simple title to the Foundation to provide connections. They are able to accept gifts of small parcels of land that are connections and this text amendment allows that to happen in the ETJ where a bit of horse country is located. The Gallagher Farm connects to the Weymouth State Park and they very graciously offered an easement to the Foundation as a gift and there is a reason for doing that. If you gift a parcel of land there are tax benefits but if you convey an easement there are no easement. Going forward this will help them in encouraging other people to make gifts to the Walthour Moss Foundation which provides everyone access.

Ms. Russell recited the text amendment to Mr. Best was referring to which states as follows: In RE and RR zones allow separate parcels that are no more than 16 feet in width and no less than 50 feet long to be created between existing parcels for purposes of equestrian access.

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

PLANNING BOARD ACTION:

Cooper Carter made a **motion**, which was seconded by Lemuel Dowdy, that after considering the criteria for text amendments found in UDO §2.17.10, the Planning Board finds that the requested text amendments are consistent with the Comprehensive Long Range Plan and the Planning Board adopts the Resolution that is included as Attachment “A” to the staff memorandum for OA-01-20 and therefore moved to recommend approval of OA-01-20 to the Town Council. **The motion carried unanimously.**

OLD BUSINESS:

None

NEW BUSINESS:

None

The meeting adjourned at 10:05 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board