



AGENDA

Thursday, July 21, 2022: 6:00 PM
Planning Board
Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

a. May 18, 2022 and May 19, 2022 Meetings

3. PUBLIC FORUM

a. SU-04-22 Special Use Permit for Boles Funeral Home

Expansion of existing funeral home, which is a non-conforming use in the CB (Central Business) zoning district

4. UNFINISHED BUSINESS

5. NEW BUSINESS

6. PUBLIC COMMENTS

7. ADJOURNMENT

MINUTES
Planning Board Special Meeting
C. Michael Haney Community Room, Southern Pines Police Department
Wednesday, May 18, 2022, at 6:00 PM

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

Chair Gary Carroll, Vice Chair Diane Westbrook, Cooper Carter and Kim Wade were present.

PUBLIC FORUMS:

- a. **PD-07-22 Planned Development District - Preliminary Development Plan for Phase 2 of Morganton Park South Mixed-Use Development located between West Morganton Road and US 15-501 Hwy; Petitioner: Zimmer Development Company by Koontz Jones Design, Agent**

Cooper Carter made a motion, which was seconded by Diane Westbrook, to open the public forum. The motion carried.

Principal Planner Pamela Graham stated that the request is to develop 269 multi-family residential units on 13.18 acres as Phase 2 of the Morganton Park South Planned Development. The connector road that is to be constructed in Phase 1 will provide direct access to the site. The Town Engineer has reviewed the Traffic Impact Analysis, which includes Phases 1 and 2, and makes recommendations for improvements and provides a summary of the levels of service and expected delays at the access points. A network of open space and proposed connections between Phases 1 and 2 are proposed.

The CDP calls for a maximum of 650 dwelling units and a density of 16 dwelling units per acre. The applicant has requested a deviation from the CDP to develop 269 units on 13.18 acres, which calculates to 20.4 dwelling units per acre, in Phase 2. This does not affect the total number of allowable dwelling units - it just reduces the number of dwelling units that can be developed in future phases. The applicant has also requested a deviation from the required number of parking spaces to allow a decrease from 507 to 434 spaces.

If approved, a total of 269 multi-family units in three buildings, a leasing office and clubhouse in one building, 434 associated parking spaces and other associated amenities will be developed in Phase 2.

It is noteworthy that a waiver was granted in the CDP approval which states as follows: "Due to the type of development proposed and the site constraints (dimensions and topography), buildings will be oriented towards the street, however, they will not be

required to be close to the street frontage.” This waiver grants relief from UDO §3.6.6(C)(3): *Except where approved by Council within Large Scale Retail Development, buildings shall be oriented to and located close to the street frontage with parking lots on the side or rear.* The multi-family buildings as proposed are not oriented toward the street or located close to the street. There is parking and some greenspace between the public street and the buildings.

The Traffic Impact Analysis has been updated to account for 269 dwelling units. The Town Engineer has reviewed the trip generation memorandum and verified that the increase of nine (9) units does not warrant a concern. NCDOT and RLUAC responded to the request for agency comments and neither had any comments.

Cooper Carter stated that it seemed from the staff report that the buffer is a deviation.

Ms. Graham responded that the linear park is required to be a certain width in total, i.e., it could be 20 ft. wide on one side and 60 ft. on the other or an even split. In this case, the width of the linear park has been reduced somewhat and will have to be made up on the other side but it will still meet the requirements of the CDP.

Chairman Carroll asked how many units would be permitted based on the UDO.

Ms. Graham responded that the CDP allows up to 16 dwelling units per acre and 20.4 units per acre are being proposed. The narrative that was submitted with the CDP stated that a total of 650 units, which could be single-family detached, multi-family or townhomes, at a maximum density of 16 dwelling units per acre could be developed.

Attorney Tom Johnson of Williams Mullen in Raleigh, present on behalf of the applicant, introduced Adam Tucker of Zimmer Development.

Mr. Tucker provided an overview of Zimmer Development and stated that his firm had developed Eagle Landing Apartments, which consists of 288 units.

Bob Koontz stated that the connector road will be constructed as part of Phase 1 and provided an overview of the site and the proposed development and stated that they want to orient the buildings toward the shopping center and have the large buildings serve as a backdrop to the shopping center. They want to make sure there are some trees between the buildings and the parkway and if the buildings were oriented toward the street it would push the buildings up to the power line easement, which cannot be landscaped.

They are requesting a deviation from the required number of parking spaces. The UDO requires 1.88 spaces per unit. Generally, they find that 1.65 or 1.7 spaces is a good

number. The same amount of parking that has been provided for Eagle Landing is being requested and they are not having any parking issues in that development. Reducing the number of parking spaces allows for more open space.

Mr. Koontz provided renderings of the proposed architectural elements of the project.

Cooper Carter asked if there would be access to the soccer fields and Mr. Koontz that they do not have a direct connection to the soccer fields but that is something that could definitely be considered.

Mr. Tucker stated that they would work with their engineers to figure out how to make that connection and potentially work with the power company to create a natural trail to the soccer fields.

Chairman Carroll asked if the buildings will be three stories and Mr. Koontz responded that some of the units will be four stories due to the grade of the property.

Diane Westbrook inquired about the requested deviation to add additional dwelling units and Mr. Koontz responded that the UDO standard is 16 dwelling units per acre, which would allow for 211 units, and they are requesting 269 units.

Ms. Westbrook stated that they are also requesting a reduction in the number of parking spaces.

Mr. Koontz stated that either way they would be requesting a reduction in the number of parking spaces. He thinks the Southern Pines standard is one of the highest they see for multi-family developments.

Ms. Westbrook asked if they would have room for the additional parking spaces if the number of units was decreased and Mr. Koontz responded that they can provide more parking but they don't really want to do that.

Mr. Tucker stated that 650 dwelling units are approved for the entire area. In his opinion, it makes more sense to have a higher density near the shopping center for walkability. Economics also play a part in the number of units.

Kim Wade asked how the traffic on Morganton Road will be impacted and Mr. Koontz responded that 260 units were included in the TIA for the CDP. The level of service will not change with the additional nine (9) units.

Ms. Wade inquired about the number of entrances and Mr. Koontz responded that there will be two access points – one from Morganton Road and the other from the parkway connector.

Travis Fluitt, Traffic Engineer with Kimley-Horn, stated that they analyzed the buildout and the required 10 year projection of the shopping center and these apartments, and then of everything within Morganton Park South and the levels of service were still acceptable.

Cooper Carter asked if the same had been done for Morganton Park North and Mr. Fluitt responded that they have studied everything that is currently planned for Morganton Park North.

Mr. Cooper asked when the Morganton Road intersection would be created and who would be responsible for the cost.

Mr. Koontz responded the intersection is part of the Phase 1 plan for the Target shopping center. The sidewalks and the trail are also part of Phase 1 and the linear park that is part of the Target shopping center on both sides of the road will be constructed as part of Phase 1 as well.

Mr. Carter asked how stormwater from the ball fields will be managed and Mr. Koontz responded that has all been included in the calculations for the drainage basin for this project as well as the Target shopping center.

Ms. Wade asked if there will be a right in/right out on Henley Street and Mr. Fluitt responded that Henley Street may become a right in/right out in the future but not in the near future.

Chairman Carroll inquired about the status of annexation of the remaining parcels in the CDP and Mr. Grieve stated that the property was annexed into Town in February 2022.

Ms. Graham stated that what was submitted for the CDP included a statement in the application that units may be multi-family, townhomes and single-family detached up to a density of 16 dwelling units per acre as defined in the Morganton Road Overlay §3.6.6(K)(1) which states that the maximum residential density shall be 16 dwelling units per acre for any development.

Mr. Koontz stated that when they calculated the 650 units, it was based on the actual multi-family residential square footage and mixed-use square footage.

Ms. Graham stated with regard to density, in her conversations with Mr. Koontz he agreed that the request to go to the 20.4 dwelling units per acre was a deviation.

Diane Westbrook made a motion, which was seconded by Kim Wade, to close the public hearing. The motion carried.

Discussion ensued among the Board members.

Diane Westbrook made a motion, which was seconded by Cooper Carter, to adopt the following for transmission to the Town Council as a result of the May 18, 2022 public forum on application PD-07-22 Morganton Park South Phase 2 PDP:

The information presented at the forum indicated that the following concerns rather than issues be considered in applying the criteria for a PDP to application PD-07-22:

1. The deviations to the CDP that were requested by the developer were the orientation of the buildings, the increase in the number of units in this phase, and the decrease in the number of parking spaces.
2. That access paths to the soccer fields be included in this proposal; and
3. That as a general comment, future development proposals in Morganton Park South and Morganton Park North the impacts of traffic on Morganton Road and surrounding neighborhoods always be a consideration in approving those proposals.

The motion carried unanimously.

b. SU-03-22: Special Use Permit for a multi-family residential development on the northeast side of Long Street between Short Street and Haley Street; Petitioner: Davis Park Leasing by Koontz Jones Design, Agent

Mr. Bob Koontz, on behalf of Davis Park Leasing, has submitted a Special Use Permit application to develop 149 multi-family residential units on 17.04 acres currently zoned RM-1 (Residential Multi-Family). Pursuant to the Moore County tax records, the subject parcels are identified as PIN 857100555776 (PARID 00050398) and PIN 857100653945 (PARID 00049517) and are owned by CLS Holdings, LLC.

Cooper Carter made a motion, which was seconded by Diane Westbrook, to open the public hearing. The motion carried.

Jennifer Hunt provided an overview of the proposal and stated that the zoning allows for up to 203 dwelling units but 149 single-family homes are proposed. No outside agency comments were received.

Chairman Carroll asked if the Town has any oversight with regard to the architecture of these units.

Ms. Hunt responded that pursuant to state statute, one to two single family dwellings units are not subject to architectural approval by a local jurisdiction.

Diane Westbrook asked what prohibits the development from becoming condominiums.

B.J. Grieve responded that the ownership arrangement – whether rented or sold – would not be regulated by the UDO because the UDO focuses more on the impacts of 149 residential units. The footprints of the properties could not be conveyed as townhomes without undergoing subdivision review. Condominiums do not constitute a subdivision in North Carolina.

Bob Koontz stated that the permitted land use would allow up to 203 dwelling units and they are requesting 149 units, which is 8.74 dwelling units per acre – roughly a 25% reduction in the number of units. Multiple types of units are proposed with a maximum height of forty (40) feet. Some will have garages and driveways similar to traditional single-family homes, some will be single-family detached-style units that have service parking and some will be duplexes which will also have service parking. There will be pedestrian connections to all of the open spaces. Most of the units back up to some type of greenspace and parks and recreation areas. Approximately 55.2% impervious surface is proposed. There are no wetlands or red cockaded woodpecker habitat on the property.

Cooper Carter inquired about the rationale behind the sidewalk at the rear the homes.

Mr. Koontz responded that the purpose of the sidewalk is to avoid conflict with the residents who are parking in their garages. All of the units will have rear access and the sidewalk will provide the ability to make a connection to the Target shopping center. There will also be a sidewalk on the opposite side of the street.

Mr. Carter asked if some of the existing trees would be retained and Mr. Koontz responded that they have not gotten into a detailed grading plan but it would be great to save some of the existing trees within the open spaces.

Mr. Carter inquired about the length of time the units would be rentals and Mr. Koontz responded that these will be typical multi-family style leases.

Mr. Grieve stated that tourist homes (less than 30-day rentals) are not allowed in the RM zoning district.

Mr. Koontz stated that during the neighborhood meeting some of the residents of Cox Street and Haley Street mentioned that through the years they have had people walking around the fence and through their yards so they requested that the fence be extended to Haley Street in that location, which is being proposed as part of the application. The applicant will repair the damaged portion the fence and extend the fence to Haley Street.

The applicant has worked with Midland Atlantic, the developer of the Target shopping center, and there is an agreement in place for expanding the sewer and providing a sanitary sewer easement across their property. The improvements that the Target developers will be making to the development will be able to handle the capacity.

The applicant has requested a reduction in the number of required parking spaces. They are providing 76 garage and driveway spaces and 187 off-street spaces, for a total of 1.77 spaces per unit, or 263 spaces. Based on experience of the applicant, 1.77 spaces per unit is appropriate for this type of development.

A total of 10% overall open space is required and 3.1 acres – about 18.2% - is being provided with approximately 15.3% of that being usable open space. There will be a lot of open space with the courtyards and pedestrian connections throughout the development. The front porches will orient toward the street with large areas of greenspace for trees to be planted which will reduce the size of the parking areas. There will be pedestrian connections along Long Street and connecting back to Short Street.

Ms. Hunt stated that the Town Engineer had received updated documents but had not had an opportunity to review them but he did provide comments stating that the primary entrance to the proposed development will be off of Murray Hill Road and that an improved cross-section from the development should be extended from the development to the intersection of Murray Hill to mitigate the impacts of the increased traffic and that a pedestrian connection to the existing sidewalks on Murray Hill Road should be considered.

Diane Westbrook asked how the applicant would proceed if the deviation was not granted.

Mr. Koontz responded that there would be more parking and less trees if the deviation is not granted. There is plenty of room on the site to accommodate the required parking but it would reduce the amount of greenspace.

Chairman Carroll asked Mr. Koontz what they could do to make everyone more comfortable about the architecture.

Mr. Greg Jonczyk stated that there will be no vinyl siding.

Cooper Carter asked Mr. Koontz if they could show the pedestrian access to Morganton Park South when they present to the Town Council.

Attorney Nick Robinson stated that the single-family for rent concept came into being after the real estate recession in 2008 and people wanting a house but not a mortgage. It fits right in between the traditional multi-family and the traditional single-family concept. Planning staff, in general, tends to agree that all of the findings for the Special Use Permit have been met except with regard to the adequacy of facilities that were mentioned and the pedestrian connection, which will be worked out. Sewer service has been worked out with the adjoining property owner. The applicant will use the time between now and when they get to the Town Council to sit down with the Town Engineer and figure out what the requested improvements to Short Street look like and get that worked out.

Ms. Westbrook asked in what other areas this concept had been implemented.

Laura Helminski of SGA architectural firm responded that they have developed approximately 13 of these projects all over the southeast in the last two years so this project is not unique.

Diane Westbrook made a motion, which was seconded by Cooper Carter to close the public forum. The motion carried.

Discussion among the members of the Board ensued.

Diane Westbrook made a motion, which was seconded by Kim Wade, to adopt the following for transmission to the Town Council as a result of the May 18, 2022 preliminary forum on application SU-03-22 Murray Hill Pines Special Use Permit. The information presented at the forum indicated that the following were issues with application SU-03-22:

1. Improve Short Street with an approved cross-section from the development extended from the development to the intersection of Murray Hill Road in order to mitigate the impacts of increased traffic also to meet the Town of Southern Pines standards accommodating the number of vehicular trips per day.
2. Consider providing pedestrian connection with sidewalks to Murray Hill Road
3. Upgrade the existing downstream sewer system to accommodate the additional flow or provide the agreement from the adjacent commercial development showing they will direct the sewer through their site.

4. Confirm and obtain commitments from the developer on parking, street landscaping and sidewalk including those at the rear of the units as presented during the public forum.

The motion carried.

PUBLIC HEARING:

OA-02-22: Text Amendments to the Unified Development Ordinance; Petitioner: Town of Southern Pines Administration Department

The proposed amendments will require that apartment or condominium developments with ten (10) or more Dwelling Units be developed as part of an approved PD (Planned Development). The sections of the UDO that will be affected by the proposed amendments include §3.7.1 *Table of Authorized Uses Established – (F) Multi-Family Structures and Townhomes*, subsections (1) and (3); and §4.10.8 *Multi-Family Development Standards – (A) Applicability*, subsections (2) and (3).

Cooper Carter made a motion, which was seconded by Diane Westbrook, to open the public hearing. The motion carried.

B.J. Grieve stated that the proposed amendments to the UDO would require that multi-family developments of ten (10) or more dwelling units be developed as part of an approved Planned Development as opposed to a Special Use Permit. The legislative process for a Planned Development allows for broader public participation and broader contemplation of potential impacts by the Town Council than the quasi-judicial process that is required for a Special use Permit.

Following the work session at which the amendment was discussed, there was some email correspondence with Ms. Suzanne Coleman regarding her concerns and Mr. Grieve asked Ms. Coleman to share her concerns with the Planning Board and/or the Town Council through that usual process. Mr. Adam Kiker of LKC Engineering also expressed some concerns regarding restrictions on multi-family development.

Mr. Grieve distributed copies of what had been presented by Ms. Coleman at the May 10, 2022 Town Council regular meeting to the Board members and stated that Ms. Coleman had expressed concern regarding some language in the UDO regarding Conceptual Development Plans, and specifically UDO §2.18.4(B), which reads “*A Conceptual Development Plan shall be required when an applicant is planning to develop less than the entire, contiguous land area held in common ownership in a single phase or subdivision plat. The Conceptual Development Plan shall illustrate future Development of the entire area under common ownership.*” Mr. Grieve stated that he believed her concern was that this section may be a workaround to the text amendment for an applicant planning to develop an entire contiguous land area without a CDP. He sees the language she referenced as a bit awkward but he did not see it as a

potential loophole because if the property is not currently zoned PD, the only way to be rezoned to PD is to go through the PD process, which starts with a CDP. A CDP would also be required for a property that is already zoned PD but does not have a CDP. Mr. Grieve stated that he was going to bring the language of §2.18.4(B) to the Council's attention but he did not see it as a fatal flaw in need of immediate action.

Cooper Carter made a motion, which was seconded by Diane Westbrook, to close the public hearing. The motion carried.

Cooper Carter made a motion, which was seconded by Diane Westbrook, that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments to the UDO that the proposed amendments are consistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment A to the staff report for OA-02-22 and therefore recommended approval of OA-02-22 to the Town Council. The motion carried.

UNFINISHED BUSINESS

No unfinished business was discussed.

NEW BUSINESS

No new business was discussed.

ADJOURNMENT

The meeting adjourned at 8:45 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

MINUTES
Planning Board Regular Meeting
Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, May 19, 2022, at 6:00 PM

1. CALL TO ORDER

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

The following Planning Board members were present: Chair Gary Carroll, Vice Chair Diane Westbrook, Kim Wade and Cooper Carter.

2. APPROVAL OF MINUTES

Kim Wade made a motion, which was seconded by Cooper Carter, to approve the Minutes of the April 21, 2022 regular meeting. The motion carried by a vote of 3-0 with Diane Westbrook abstaining due to her absence from the April meeting.

3. PUBLIC FORUMS

a. PD-05-22: Planned Development - Preliminary Development Plan for Phases 3B, 4 and 5 of Caropines (continued from April 21, 2022)

Bob Koontz, on behalf of Caropine Ventures, LLC and 71st Partners, LLC, submitted a request to develop 29 single-family residential lots and 15 cottage lots in Phase 3B, 54 townhome lots in Phase 4 and 120 condominium units in Phase 5 of Caropines.

Cooper Carter made a motion, which was seconded by Diane Westbrook to reconvene the public forum. The motion carried.

Mr. Koontz addressed the Board and withdrew the application on behalf of the applicant.

BJ Grieve asked Mr. Koontz if the intent was to completely withdraw the application and reapply at a later date and Mr. Koontz confirmed.

Cooper Carter made a motion, which was seconded by Diane Westbrook, to close the public forum. The motion carried.

b. PD-02-22: Planned Development - Preliminary Development Plan for Ace Hardware

Bob Koontz, on behalf of Rhetsen Companies, Inc., submitted a request to develop Phase 1 of a Planned Development on the south side of Airport Road between Capital Drive and Lindbergh Place to include a hardware supply store and other land uses that are permitted in the General Business (GB) zoning district.

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

Diane Westbrook made a motion, which was seconded by Kim Wade, to open the public forum. The motion carried.

Jennifer Hunt stated that the Preliminary Development Plan application includes a new 64,825 SF Ace Hardware building on 9.11 acres, extending Capital Drive to Airport Road, extending Olivetree Lane to NC Hwy 22 and connecting the greenway trail from Reservoir Park to the Sandhills Community College Horticultural Gardens as Phase 1 of the Planned Development. The Traffic Impact Analysis recommended several traffic improvements and the Town Engineer requested additional information regarding what improvements would be made as part of Phase 1.

Cooper Carter asked the airport had provided any additional comments.

Ms. Hunt responded that the current PDP application addressed the concerns that had been expressed by the airport.

James Michel, Town Engineer, stated that the TIA for the Caropines project and the TIA for the Ace Hardware project recommended improvements that essentially overlapped and the combination of improvements for both projects would have helped to improve the situation. With the withdrawal of the Caropines application, there is not a clear timeline as to when those recommended improvements will be completed. The TIA for this project only addresses a portion of the improvements and when you remove the improvements to be made by another entity the level of service will be worse that is currently shown. Mr. Michel stated that he did not think the two entities were necessarily working together. They just had overlapping requirements that were coming in at about the same time.

Mr. Carter asked if the TIA for this project assumed the improvements for Caropines.

Mr. Michel responded that the TIA does assume improvements to be completed by others. Ace Hardware was proposing improvements on one side of the traffic circle and Caropines was proposing improvements on the opposite side. If the Caropines project goes away, only one side of the traffic circle will be improved.

Mr. Carter asked if the TIA for Ace Hardware is solid or if it is making bad assumptions.

Mr. Michel responded that the Ace Hardware TIA assumed that the Caropines improvements would be completed so it will need to be reevaluated.

Mr. Koontz stated that the developer of Caropines is required to make certain traffic improvements as part of the Conceptual Development Plan for Caropines regardless of what happens with the Ace Hardware project. NCDOT is requiring Ace Hardware to make the improvements on its side of the roundabout with the understanding that in the future those same improvements will be made on the Caropines side of the traffic circle.

Mr. Carter stated that the Town Council should be made aware that there seems to be an assumption that improvements to the west side of the traffic circle will be made.

Chairman Carroll asked Mr. Michel if the level of service would be slightly lower without the Caropines improvements.

Mr. Michel responded that if they were to rerun the analysis and assuming that those improvements were not made, the level of service would show lower than if they assumed that the Caropines improvements will be completed.

Mr. Koontz stated that if development of Caropines stops, the improvements will not be needed.

Diane Westbrook stated that it was her understanding that the improvements on one side were somewhat dependent on the improvements made on the other side.

Mr. Michel responded that the TIA looks at the traffic circle as a whole.

Ms. Westbrook commented that the level of service will drop with the Caropines improvements.

Mr. Koontz responded that is with full buildout of the Caropines development, so if no development occurs at Caropines then those improvements will not be made. The Caropines TIA triggers improvements when a certain number of units are constructed. If the next phases of Caropines are developed the improvements will need to be made.

Mr. Carter asked if the Town is at risk for resourcing improvements if the traffic circle becomes highly congested or will the state be responsible for those improvements.

Mr. Michel stated that those are state roads so any improvements would be up to NCDOT. He is not aware of anything that would require the Town to step in and make the improvements.

Mr. Koontz stated that the reason the public forum on the PDP was delayed was because the agreement with the airport was finalized on the date the request for a delay was due so they did not have time to modify the CDP to make it work based on the agreement with the Airport. The airport did not object to the CDP when it was presented to the Town Council.

The Ace Hardware building will be 55,000 SF with a 9,500 SF greenhouse area and an outdoor nursery area on 9.11 acres. Water and sewer lines are existing and will serve this project. A total of 166 parking spaces are required and 176 spaces are being provided. Lighting will meet the UDO standards and signage is addressed in the CDP application. A total of 2.52 acres of open space is required with 1.26 acres being usable open space. The first phase will provide all of the required open space for the project. A Watershed Protection Permit allowing up to 70% impervious surface was granted by the Town Council. This project will add 5.65 acres of impervious surface and there are still 3.18 acres of impervious surface that can be developed.

Mr. Koontz provided a brief overview of the traffic improvements that will be made as part of the PDP.

Mr. Grieve inquired about the status of the area adjacent to Airport Road and asked if the airport had acquired that property.

Mr. Koontz responded that there is an agreement in place and discussions with the airport are ongoing but he was not privy to all of those details.

Suzanne Coleman, 225 N. May Street, inquired about the disposition of the current Ace Hardware building and parking lot.

Mr. Koontz responded that the owner is looking at opportunities to repurpose the building as soon as possible.

Diane Westbrook, made a motion, which was seconded by Kim Wade to close the public forum. The motion carried.

Discussion ensued among the Board members.

Cooper Carter made a motion, which was seconded by Kim Wade, to adopt the following transmission to the Town Council as a result of the May 19, 2022 preliminary forum on PD-02-22 Southern Pines Ace Hardware:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a PDP application:

The Town Engineer briefed the Planning Board about his concerns regarding the needed improvements in the vicinity of the traffic circle and the Planning Board shares his concerns and recommends that the Town Council consider the overall impacts to traffic.

In addition, the following issue was raised during the forum, but does not seem to apply in determining whether the criteria for a PDP are satisfied:

The PB recommends that the Town Council condition the installation of wayfinding signage along the greenway trail connecting Ace Hardware that would allow additional connectivity to the Horticultural Gardens and the Town's greenway system.

The motion carried.

4. UNFINISHED BUSINESS

No unfinished business was discussed.

5. NEW BUSINESS

Mr. Grieve stated that the June regular meeting may be cancelled.

6. ADJOURNMENT

Kim Wade made a motion, which was seconded by Cooper Carter, to adjourn the meeting. The motion carried.

The meeting adjourned at 6:45 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

Agenda Item

To: Planning Board

From: Pamela Graham, Principal Planner

Subject: SU-04-22 Special Use Permit; New building addition to the existing Boles Funeral Home located at 425 W. Pennsylvania Avenue.

Date: July 21, 2022

I. SUMMARY OF APPLICATION REQUEST:

On behalf of Boles Family LLC, Mr. John Heckethorn with Heckethorn Architecture, PLLC, has submitted an application for a Special Use Permit for the construction of a 340 square foot addition to the existing structure serving the funeral home business. A special use permit is required due to the use being a legal nonconforming use in the Central Business (CB) District where the proposed project is located. The subject property is identified as PIN: 858100199938 (PARID: 00037428).

II. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

i. Property Owner:

Boles Family, LLC
425 W. Pennsylvania Avenue
Southern Pines, NC 28387

ii. Applicant:

Boles Family, LLC
Marsha Southers
425 W. Pennsylvania Ave.
Southern Pines, NC 28387

iii. Authorized Agent:

John Heckethorn
Heckethorn Architecture, PLLC
108 E Connecticut Ave.
Southern Pines, NC 28387

B. Project History and Site Information:

i. Location:

The subject property is located at 425 W. Pennsylvania Avenue, at the corner of W. Pennsylvania and N. Saylor Street. (See Figure 1 below).

ii. Zoning:

The majority of the property is currently zoned Central Business (CB), with a small portion being zoned RM-2. (See Figure 2 below).

iii. Future Land Use Map Designation:

The CB-zoned portion of the property is designated as Commercial on the Future Land Use Map, with the RM-2 portion designated as Residential. The proposed building addition is located entirely within the CB-zoned portion. *The Commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.*

Figure 1: Vicinity Map (Subject Property Outlined in Red):



Figure 2: Zoning Map (Subject Properties (CB and RM-2) Outlined in Black):



III. STAFF REVIEW:

A. Application Review Dates:

- Special Use Permit SU-04-22 Application Submitted: June 8, 2022
- Application Deemed Complete: June 16, 2022
- Notice of Planning Board Public Hearing:
 - Posted On-site: July 7, 2022
 - Mailed: June 30, 2022
 - Internet: June 29, 2022
 - Published: July 6, 2022 and July 13, 2022
- TRC Review: July 12, 2022
- Planning Board Agenda Meeting: July 14, 2022 (Meeting Not Held)
- Planning Board Public Hearing: July 21, 2022

B. Process of Review:

The procedures for review and approval of a Special Use Permit, per UDO §2.21 establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right.

C. Standards for Review:

The following UDO standards apply to the review of this special use permit:

- i. Special Use Permit UDO §2.21.6 (A-F)
- ii. Central Business Zoning District Standards UDO §3.5.8
- iii. Expansion of Non-Conformity Standards UDO §7.1.8
- iv. Watershed Protection Overlay District Standards UDO §3.6.8
- v. Development Design Standards UDO §4.10
- vi. Various Standards UDO Chapter 4

D. Criteria for Review:

Compliance with the UDO:

i. Compliance with Special Use Permit Criteria – UDO §2.21.6 (A-F):

A Special Use is permitted only if the applicant demonstrates that:

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

The applicant's narrative states the following: "The existing zoning district is Central Business (CB), which permits professional services. The existing development currently complies with all regulations of the CB district. The proposed addition will also comply".

The Central Business District is described in the UDO §3.5.8 as being "designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) in an intensive Development Pattern in the Town's central business district. The regulations of this district are intended to:

- (1) Preserve the general character and integrity of the current Development in the central business district;
- (2) Encourage land uses that provide for a multi-purpose central business district including retail, offices, services, entertainment and living space;'
- (3) Encourage land uses that do not require large amounts of outdoor use areas; and
- (4) Encourage common or shared off-street parking."

UDO §3.5.8 also includes specific District Use Standards and District Development Standards. Of these requirements, the conditions of the subject property, including the existing building as well as the proposed addition, are compliant with all but two, as described below:

- Lot widths in the CB District may not be more than 50';
- The maximum front setback from the right-of-way is limited to 5'.

Prior to the development of the site in 2005, several parcels were combined to create the current 1.81 acre tract and the current lot width of +/- 285'. The 2005 site plan for the existing building indicates a setback from the Pennsylvania Avenue right-of-way of +/- 32'. While neither of these conditions are compliant with the current regulations, the UDO in place in 2005 does not contain a maximum lot width nor a maximum street setback requirement as the current UDO does. Therefore, the property is considered to be legally nonconforming with regard to these conditions.

Also of note is that the uses of Funeral Home and Crematorium are both listed as uses by right in the Central Business District in the ordinance that was in place in 2005. Thus, the current uses on the property are also considered to be legally nonconforming. UDO §7.1.8 allows for expansion of non-conformities if a Special Use Permit is granted.

- B. The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;*

The applicant's narrative states the following: "The existing development currently complies with this criteria. The proposed addition will match the character of the existing development."

Pertinent dimensional requirements that contribute to the character of the neighborhood are found in the table below. These requirements are, in part, intended to define the urban form of the Central Business District, which includes the majority of the properties that front Broad Street between Vermont Avenue and Morganton Road, as well as properties fronting West Pennsylvania Avenue to the US1 access ramps. However, the existing development pattern changes as you progress from the downtown core along West Pennsylvania, with the average street-side building setback ranging from +/-3.7' in the first block west of Broad to over 55' in the last block before reaching US1. This is due, in part, to the Town's Fire and Police Stations anchoring the last portion of the corridor before reaching US1, and creating a character in that area that is substantially different from areas of Pennsylvania nearest Broad Street. These two buildings are directly across from the Boles site and are zoned Facilities, Resources, and Recreation (FRR), therefore not being required to meet the CB standards. It is to be expected that the development patterns would change along this 5-block section of the corridor, and the increased front setbacks and

larger lots that exist in the vicinity of the Boles site bear out that expectation.

District	Max Height	Front SB	Exterior Side SB	Interior Side SB	Min Lot Size	Lot Width
CB	45'	5' Max	5' Max	No Min	No Min	50' Max

Additional character-defining features include building materials, which are primarily painted or unpainted brick along West Pennsylvania's commercial buildings, but also include some evidence of wood siding and alternative trim materials. A range of building heights exist in the area, with stories ranging from one to three, and with slope on some lots that contribute to higher structure heights. Roof designs include flat, gabled, and hipped roofs. Though not consistent throughout, on-street parking is prevalent along the corridor and a limited number of sites contain parking between the building and the street. Sidewalks are consistently present along West Pennsylvania from Broad Street to the US1 interchange, and most sites include landscaping that contributes to the neighborhood character.

The proposed building addition is designed with a brick exterior, is slightly offset from the existing front building façade, and will include a roofline that is consistent with the existing building.

Planning staff finds that the applicant appears to be generally consistent with this criterion.

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

The applicant has provided the following information regarding this item:

- “All public utilities (water, sewer, gas and electric) are existing and will not be required to be altered or expanded for the proposed addition.
- All vehicle entrances, driveways and parking spaces are existing and will not be required to be altered or expanded for the new addition.
- New sidewalks will be provided at the new addition only. All other sidewalks are existing.”

D. The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

The proposed use for the new additional square footage is to provide an employee lounge, office space, and a UPS delivery closet. The

application narrative states: “The existing development currently complies with this criteria. The maintenance and use of the proposed addition will match that of the existing development.”

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

The narrative responds to this criterion as follows: “The existing development currently complies with this criteria. The maintenance and use of the proposed addition will match that of the existing development.”

- F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use*

The narrative provides the following response: “Due to the nature of the proposed project, no individual interests are anticipated to (be) adversely affected.”

ii. Central Business (CB) District Zoning Standards, UDO 3.5.8

The special use permit will proposal shall be required to comply with the standards of the CB District, with the exception of the identified existing non-conformities.

iii. Expansion of Non-Conformity Standards, UDO §7.1.8:

- A. UDO §7.1.8 specifies that no non-conformity may expand unless a Special Use Permit has been granted.
- B. In addition to the criteria required to be met for a Special Use Permit, the following criteria shall apply to the issuance of a Special Use Permit for the expansion of a non-conformity:
 - a. The termination of such non-conformity will result in unnecessary hardship;
 - b. The continuation of the non-conformity will not be contrary to the public interest;
 - c. The continuation of the non-conformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;
 - d. The use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies;
 - e. The plight of the Applicant for which the continuation of the non-conformity is sought is due to unique circumstances existing on the property and/or within the surrounding district;

- f. The continuation of the non-conformity will not substantially weaken the general purposes of this UDO or the regulations established for the applicable zoning district;
 - g. The continuation of the non-conformity will not adversely affect the public health, safety, and welfare; and
 - h. Mere financial hardship caused by the cost of meeting the requirements of the UDO does not constitute grounds for finding that compliance is not reasonably possible.
- C. In addition, the following criteria shall apply to the issuance of a Special Use Permit for the expansion of a non-residential non-conformity:
- a. The change or expansion is compatible with the surrounding uses of land and is beneficial to the health, welfare and safety of the community;
 - b. All Non-Conforming Signs shall be brought into compliance with the requirements of this UDO;
 - c. Unsightly or unsafe conditions on the site have been or will be mitigated pursuant to the Special Use Permit;
 - d. Outdoor storage, displays or operations shall comply with the terms of this UDO;
 - e. The expansion does not increase the degree of non-conformity of the property due to the setback, height, parking, or landscaping requirements of the UDO.

iv. Watershed Protection Overlay District Standards, UDO §3.6.8

The subject property is within the High-Quality Watershed and has received exemption allocation to accommodate the building addition. The total built-upon area for the parcel will not exceed the 70% maximum allowed. The project is required to comply with all provisions of UDO §3.6.8 as they apply to properties located in the WS-III Watershed area.

v. Development Design and Other Standards from UDO Chapter 4

The proposal for the building addition will require Site Plan Review and approval by the TRC and Architectural Review and approval by the Town Council. These two processes will insure compliance with all development design standards, except where deviations may be granted by the Town Council. No new streets, parking, signage, lighting, fences or walls are proposed, and the development does not require transportation or traffic analyses.

E. General Staff Comments

- Pursuant to UDO §2.27.7, in approving any special use permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare.
- The project shall be required to meet all standards of the Central Business (CB) Zoning District, with the exception of the non-

conformities identified in this report, which are limited to the Funeral Home and Crematorium use, the lot width, and the front setback.

- The project shall be required to comply with all provisions of UDO §3.6.8 as they apply to properties located in the WS-III Watershed area.
- The project shall be required to meet all applicable development design requirements found in Chapter 4 of the UDO.
- This development will be subject to permitting through the Inspections department and will be required to submit for site plan and architectural review. All state level development regulation and the applicable development regulations in the Unified Development Ordinance (UDO) must be met prior to site plan approval.

F. Outside Agency Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission. Any comments received after the publishing of this report will be forwarded to the Planning Board at the public hearing as an exhibit.

- A response from the Department of Transportation was received on June 29, 2022, stating that the agency had no comments on this proposal.
- A response from the Regional Land Use Advisory Commission was also received on June 29, 2022, stating that the agency did not have any comments on this case.
- The Technical Review Committee discussed SU-04-22 at its July 12, 2022 meeting and noted no issues with the proposal.

IV. ATTACHMENTS:

The following materials are provided as attachments to this staff memorandum:

1. Special Use Permit Application
2. Applicant's Special Use Permit Narrative
3. Proposed Site Plan
4. Applicant's Project Description, including exhibits
5. Building Elevations
6. Property Deed
7. Appointment of Agent

V. PLANNING BOARD ACTION:

Pursuant to North Carolina General Statute §160D-301(b)(6) and Unified Development Ordinance §2.5.2, the Planning Board may hold a Preliminary Forum on a matter requiring a quasi-judicial decision by the Town Council. However, no part of the forum or any recommendation may be used as a basis for the deciding board.

Therefore, the Planning Board may wish to use the following motion to identify issues to bring to the attention of the Town Council at the evidentiary hearing.

I move to adopt the following for transmission to the Town Council as a result of the July 21, 2022 Preliminary Forum on application SU-04-22, Boles Funeral Home:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a SUP to application SU-04-22:

- 1.

In addition, the following concerns were raised during the forum, but do not seem to apply in determining whether the SUP criteria are satisfied:

- 1.

Special Use Permit

REQUIRED APPLICATION MATERIALS:

- X **Application fee** in the amount of **\$1,500.00 + \$25.00 per lot for a Major Subdivision**
- X **Completed Application** for a Special Use Permit signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- X **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- X **List of Adjacent Property Owners**: Please list all properties that are that are within two hundred (200) feet of the outermost boundaries of the subject property **(not counting streets, railroads or other transportation corridors)**. Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.
- X **Deed** copy to provide proof of ownership and property boundaries.
- X **Project description**: Please tell us what currently exists and what changes you are proposing. Please attach written descriptions, maps, illustrations/renderings, photographs, material samples, etc. as necessary.
- X **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with all applicable criteria. Please address all criteria listed in **UDO §2.21.7**. The list of criteria is attached.
- X **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearings**: The applicant is expected to attend a public hearing on the application before the Planning Board and before the Town Council the following month. (Please refer to the **Application Processing Timeline** to determine the hearing dates.) The Planning Board will recommend approval, conditional approval or denial to the Town Council. The Town Council will consider that recommendation, as well as evidence and testimony presented, and approve, conditionally approve or deny the Special Use Permit.
3. **Issuance of a Special Use Permit**: If the request is approved by the Town Council, a Special Use Permit setting forth any conditions of approval will be issued to the applicant.

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
plan@southernpines.net (910) 692-4003 www.southernpines.net



Special Use Permit Application

Fee: \$ _____

Date Paid: _____

Case No.: SU-____-____

Project Information:

Street Address: 425 W. Pennsylvania Ave., Southern Pines, NC 28387

PIN: 858100199938

Parcel ID: 00037428

Site Size: 1.81 acres

Zoning: CB

Applicant:

Name(s): Boles Family LLC - Attention: Marsha Southers

Email: msouthers@bolesfuneralhome.com

Phone: 910-690-9401

Mailing Address: 425 W. Pennsylvania Ave., Southern Pines, NC 28387

Authorized Agent, if different from Applicant:

Name(s): John Heckethorn - Heckethorn Architecture, PLLC

Email: jdhaia@earthlink.net

Phone: 910-695-1441

Mailing Address: 108 E. Connecticut Ave., Southern Pines, NC 28387

Legal Property Owner(s), if different from Applicant:

Name(s): _____

Email: _____

Phone: _____

Mailing Address: _____

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

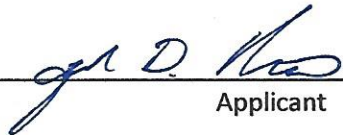
I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a Special Use Permit as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the NE side of Pennsylvania (St./Ave.), between N. Saylor (St./Ave.) and N. Leak (St./Ave.). The property has a frontage of 286.72 feet and a depth of 299.93 feet.

The special use sought is based upon Section(s) 7.2 of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

The existing use of the property is a funeral home. The proposed use will remain the same.

Date: 6/9/22


Applicant

**PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES**

plan@southernpines.net (910) 692-4003 www.southernpines.net

8-27-21

APPOINTMENT OF AGENT

The undersigned owner(s), James L. Boles, Jr., hereby appoint(s) John Heckethorn as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Special Use Permit on the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the issuance of a Special Use Permit on the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Special Use Permit under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 9th day of MAY, 2022.

BOLES FAMILY, LLC

Property Owner

Property Owner

James L. Boles Jr.
Agent

8-27-21

PARID: 00038116
TOWNSHIP: 063
PINNACLE DEVELOPMENT

CITYNAME: SOUTHERN PINES

150 SAYLOR ST N
NBHD: 754
ROLL: REAL

Parcel

and 160

ParID / PIN: 00038116 / 858217108267
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 97008434
Name: PINNACLE DEVELOPMENT
DESIGN BUILD, LLC
Mailing Address: PO BOX 55
SOUTHERN PINES NC 28388

Legal

Physical Address: 150 N SAYLOR ST and 160
Legal Description 1: BLK K 8 LOT 5 6
Zoning: RM-2
Plat Cabinet:
Slide:

Permits

Permit Date	Permit #	Purpose	Open/Closed
25-OCT-21	21-1718	1600 HTSF	
25-OCT-21	21-1719	1655 HTSF	
09-SEP-21	21-1720	DRIVEWAY	
09-SEP-21	21-1722	DRIVEWAY	

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
17-JUN-21	5641	245	80,000	VS
06-MAY-21	5609	551	0	DC
28-DEC-89	696	299	0	
20-JUL-66	292	531	0	

Description

NBHD Code / Name: 754 :
Class: RV : RES VACANT
Land Use: R00 : RES VACANT
Living Units: 0
Topography: 4 : ROLLING
Location: :
Parking: :
Traffic: :
Utilities: 1 :

PARID: 00034927
TOWNSHIP: 063
CAIN, DONNA INGRAM

CITYNAME: WINSTON SALEM

130 LEAK ST N
NBHD: 754
ROLL: REAL

Parcel

ParID / PIN: 00034927 / 858105291802
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 97015227
Name: CAIN, DONNA INGRAM
INGRAM, RODNEY MAURICE & INGRAM, CRAIG D
Mailing Address: 232 MCTAVISH LN
WINSTON SALEM NC 27103 5989

Legal

Physical Address: 130 N LEAK ST
Legal Description 1: BLK K 7 PART LOT 3 4 & ALLEY
Zoning: CB
Plat Cabinet:
Slide:

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
31-DEC-15	2015E	218		DE
31-DEC-12	2012E	542		DE
27-SEP-07	3306	64	0	
08-JUL-63	264	322	0	

Description

NBHD Code / Name: 754 :
Class: RI : RES IMPROVED
Land Use: R01 : RES 1 FAMILY
Living Units: 1
Topography: 1 : LEVEL
Location: :
Parking: :
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 0
Calculated Acres: .1
VC Notice / VC Date: R : 20-MAR-19

Valuation

PARID: 00034588
TOWNSHIP: 063
HILL, GREGORY & IOLA HRS

CITYNAME: HOPE MILLS

140 LEAK ST N
NBHD: 754
ROLL: REAL

Parcel

ParID / PIN: 00034588 / 858105291836
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 37563000
Name: HILL, GREGORY & IOLA HRS
C/O ANGELA M HILL
Mailing Address: 3607 IRELAND DR APT B
HOPE MILLS NC 28348

Legal

Physical Address: 140 N LEAK ST
Legal Description 1: BLK K 7 LOT 5 4 FT ALLEY
Zoning: CB
Plat Cabinet:
Slide:

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
10-MAY-45	142	415	0	

Description

NBHD Code / Name: 754 :
Class: RI : RES IMPROVED
Land Use: R01 : RES 1 FAMILY
Living Units: 1
Topography: 1 : LEVEL
Location: :
Parking: :
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 0
Calculated Acres: .108
VC Notice / VC Date: R : 20-MAR-19

Valuation

Appraised Land: 45,410
Appraised Building: 32,520
Appraised Total: 77,930
Deferred: 0

PARID: 00032596
TOWNSHIP: 063
ZHANG, TIELIANG

CITYNAME: SOUTHERN PINES

150 LEAK ST N
NBHD: 754
ROLL: REAL

Parcel

ParID / PIN: 00032596 / 858105291879
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 96407600
Name: ZHANG, TIELIANG
ZHANG, MING
Mailing Address: 211 PLANTATION DR
SOUTHERN PINES NC 28387

Legal

Physical Address: 150 N LEAK ST
Legal Description 1: BLK K 7 PART LOT 6
Zoning: RM-2
Plat Cabinet:
Slide:

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
15-DEC-97	1330	274	0	
13-AUG-93	932	525	0	
15-JUL-82	490	701	0	

Description

NBHD Code / Name: 754 :
Class: RI : RES IMPROVED
Land Use: R01 : RES 1 FAMILY
Living Units: 1
Topography: 1 : LEVEL
Location: :
Parking: :
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 0
Calculated Acres: .099
VC Notice / VC Date: R : 20-MAR-19

Field Notes

Note	Number
------	--------

PARID: 00032597
TOWNSHIP: 063
ZHANG, TIELIANG

CITYNAME: SOUTHERN PINES

160 LEAK ST N
NBHD: 754
ROLL: REAL

Parcel

ParID / PIN: 00032597 / 858105292912
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 96407600
Name: ZHANG, TIELIANG
ZHANG, MING
Mailing Address: 211 PLANTATION DR
SOUTHERN PINES NC 28387

Legal

Physical Address: 160 N LEAK ST
Legal Description 1: BLK K 7 PART LOT 7
Zoning: RM-2
Plat Cabinet:
Slide:

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
15-DEC-97	1330	274	0	
13-AUG-93	932	525	0	
15-JUL-82	490	701	0	

Description

NBHD Code / Name: 754 :
Class: RI : RES IMPROVED
Land Use: R01 : RES 1 FAMILY
Living Units: 1
Topography: 1 : LEVEL
Location: :
Parking: :
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 0
Calculated Acres: .113
VC Notice / VC Date: R : 20-MAR-19

Valuation

Appraised Land: 28,650
Appraised Building: 26,150

PARID: 00034678
TOWNSHIP: 063
ATAYA, INC

CITYNAME: MARINA

450 NEW HAMPSHIRE AVE W
NBHD: 754
ROLL: REAL

Parcel

ParID / PIN: 00034678 / 858217201006
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 2182400
Name: ATAYA, INC
Mailing Address: 289 RESERVATION RD APT A
MARINA CA 93933

Legal

Physical Address: 450 W NEW HAMPSHIRE AVE
Legal Description 1: BLK K 7 LOT 11 PART ALLEY
Zoning: RM-2
Plat Cabinet:
Slide:

Permits

Permit Date	Permit #	Purpose	Open/Closed
28-OCT-11	4790	ADDITION	

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
17-FEB-11	3845	35	34,000	DA
31-DEC-10	2010E	602	0	
03-DEC-49	164	556	0	

Description

NBHD Code / Name: 754 :
Class: RI : RES IMPROVED
Land Use: R01 : RES 1 FAMILY
Living Units: 1
Topography: 1 : LEVEL
Location: :
Parking: :
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 0
Calculated Acres: .198

PARID: 00033790
TOWNSHIP: 063
ATAYA, INC

CITYNAME: MARINA

490 NEW HAMPSHIRE AVE W
NBHD: 754
ROLL: REAL

Parcel

ParID / PIN: 00033790 / 858217200157
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 2182400
Name: ATAYA, INC
Mailing Address: 289 RESERVATION RD APT A
MARINA CA 93933

Legal

Physical Address: 490 W NEW HAMPSHIRE AVE
Legal Description 1: BLK K 7 LOT 13 14
Zoning: RM-2
Plat Cabinet:
Slide:

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
15-NOV-10	3803	566	0	
14-SEP-10	2008E	322	0	
14-SEP-10	3773	455	10,000	
14-SEP-10	3773	453	10,000	
14-SEP-10	3773	451	20,000	
31-DEC-92	92E	83	0	

Description

NBHD Code / Name: 754 :
Class: RI : RES IMPROVED
Land Use: R01 : RES 1 FAMILY
Living Units: 1
Topography: 2 : ABOVE STREET
Location: :
Parking: :
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 0
Calculated Acres: .236
VC Notice / VC Date: R : 20-MAR-19

PARID: 00038335
TOWNSHIP: 063
MUKINA, CORT A

CITYNAME: EASTVALE

510 NEW HAMPSHIRE AVE W
NBHD: 754
ROLL: REAL

Parcel

ParID / PIN: 00038335 / 858217109360
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 97013734
Name: MUKINA, CORT A
Mailing Address: 5746 E HOMECOMING CIR
APT C
EASTVALE CA 91752

Legal

Physical Address: 510 W NEW HAMPSHIRE AVE
Legal Description 1: BLK K 8 PART LOT 7 8
Zoning: RM-2
Plat Cabinet:
Slide:

Permits

Permit Date	Permit #	Purpose	Open/Closed
23-JUN-15	9365	1357 HTSF	C

Recorded Transaction

Date	Book	Page	Sale Price	Valid ty Code
31-AUG-15	4539	467	221,000	VS
15-JUN-15	4504	430	20,000	VS
08-DEC-76	414	642	0	

Description

NBHD Code / Name: 754 :
Class: RI : RES IMPROVED
Land Use: R01 : RES 1 FAMILY
Living Units: 1
Topography: 1 : LEVEL
Location: :
Parking: :
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 0
Calculated Acres: .132

PARID: 00034581
TOWNSHIP: 063
FOSTER, JONATHAN FARRELL

CITYNAME: VASS

405 PENNSYLVANIA AVE W
NBHD: 755B
ROLL: REAL

Parcel

ParID / PIN: 00034581 / 858105290726
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 27705950
Name: FOSTER, JONATHAN FARRELL
Mailing Address: 5188 LOBELIA RD
VASS NC 28394

Legal

Physical Address: 405 W PENNSYLVANIA AVE
Legal Description 1: BLK K 7 PART LOT 1-3
Zoning: CB
Plat Cabinet:
Slide:

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
03-MAR-11	3850	360		DC
28-AUG-02	2050	354	100,000	
01-JAN-02	495	949	0	

Description

NBHD Code / Name: 755B :
Class: CI : COM IMPROVED
Land Use: C73 : RETAIL-SINGLE OCC.
Living Units: 0
Topography: 4 : ROLLING
Location: 5 :
Parking: 0 : NONE
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 0
Calculated Acres: .198
VC Notice / VC Date: R : 20-MAR-19

Valuation

Appraised Land: 169,310
Appraised Building: 23,520

SU-04-22 Boles Funeral Home

July 21, 2022 Planning Board

Page 24 of 41

Page 40 of 57

PARID: 00034322
TOWNSHIP: 063
FIRST-CITIZENS BANK & TRUST CO

CITYNAME: RALEIGH

525 PENNSYLVANIA AVE W
NBHD: 755B
ROLL: REAL

Parcel

ParID / PIN: 00034322 / 858217107104
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 26874750
Name: FIRST-CITIZENS BANK & TRUST CO
Mailing Address: PO BOX 27131
RALEIGH NC 27611 7131

Legal

Physical Address: 525 W PENNSYLVANIA AVE
Legal Description 1: BLK K 8 LOT 1 2
Zoning: CB
Plat Cabinet:
Slide:

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
02-SEP-10	3769	85	145,000	
01-MAY-07	3221	559	77,000	
02-FEB-95	1062	526	0	
09-APR-86	544	164	0	

Description

NBHD Code / Name: 755B :
Class: CV : COM VACANT
Land Use: C00 : COMMERCIAL VACANT LAND
Living Units: 0
Topography: 1 : LEVEL
Location: :
Parking: :
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 0
Calculated Acres: .241
VC Notice / VC Date: R : 20-MAR-19

Field Notes

PARID: 00039179
TOWNSHIP: 063
SOUTHERN PINES TOWN OF

CITYNAME: SOUTHERN PINES

500 PENNSYLVANIA AVE W
NBHD: 755B
ROLL: REAL

Parcel

ParID / PIN: 00039179 / 858217104000
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 81312800
Name: SOUTHERN PINES TOWN OF
Mailing Address: PO BOX 870
SOUTHERN PINES NC 28388

Legal

Physical Address: 500 W PENNSYLVANIA AVE
Legal Description 1: SOUTHERN PINES FIRE DEPT
Zoning: FRR
Plat Cabinet:
Slide:

Permits

Permit Date	Permit #	Purpose	Open/Closed
13-MAR-02	5907	STG. BLDG	
25-APR-01	5174	FIRESTATN	
20-FEB-01	4970	FIRESTATN	

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
03-DEC-24	94	137	0	

Description

NBHD Code / Name: 755B :
Class: EX : EXEMPT/EXCLUDED
Land Use: E01 : GOVERNMENT (278.1)
Living Units: 0
Topography: 1 : LEVEL
Location: 6 :
Parking: 1 : OFF STREET
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 2.01
Calculated Acres: 2.01

PARID: 00032147
TOWNSHIP: 063
TOWN OF SOUTHERN PINES

CITYNAME: SOUTHERN PINES

450 PENNSYLVANIA AVE W
NBHD: 755B
ROLL: REAL

Parcel

ParID / PIN: 00032147 / 858105196851
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 86816190
Name: TOWN OF SOUTHERN PINES
Mailing Address: PO BOX 870
SOUTHERN PINES NC 28388

Legal

Physical Address: 450 W PENNSYLVANIA AVE
Legal Description 1: BLK L 7 LOT 1
Zoning: FRR
Plat Cabinet:
Slide:

Permits

Permit Date	Permit #	Purpose	Open/Closed
24-MAR-09	2355	RET WALL	
09-DEC-08	02151	POL STA	
27-AUG-07	00922	DEMO	
17-MAY-01	5243	FMKITCHEN	

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
31-MAY-07	3237	442	380,000	
11-FEB-05	2737	362	325,000	
01-NOV-94	1042	369	0	
12-JUL-88	615	359	0	
19-AUG-60	240	41	0	

Description

NBHD Code / Name: 755B :
Class: EX : EXEMPT/EXCLUDED
Land Use: E01 : GOVERNMENT (278.1)
Living Units: 1
Topography: 1 : LEVEL
Location: 1 :
Parking: 1 : OFF STREET
Traffic: :

PARID: 00035485
TOWNSHIP: 063
KUBBARD INC, THE

CITYNAME: CARTHAGE

400 PENNSYLVANIA AVE W
NBHD: 755B
ROLL: REAL

Parcel

ParID / PIN: 00035485 / 858105197686
Record Type: REAL
Tax Year: 2022
Tax Jurisdiction: SP : SP
Township: 07 : MCNEILL

Owner

Account Number: 45943700
Name: KUBBARD INC, THE
Mailing Address: 1649 FARM LIFE SCHOOL RD
CARTHAGE NC 28327

Legal

Physical Address: 400 W PENNSYLVANIA AVE
Legal Description 1: BLK L 7 LOT 7 8 PART LOT 5 6
Zoning: CB
Plat Cabinet:
Slide:

Permits

Permit Date	Permit #	Purpose	Open/Closed
29-APR-19	2586	ELECT	
19-FEB-99	3194		

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
26-OCT-17	4891	568	550,000	DI
13-MAY-10	3722	245	750,000	
05-APR-71	336	201	0	

Description

NBHD Code / Name: 755B :
Class: CI : COM IMPROVED
Land Use: C73 : RETAIL-SINGLE OCC.
Living Units: 0
Topography: 1 : LEVEL
Location: :
Parking: :
Traffic: :
Utilities: 1 :
Restrictions: :
Deeded Acres: 0

FOR REGISTRATION REGISTER OF DEEDS

Judy D. Martin
Moore County, NC

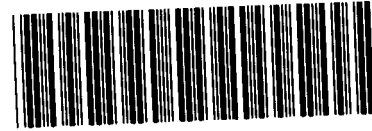
December 11, 2015 02:10:50 PM

Book 4582 Page 254-255

FEE: \$26.00

INSTRUMENT # 2015016809

JM



INSTRUMENT # 2015016809

Drafted by: Robert S. Thompson, Attorney at Law
ROBERT S. THOMPSON, P.A.
325 West Pennsylvania Avenue, Suite E
Southern Pines, North Carolina 28387

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made this 10 day of December, 2015, by **Boles Family LLC** a North Carolina limited liability company of 425 West Pennsylvania Avenue, Southern Pines, NC 28387 GRANTOR, to **Boles Family LLC** a North Carolina limited liability company of 425 West Pennsylvania Avenue, Southern Pines, NC 28387, GRANTEE;

WITNESSETH:

That said Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract, or parcel of land situate in the Mc Neill Township, Moore County, North Carolina, and more particularly described as follows:

Being the two parcels of real property described as Parcel "A" and Parcel "B" on the Recombination Survey of the property for Boles Family Limited Partnership dated July 7, 2007 by American Surveying and Mapping and filed for record in Plat Cabinet 14, Slide 32 of the Moore County Registry.

This conveyance is made subject to: (i) the lien of the County of Moore for taxes or other assessments for the current year, which taxes or other assessments shall be pro rated as of the date of closing; (ii) utility easements and other easements and (iii) unviolated restrictive covenants that do not materially affect the value of the property.

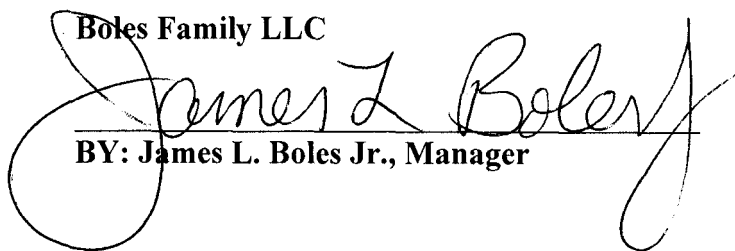
Bob Thompson

TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the hereinabove stated exceptions, reservations and conditions.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances; and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever; subject, however, to the exceptions, reservations and conditions hereinabove referred to.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers, the day and year first above written.

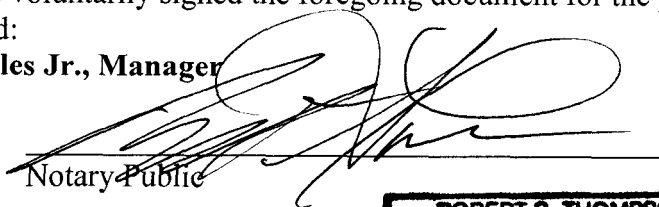
Boles Family LLC

BY: James L. Boles Jr., Manager

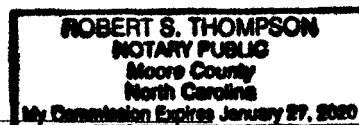
**MOORE COUNTY
NORTH CAROLINA**

I certify that the following person(s) personally appeared before me this day and (✓) I have personal knowledge of the identity of the principal(s); (—) I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license; (—) a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): **James L. Boles Jr., Manager**

Date: 12/10/15


 Notary Public



Printed or typed name of Notary Public

My commission expires: _____

The subject property ☐ includes ☒ does not include the primary residence of a Grantor.

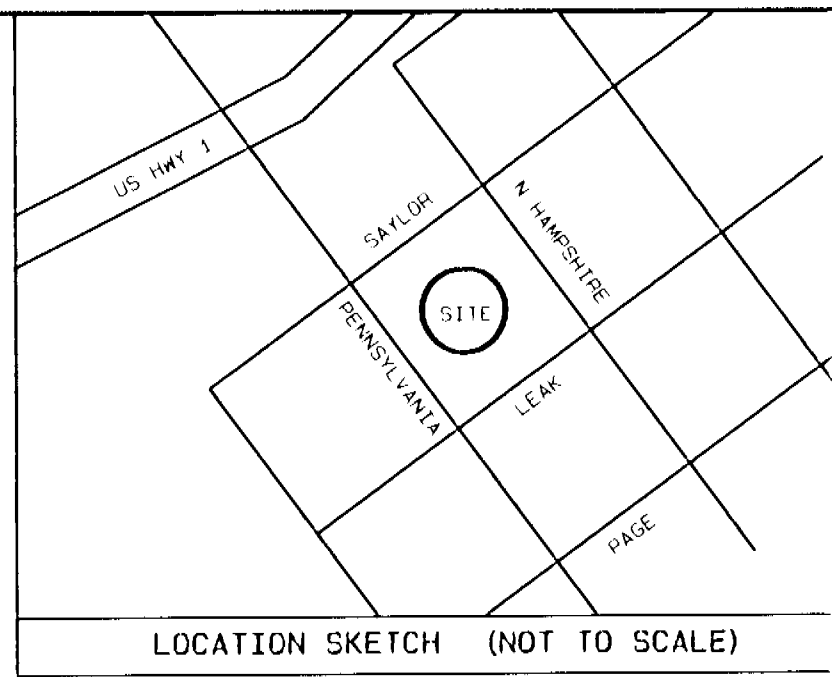
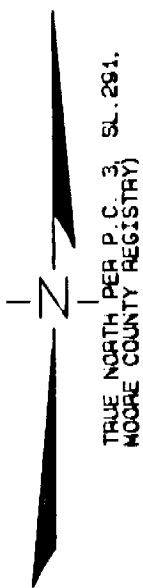
2007 NOV -7 P 12:59

PLAT CABINET 14 SLIDE 32

MRS. JUDY D. MARTIN
REGISTER OF DEEDS - MOORE COUNTY
CARTHAGE, NORTH CAROLINA 28327



I, H.D. GILHOUSE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM THE INFORMATION SHOWN. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:7,500. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 9TH DAY OF JULY, A.D. 2007.



- LEGEND
- EIS = EXISTING IRON STAKE
 - NIS = NEW IRON STAKE
 - ECM = EXISTING CONCRETE MONUMENT
 - RRHS = NEW RAILROAD SPIKE
 - ERHS = EXISTING RAILROAD SPIKE
 - EPK = EXISTING P.K. NAIL
 - NRK = NEW P.K. NAIL
 - C/L = CENTERLINE
 - R/W = RIGHT OF WAY
 - HP = POWER POLE
 - CP = CALCULATED POINT
 - NEM = NEW CONCRETE MONUMENT
 - EIP = EXISTING IRON PIPE
 - AL = AREA LIGHT
 - CB = CATCH BASIN

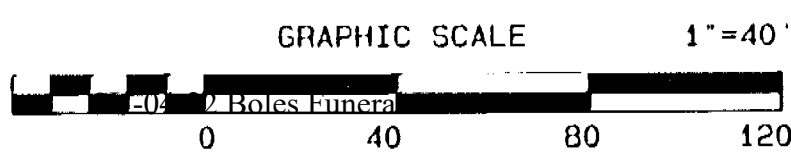
REFERENCE:
DEED BOOK 2523, PAGE 545,
DEED BOOK 2504, PAGE 527,
DEED BOOK 2501, PAGE 242,
DEED BOOK 2555, PAGE 217
MOORE COUNTY REGISTRY.
PLAT CABINET 3, SLIDE 291,
MAP BOOK 1, SECTION 2,
PAGE 70
MOORE COUNTY REGISTRY.

ACREAGE COMPUTED BY COORDINATE METHOD.

I HEREBY CERTIFY THAT THE DIVISION OF PROPERTY SHOWN AND DESCRIBED HEREON IS EXEMPT FROM THE SOUTHERN PINES SUBDIVISION ORDINANCE BY DEFINITION AND OR ORDINANCE.

DATE 7/30/2009 B. S. Nicks
SUBDIVISION ADMINISTRATOR

RECOMBINATION SURVEY FOR
BOLES FAMILY LIMITED PARTNERSHIP
BLOCK K & 7, TOWN OF
SOUTHERN PINES,
MCNEILLS TOWNSHIP, MOORE
COUNTY NORTH CAROLINA
SURVEYED JULY 7, 2007
AMERICAN SURVEYING & MAPPING
1147 DOUBS CHAPEL ROAD
WEST END, N.C. 27376 (910) 947-3065



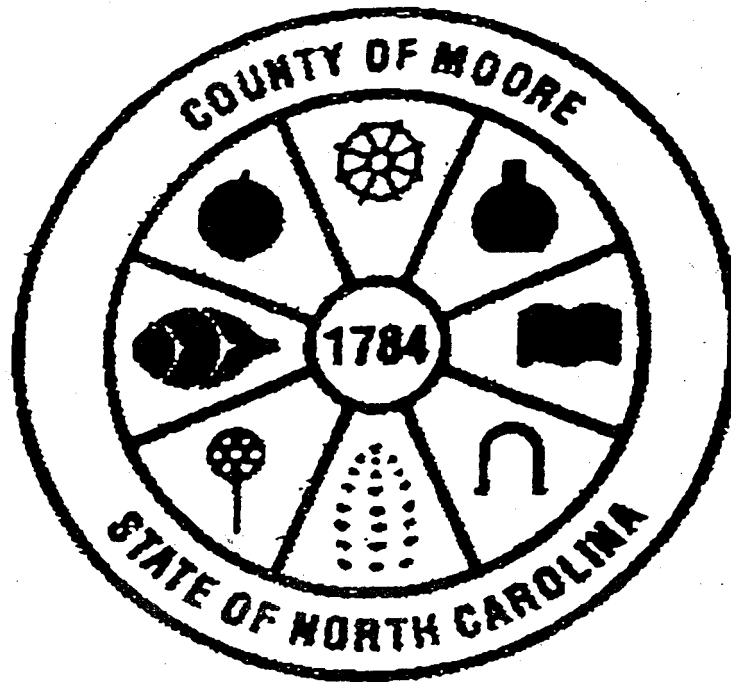
OWNER
BOLES FAMILY LIMITED PARTNERSHIP
1345 OLD US HWY 1, SOUTH
SOUTHERN PINES, N.C. 28387

(COURSES PER P.C. 3,
SL. 291, MOORE CO
REGISTRY)

554-12E 1609.26
TO U.S.C.G.S. MON.
FOCK "A"

July 21, 2022 Planning Board

STATE OF NORTH CAROLINA
COUNTY OF MOORE
I, Sherril B. Doby REVIEW OFFICER OF MOORE COUNTY
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS
AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING
7/30/2009 Sherril B. Doby
DATE REVIEW OFFICER



Judy D. Martin
Register of Deeds
Moore County, North Carolina

PLAT

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
November 07, 2007 12:59:08
Book 14 Page 32-32
FEE: \$21.00
INSTRUMENT # 2007021199



INSTRUMENT # 2007021199

PROJECT DESCRIPTION

The existing Boles Funeral Home property contains two existing buildings (a main building and a crematorium) and associated parking, sidewalks and porte cochere. Existing brick low walls and wood fencing are used to screen mechanical equipment and dumpsters. There is extensive existing landscaping around the building and at parking lots.

The purposed project is a one-story addition to the main building. The addition, approximately 350 sf in area, will house a new employee lounge in addition to office space and a UPS delivery closet. The project will include some new sidewalk but no additional parking. The addition will be located at the northwest corner of the building, with one side of the addition facing Pennsylvania Avenue and the other side facing Saylor St.. An existing fabric walkway cover at the location of the new addition will be removed.

The exterior materials and colors will match the existing main building – red brick veneer, black asphalt shingles and white clad-wood windows.







NARRATIVE

COMPLIANCE WITH SECTION 2.21.6 – CRITERIA FOR A SPECIAL USE PERMIT

(A): The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations.

- o The existing zoning district is Central Business (CB), which permits professional services. The existing development currently complies with all regulations of the CB district. The proposed addition will also comply.

(B): The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted.

- o The existing development currently complies with this criteria. The proposed addition will match the character of the existing development.

(C): Adequate public facilities shall be provided as set forth herein.

- o All public utilities (water, sewer, gas and electric) are existing and will not be required to be altered or expanded for the proposed addition.
- o All vehicle entrances, driveways and parking spaces are existing and will not be required to be altered or expanded for the new addition.
- o New sidewalks will be provided at the new addition only. All other sidewalks are existing.

(D): The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood

- o The existing development currently complies with this criteria. The proposed addition will match the character of the existing development.

(E): The establishment, maintenance, or operating of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.

- o The existing development currently complies with this criteria. The maintenance and use of the proposed addition will match that of the existing development.

(F): The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use

- o Due to the nature of the proposed project, no individual interests are anticipated to be adversely affected.

SAYLOR STREET

CREMATORY - EXISTING

HC

HC

HC

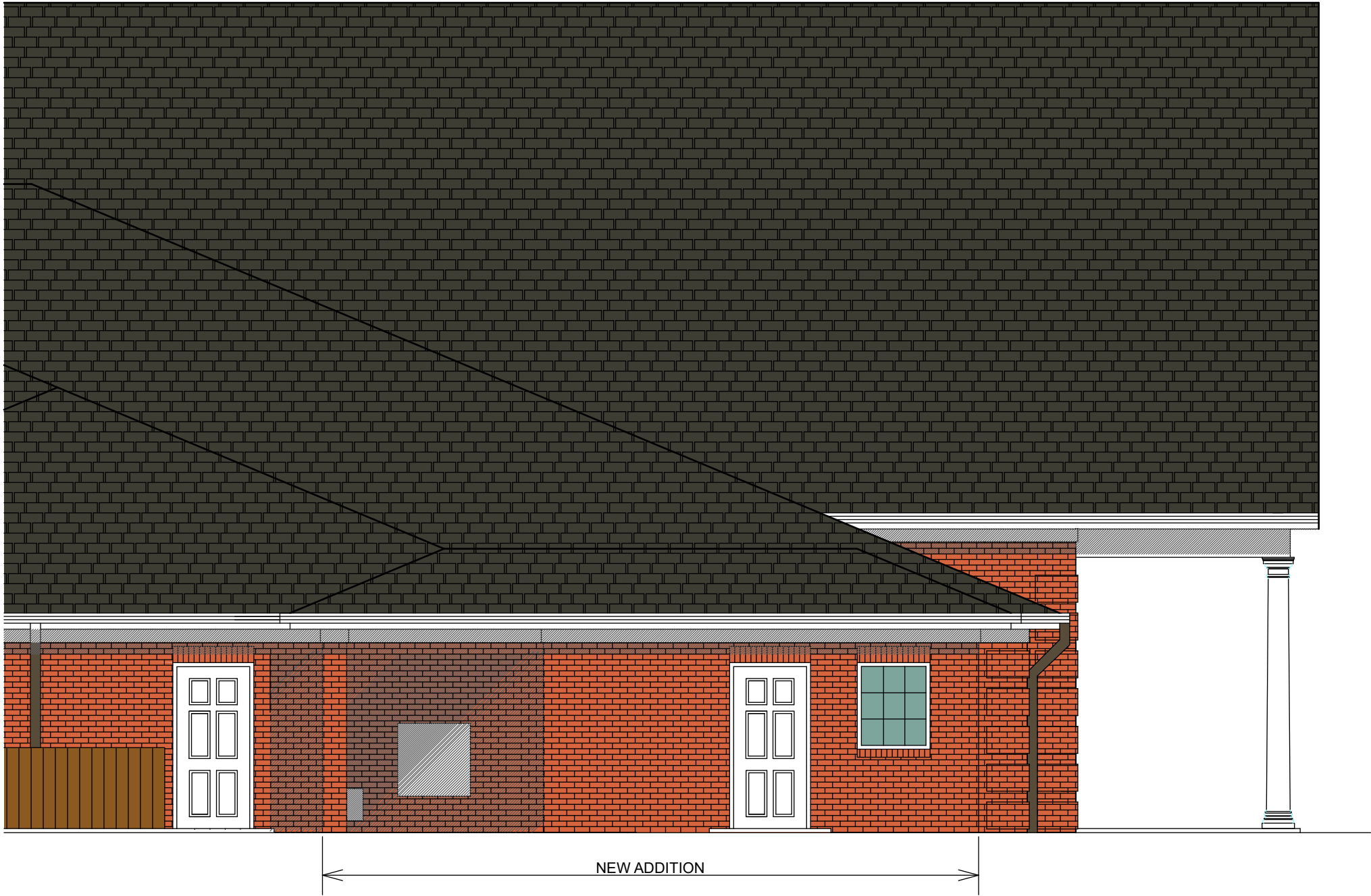
MAIN BUILDING - EXISTING

PROPOSED ADDITION





PROPOSED PENNSYLVANIA AVE. ELEVATION
 3/16" = 1'-0"



PROPOSED SAYLOR STREET ELEVATION