



AGENDA

Thursday, July 20, 2023: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

3. PUBLIC HEARINGS

a. OA-02-23: Canopy Lighting for Service Stations

Mr. Tom Anastasi on behalf of Sheetz, Inc. is proposing to amend the Unified Development Ordinance (UDO) with one text amendment related to canopy lights for service stations. The proposed amendment is to UDO §4.8.5(l) to change the permitted maximum average lighting level under the service station canopy from 3 to 12 lumens per square foot.

b. OA-03-23: Remove Self-Storage as a By Right Use in GB Zones

The Town of Southern Pines Planning Department, on behalf of a request by Town Council, is proposing to amend Unified Development Ordinance (UDO) Exhibit 3-15 by removing the "Z" from the GB district column for commercial mini- or self-storage, effectively removing it as a by right land use in that district.

4. UNFINISHED BUSINESS

5. NEW BUSINESS

6. PUBLIC COMMENTS

7. ADJOURNMENT

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, June 22, 2023 at 6:00 PM

Chair Westbrook called the meeting to order at 6:00 PM.

Chair Diane Westbrook, Vice Chair Kim Wade, Matthew Walden, John Earp and Jennifer Garner were present. Andy Bleggi and Monica Harvey were absent.

John Earp made a motion, which was seconded by Kim Wade, to approve the Minutes of the May 18, 2023 regular meeting. The motion carried.

The oath of office was administered to new Board member Jennifer Garner.

PUBLIC HEARING:

OA-01-23: Text Amendments to the Unified Development Ordinance; Petitioner: Town of Southern Pines Planning Department

The proposed amendments are as follows, listed with reference to applicable section(s) of the UDO proposed for amendment:

1. Amend Exhibit 2-1 Review Process Overview to clarify different review procedures for Architectural Compliance Permits. Projects that are non-compliant with architectural standards in UDO §4.10 and/or greater than or equal to 15,000 square feet gross floor area will be reviewed by Town Council. Projects that are compliant with architectural standards in UDO §4.10 and less than 15,000 square feet gross floor area, will be reviewed administratively.
2. Amend UDO §2.26 with changes to efficiency of Architectural Compliance Permit review for commercial structures that meet the town's architectural standards. Changes include:
 - Increase the size of commercial structures that qualify for administrative review of Architectural Compliance Permits from 3,500 square feet or more Gross Floor Area to 15,000 square feet or more Gross Floor Area.
 - Clarify that an application for an Architectural Compliance Permit must provide a dimensioned site plan, elevation drawings and color renderings.
 - Remove two subjective criteria for review of Architectural Compliance Permits that are not consistent with state statutes regarding the effect of comprehensive plans or with the use of administrative, more objective permit review.

- Remove the entire subsection UDO §2.26.8 regarding amendments because many of the changes listed have nothing to do with architecture and because Architectural Compliance Permits are a type of Development Approval and amendments to Development Approvals are covered broadly under UDO §2.8.4.

Kim Wade made a motion, which was seconded by Matthew Walden, to open the public hearing. The motion carried.

Senior Planner Alaina Mallette provided a detailed overview of the proposed amendments accompanied by a Power Point presentation and stated that the goal of the amendments is to incentivize developers and applicants to comply with the architectural standards resulting in a shorter review period and a more efficient process.

John Earp inquired about the basis for the 14,999 square foot threshold for administrative approval.

Ms. Mallette responded that the Town Council made that determination based on the size of different projects that have been built in the area.

Chair Westbrook asked Ms. Mallette if there were any downsides to these text amendments and Ms. Mallette responded that nothing came to mind at that time.

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

Matthew Walden made a motion, which was seconded by Kim Wade, that after reviewing the proposed amendments to the UDO and considering the criteria for approval of text amendments to the UDO found in UDO §2.17.10, the proposed amendments are consistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment A of staff report OA-01-23 and therefore to recommend approval of OA-01-23 to the Town Council. The motion carried by a vote of 5-0.

UNFINISHED BUSINESS:

A brief discussion ensued regarding a timeline for the release of a draft of the Comprehensive Long Range Plan.

NEW BUSINESS:

Chair Westbrook suggested that any Board member visits to a subject property in advance of a preliminary forum or public hearing be disclosed in the future.

Ms. Mallette responded that it is good practice to disclose that information but she would consult the Town Attorney regarding proper procedure.

Matthew Walden made a motion, which was seconded by John Earp, to adjourn the meeting. The motion carried.

The meeting adjourned at 6:36 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

DRAFT

Agenda Item

To: Planning Board

From: Alaina Mallette, Senior Planner

Subject: OA-02-23: Text Amendments to the Unified Development Ordinance (UDO).

Date: July 20, 2023

I. SUMMARY OF AMENDMENT REQUEST

Per UDO §2.17, Mr. Tom Anastasi on behalf of Sheetz, Inc. is proposing to amend the Unified Development Ordinance (UDO) with one text amendment related to canopy lights for service stations. The proposed amendment is to UDO §4.8.5(I) to change the permitted maximum average lighting level under the service station canopy from 3 to 12 lumens per square foot^{1,2}. The specific text of each proposed amendment, as well as comments about each proposed amendment, may be found in the attachments to this staff report.

II. APPLICATION REVIEW:

A. Review Process:

Applications for text amendments are reviewed pursuant to UDO §2.17.

B. Criteria for Review:

When reviewing an application for amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10. No single factor is controlling; instead, each must be weighed in relation to the other standards.

(A) Consistency. *The text amendment shall be consistent with the adopted Comprehensive Plan.*

(B) Health, Safety, and Welfare. *The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.*

(C) Public Policy. *Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*

(D) Other Factors. *The Hearing Body may consider any other factors relevant to a text amendment application under state law.*

¹ For more information about measuring illumination, read this blog post from [Commercial Lighting 101: What is a Foot-Candle? - FSG Electric & Lighting](https://www.fsg.com/what-is-a-foot-candle/) (fsg.com/what-is-a-foot-candle).

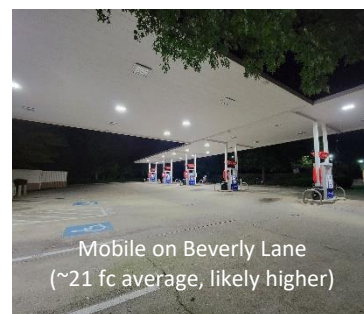
² Note that 1 foot-candle is equal to one lumen per square foot.

(E) Impacts. *The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

C. Staff Comments:

The Town of Southern Pines Unified Development Ordinance (UDO) presently limits average lighting under service stations like fuel canopies to 3 lumens per square foot. The applicant claims that this provision creates a safety and security hazard under service stations due to the lack of brighter illumination. Therefore, Sheetz, Inc. has submitted a text amendment to the UDO proposing an increase in the maximum average lighting level under service stations from 3 to 12 lumens per square foot.

Planning staff researched the topic and found that the Illuminating Engineering Society (IES) provides recommendations—shown in the Attachment 3—of between 10 and 15 lumens per square foot for gas station canopies. Planning staff have taken light meter readings at five local gas stations for comparison of average lighting levels under fuel canopies. The Exxon by the Belk Plaza has an average reading most similar to the current UDO standard of 3 lumens per square foot while the Lowe's Food fuel canopy is most similar to the Sheetz-proposed standard of 12 lumens per square foot. The Mobil on Beverly Lane, the Circle K on Highway 15-501, and the Shell by Red's Corner are all above the current and proposed average lighting levels under the fuel canopy. All measurements were taken the morning of July 11, 2023, following UDO §4.8.6(C) Measurement methodology and using town-approved equipment.



The Comprehensive Long-Range Plan (CLRP) has a goal of improving the personal health and physical security of residents and promoting commercial areas that are safe, secure, and healthy (see Goal G-1). The Regional Land Use Advisory Commission (RLUAC)'s 2007 Light Pollution Study, considered one of the Town of Southern Pines' background planning documents, recommends that the Town consider the impacts of light pollution. This was the catalyst for writing the Lighting Code purpose statement about protecting and reclaiming the ability to view the night sky. Considering the IES recommended lighting standard and the light meter readings taken by staff for comparison, the proposed amendment balances the goal for safe and secure commercial spaces that do not create garish light pollution in the surrounding area.

D. Outside Agency Comments:

Per UDO §2.17.4, on June 13, 2023, Planning staff presented the proposed text amendment to the Technical Review Committee—consisting of the Fire, Planning, and Engineering Departments—and the departments present did not have concerns about the proposed amendment aside from potential light pollution. Furthermore, a request for comment was emailed to representatives from RLUAC, North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport, and representatives of the Town of Southern Pines on June 15, 2023. On June 16, 2023, RLUAC responded that they have no comments on the proposed text amendment. On June 25, 2023, NCDOT responded with no comment, as well.

As of the completion of the staff report on July 11, 2023, no other responses were received. Any responses received following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

III. ATTACHMENTS:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. UDO §4.8.5(I) showing proposed amendment
3. UDO Text Amendment Application
4. Illuminating Engineering Society Recommended Light Levels

IV. PLANNING BOARD ACTION:

The Planning Board shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Long-Range Plan. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed text amendment by the Town Council, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Long-Range Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

To assist the Planning Board in performing this task, Town staff has prepared the following draft motions for the Planning Board's consideration, possible modification as necessary, and adoption:

I move that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments to the UDO found in UDO §2.17.10:

1. The proposed amendment is consistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment 1 of staff report OA-02-23;
2. The proposed amendment is consistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment 1 of staff report OA-02-23 and as revised by the Planning Board as follows...
3. The proposed amendment is inconsistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment 1 of staff report OA-02-23 as revised by the Planning Board as follows;

I further move that the following other matters were considered by the Planning Board and shall be added to Attachment 1 by Town staff as part of the Planning Board's written recommendation to the Town Council:

- 1.

And, therefore, I move to:

1. Recommend approval of OA-02-23 to the Town Council.
2. Recommend denial of OA-02-23 to the Town Council.



ATTACHMENT 1

PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR ORDINANCE AMENDMENT APPLICATION OA-02-23

WHEREAS, Section 160D-701 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to protect the public health, safety and general welfare; and

WHEREAS, Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted Comprehensive Plan and on other matters as deemed appropriate by the Planning Board, and that the Planning Board shall provide this in the form of a written recommendation to the Town Council; and

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on July 20, 2023 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-02-23.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revision to the Unified Development Ordinance (UDO) that has been prepared by Sheetz, Inc. is reasonable, in the public interest and are generally consistent with the Town of Southern Pines Comprehensive Long-Range Plan (CLRP).

The Comprehensive Long-Range Plan (CLRP) has a goal of improving the personal health and physical security of residents and promoting commercial areas that are safe, secure, and healthy (see Goal G-1). The Regional Land Use Advisory Commission (RLUAC)'s 2007 Light Pollution Study, considered one of the Town of Southern Pines' background planning documents, recommends that the Town consider the impacts of light pollution. The Illuminating Engineering Society provides recommendations—shown in the Attachment 3 in the Planning Department's staff report—of between 10 and 15 lumens per square foot for gas station canopies. Considering the Illuminating Engineering Society recommended lighting standard and local lighting examples, the proposed amendment balances the Goal G-1 for safe and secure commercial spaces that do not create garish light pollution in the surrounding area.

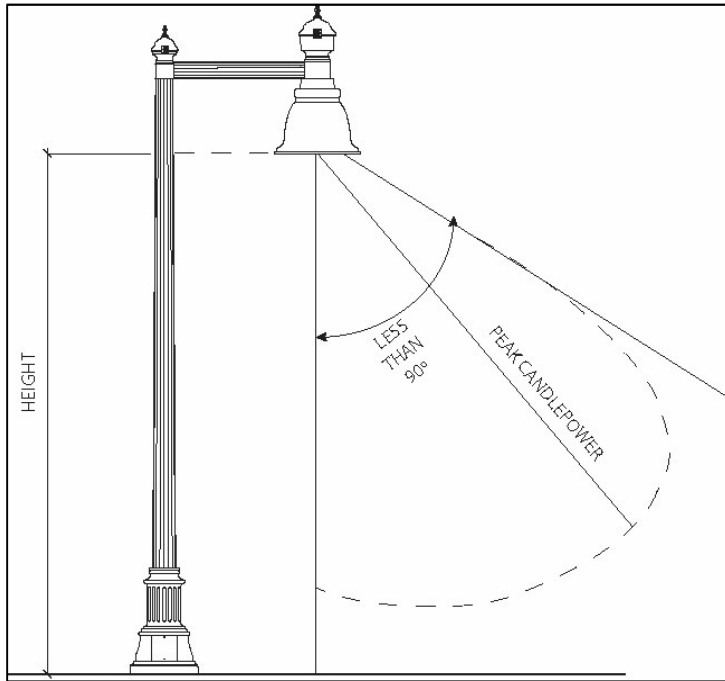
Therefore, the proposed text amendments are reasonable and in the public interest and consistent with the CLRP.

ADOPTED this the 20th day of July, 2023.

Diane T. Westbrook, Chair

ATTEST:

Cindy Williams
Secretary to the Planning Board



- (D) **Motion Sensor Lighting.** Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public Right-of-Way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- (E) **Non-Essential and Security Lighting.** All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged

to replace Existing Lighting that is desired for security purposes.

- (F) **Floodlamps and Area Lights.** All floodlamps and area lights shall be aimed downward at least forty-five (45) degrees and no portion of the light bulb shall extend below the bottom edge of an external shield. Any floodlamp or area light emitting 1,000 or more lumens shall be aimed downward at least sixty (60) degrees. The light source of floodlamps and area lights shall not be visible from adjacent properties or the public Right-of-Way. Flood lights with directional shielding and photocells with timers that allow a flood light to go on at dusk and off by eleven p.m. are encouraged.
- (G) **Uplighting.** Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this Lighting Code.
- (H) **Flag Poles.** Upward flagpole lighting is permitted for governmental flags only and provided that the maximum output is one thousand three hundred (1,300) lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
- (I) **Canopy Lights Service Stations.** The average lighting level for new and existing service stations shall be no greater than ~~three-twelve~~ (312) lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property



Unified Development Ordinance Text Amendment

REQUIRED APPLICATION MATERIALS:

- ✓ **Application fee** in the amount of **\$1,000.00**.
- ✓ **Completed Application** signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- ✓ **Description of proposed text amendment** stating proposed changes to text of the UDO.
- ✓ **Reasons for proposed text amendment**: Explain the need for the proposed changes to the text of the UDO. **included at the bottom of page 3 of this application.**
- N/A **Additional documentation**: Please provide additional text and/or maps to demonstrate consistency with the approval criteria listed in **UDO §2.17.10 Criteria for UDO Text Amendments**. The list of criteria is attached.
- ✓ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional materials are needed.
2. **Public hearings**: The applicant is expected to attend a public hearing on the application before the Planning Board followed by a public hearing 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 request.
3. **Approval**: The approval of a text amendment to the UDO text or Zoning Map does not authorize the use, occupancy or development of property until the Applicant receives necessary Development approvals, such as subdivision, site plan and building permit approval. (**UDO §2.17.12**)

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



UDO Text Amendment Application

Fee \$1,000.00

Date Received: _____

Case No.: OA-____-____

Applicant:

Name: Tom Anastasi Sheetz, Inc.

Email: tanastas@sheetz.com

Phone: 919.437.9859

Mailing Address: 5700 Sixth Avenue, Altoona, PA 16602

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 amend the text the Town of Southern Pines Zoning Ordinance based upon Section(s) 4.8.5 (I) of the **Town of Southern Pines Unified Development Ordinance**. The proposed text is as follows:

Existing UDO Text : (I) Canopy Lights Service Stations. The average lighting level for new and existing service stations shall be no greater than three (3) lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of way or adjacent property

Proposed UDO Text : (I) Canopy Lights Service Stations. The average lighting level for new and existing service stations shall be no greater twelve (12) lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of way or adjacent property

Date: 2023-06-05

Applicant

UDO §2.17.10. Criteria for UDO Text Amendments

In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead each must be weighed in relation to the other standards.

- (A) **Consistency.** The text amendment shall be consistent with the adopted Comprehensive Plan.
- (B) **Health, Safety, and Welfare.** The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas.
- (C) **Public Policy.** Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic Development, mixed-use development, or sustainable environmental features, which are consistent with Town, area, neighborhood, or specific plans.
- (D) **Other Factors.** The Hearing Body may consider any other factors relevant to the text amendment application under state law.
- (E) **Impacts.** The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment to the public at large.

Reasons for Proposed UDO Text Amendment : The Town of Southern Pines adopted Comprehensive Long-Range Plan (CLRP) provides for several goals for the Town, including the advancement of Community Well-Being which is to improve the personal health and security the residents of Southern Pines and promote neighborhoods and commercial areas that are safe, secure and healthy. In the context of service stations, an integral part of providing a safe, secure, and healthy environment is the illumination of fueling canopies. In consideration of and consistent with the spirit and intent of the CLRP and the Town of Southern Pines Unified Development Ordinance (UDO), which are designed to promote the health, safety, and general welfare of the present and future welfare of the Town, and in conversation with the Town of Southern Pines planning staff, the text amendment proposes to allow the average lighting level to be no greater twelve (12) lumens per square foot under fueling canopies. Approval of the proposed amendment will prevent and/or minimize any undesirable effects of gas station canopy lighting, and ensure increased safety and security for residents and visitors in the Town utilizing gas station facilities.

IES Recommended Light Levels

Waypoint's Quick Reference Guide

A footcandle (fc), the most common unit of measure used for quantifying light levels, is a measure of illuminance with one footcandle being equal to one lumen per square foot. The Illuminating Engineering Society (IES) has established recommended average maintained footcandle levels for a broad range of applications to ensure adequate illumination and safety for occupants. An important strategy in maximizing energy savings with lighting upgrade projects is to identify overlit spaces and use IES recommendations to establish new light levels that are both appropriate and desirable. Consult with a lighting energy professional to learn the proper way to establish appropriate light levels in your facility and reduce energy waste. Call Waypoint Lighting (www.waypoint-lighting.com) at (512) 270-8625 to schedule your lighting evaluation.

Application and Task	Maintained Horizontal		Maintained Vertical		Comments
	Average (fc) ¹	Range (fc) ²	Average (fc) ¹	Range (fc) ²	
COMMON AREAS					
ATM or Service Kiosk	20	10-40	10	5 - 20	Vertical at face of ATM
Circulation/Corridor	5	2.5 - 10	3	1.5 - 6	Independent Passageway
Conference Room	See Commercial Office				
Filing (Intermittent)	15	7.5 - 30	10	5 - 20	
Restroom (General)	5	2.5 - 10	3	1.5 - 6	
Restroom (Vanities)	15	7.5 - 30	20	10 - 40	See also Fixtures/Lockers/Showers
Lunch & Break Room	10	5 - 20	3	1.5 - 6	
Stairs	5	2.5 - 10	3	1.5 - 6	Not High Activity or Surveillance
COMMERCIAL OFFICE					
Open Office (Desk)	40	30 - 50	-	-	Measured at desk height
Private Office (Desk)	40	30 - 50	-	-	Measured at desk height
Conference Room (Table)	30	15 - 60	-	-	
Whiteboard (Reading)	-	-	15	7.5 - 30	
Whiteboard (Presenting)	-	-	30	15 - 60	
Presentation Screen (Projector)	-	-	1.5	1.5 - 6	
Lunch & Break Room	15	5 - 20	-	-	
EDUCATIONAL (SCHOOLS)					
Classroom (Challenging Applications) ³	25	25 - 100	3.75	3.75 - 15	Arts, Blueprints, Lab Bench; Measured at desk height
Classroom (Typical Applications) ³	15	15 - 60	2.5	2.5 - 10	Reading, Writing; Measured at desk height
Auditorium/Lecture Hall (AV, Notes)	5	2.5 - 10	5	2.5 - 10	
Auditorium/Lecture Hall (AV)	1	0.5 - 2	5	2.5 - 10	
Auditorium/Lecture Hall (no AV)	10	5 - 20	5	2.5 - 10	
Gymnasium-Class I (Pro or Div. 1 College)	100	-	30	-	See NCAA & professional guides; > 5000 spectators
Gymnasium-Class II (Div. 2 or 3 College)	75	-	20	-	Competition; ≤ 5000 spectators
Gymnasium-Class III (High School)	50	-	150	-	Competition; Some spectators
Gymnasium-Class IV (Elementary)	30	-	100	-	Competition or Recreational Play; No provision for spectators

Application and Task	Maintained Horizontal		Maintained Vertical		Comments
	Average (fc) ¹	Range (fc) ²	Average (fc) ¹	Range (fc) ²	
EXTERIOR					
Parking (Covered)	5	-	-	-	1 Min; 10:1 Max-Min Uniformity
Parking (Uncovered) Zone 3 (Urban)	1.5	0.75 - 3	0.8	0.4 - 1.6	
Parking (Uncovered) Zone 2 (Suburban)	1	0.5 - 2	0.6	0.3 - 1.2	
Gas Station Canopy	12.5	10 - 15	-	-	
Safety (Building Exterior)	1	0.5 - 2	-	-	For security issues, raise Avg to 3
INDUSTRIAL/MANUFACTURING					
Assembly & Inspection (Simple)	30	15 - 60	30	15 - 60	
Component Manufacture (Large Part)					
Component Manufacture (Med. Part)	50	25 - 100	50	25 - 100	
Assembly & Inspection (Difficult)	100	50 - 200	100	50 - 200	
Component Manufacture (Fine Part)					
Assembly & Inspection (Exacting)	300	150 – 600	-	-	
RETAIL					
Discount/Warehouse/Drug/Convenience (Ambient)	50	25 - 100	20	10 - 40	
Discount/Warehouse/Drug/Convenience (Perimeter)	-	-	50	25 - 100	
Department Store (Ambient)	40	20 - 80	15	7.5 - 30	
Department Store (Perimeter)	-	-	75	25 - 150	
Accent Lighting (Displays)	-	-	-	-	3-10 times more than ambient
RETAIL (AUTOMOTIVE SALES)					
Showroom	50	25 - 100	10	5 - 20	
Service Area	50	25 - 100	30	15 - 60	
Sales Lot (Exterior) Zone 3 (Urban)	20	10 - 40	20	10 - 40	
Sales Lot (Exterior) Zone 2 (Suburban)	15	7.5 - 30	15	7.5 - 30	
RETAIL (GROCERY)					
Circulation	20	10 - 40	7.5	3.5 - 15	
General Retail	50	25 - 100	20	10 - 40	
Perimeter	-	-	50	25- 100	
WAREHOUSING & STORAGE					
Bulky Items - Large Labels	10	5 - 20	5	2.5 – 10	
Small Items - Small Labels	30	15 - 60	15	7.5 - 30	
Receiving/Shipping Dock	10	5 - 20	3	1.5 - 6	
Receiving/Staging	30	15 - 60	10	5 - 20	
Source: Compiled by CleaResult Consulting from the ‘The Lighting Handbook’ 10th Edition from the Illuminating Engineering Society (IES); Adapted from Foot Candle Light Guide produced by Energy Trust of Oregon and Lighting Design					
▪ Use a professional lighting specifier to determine and provide appropriate light levels as defined by the IES. ▪ Horizontal - Average maintained foot-candles are measured at horizontal plane. ▪ Vertical - Average maintained foot-candles are measured at vertical plane.					
¹ At least half of users (occupants) are in the 25 - 65 age range					
² Ranges are based on situations where at least half of users are < 25 years of age (Low value) and > 65 years of age (High value)					
³ Recommendation for Classrooms assume at least half of users are < 25 years of age (Low range value); When designing the space for students, allowances should be made for the instructor (e.g. task lighting or downlight over desk)					

Agenda Item

To: Planning Board

Via: BJ Grieve, Planning Director

From: Alaina Mallette, Senior Planner

Subject: OA-03-23: Text Amendments to the Unified Development Ordinance (UDO).

Date: July 20, 2023

I. SUMMARY OF AMENDMENT REQUEST

Per UDO §2.17, the Town of Southern Pines Planning Department on behalf of Town Council is proposing to amend the Unified Development Ordinance (UDO) with a text amendment related to one by right use in the General Business (i.e., GB) zoning district. The proposed amendment is to UDO Exhibit 3-15 for Land Based Classification System (LBCS) Code 2321 by removing the “Z” from the GB district column for commercial mini- or self-storage, effectively removing it as a by right land use in that district.

II. APPLICATION REVIEW:

A. Review Process:

Applications for text amendments are reviewed pursuant to UDO §2.17.

B. Criteria for Review:

When reviewing an application for amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10:

2.17.10. Criteria for UDO Text Amendments

In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

(A) Consistency. *The text amendment shall be consistent with the adopted Comprehensive Plan.*

(B) Health, Safety, and Welfare. *The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.*

(C) Public Policy. *Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*

(D) Other Factors. *The Hearing Body may consider any other factors relevant to a text amendment application under state law.*

(E) Impacts. *The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

C. Staff Comments:

The Town of Southern Pines Unified Development Ordinance (UDO) presently allows commercial property-related mini- and self-storage in the GB district. This land use includes the leasing of buildings not used as residences and includes mini-warehouses and self-storage units. The Town Council believes that the Town of Southern Pines has sufficient existing mini- and self-storage options in the GB district and further believe that the Industrial (i.e., I) zoning district would be a better zone for future development of this type of land use. Therefore, the Planning staff have prepared a text amendment to the UDO that would limit mini- and self-storage to the I zoning district.

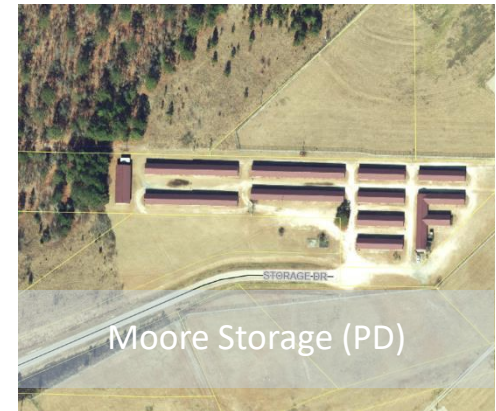
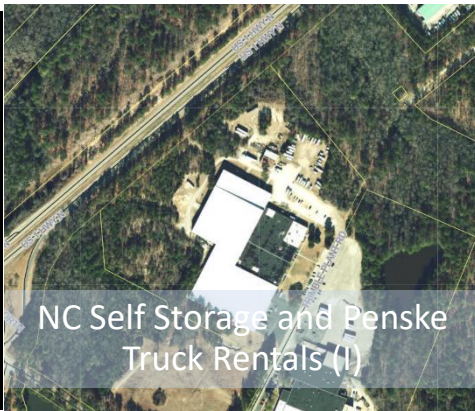
According to the UDO, the GB zoning district is meant to accommodate highway-oriented retail, commercial service businesses, and—in limited cases—some light manufacturing that market to the town and surrounding area. The I zoning district is intended for intensive commercial uses. Multiple existing mini- and self-storage facilities in Southern Pines, including the recently-completed Pinnacle Storage, exemplify a land use that does not engage with adjoining land uses, is primarily accessed by automobile and requires a significant amount of space. The mini- and self-storage land use requires clearing sites to accommodate expansive building footprints, parking, and circulation requirements. For instance, Pinnacle Storage (ZP-08-21 Bell Avenue Storage Facility) presently has 52,475 square feet of buildings on a 190,793-square foot (4.38-acre) lot, or 28% of the lot. When adding in other impervious surfaces like asphalt and concrete, the total impervious area becomes 103,923 square feet (2.39 acres), or 54% of the lot. Imagery on the next page shows the footprint that six commercial-scale mini- and self-storage have across the town.

The Comprehensive Long-Range Plan (CLRP) has a vision of protecting natural resources with sustainable growth and development and diversifying employment opportunities to create a more sustainable local economy. “Sustainable” is described in the CLRP as balancing growth and protection of natural resources and sensitive areas while attracting and retaining workers, businesses, and entrepreneurs. Mini- and self-storage provide minimal employment opportunities. Furthermore, the areas surrounding downtown and some highway corridors are becoming more multimodal and interactive with adjoining land uses and the local community and the draft Comprehensive Plan envisions these areas—which are predominantly GB areas—as community activity centers that serve the neighboring communities (e.g., grocery stores, restaurants, book stores, schools, or multitenant buildings). With this current context in mind, the 2016 CLRP has a vision that economic development, educational, and recreational opportunities grow for residents. Considering these visions for the town and the intent of the GB district, the proposed amendment to prohibit mini- and self-storage in the GB district creates opportunities for the growth of more beneficial land uses surrounding residential and mixed-use zones. Therefore, staff recommend approving OA-03-23.

Storage in GB



Storage in
Other Districts



D. Outside Agency Comments:

Per UDO §2.17.4, on June 13, 2023, Planning staff presented the proposed text amendment to the Technical Review Committee—consisting of the Fire, Planning, and Engineering Departments—and the departments present did not have any concerns about the proposed amendment. Furthermore, a request for comment was emailed to representatives from RLUAC, North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport, and representatives of the Town of Southern Pines on June 15, 2023. On July 3, 2023, RLUAC responded that they have no comments on the proposed text amendment. On June 29, 2023, the Town of Southern Pines Utilities Department responded with no comment, as well.

As of the completion of the staff report on July 11, 2023, no other responses were received. Any responses received following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

III. ATTACHMENTS:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. UDO Text Amendment Application

IV. PLANNING BOARD ACTION:

The Planning Board shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Long-Range Plan. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed text amendment by the Town Council, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Long-Range Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

To assist the Planning Board in performing this task, Town staff has prepared the following draft motions for the Planning Board's consideration, possible modification as necessary, and adoption.

I move that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments to the UDO found in UDO §2.17.10:

1. The proposed amendment is consistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment 1 of staff report OA-03-23;
2. The proposed amendment is consistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment 1 of staff report OA-03-23 and as revised by the Planning Board as follows...

;

3. The proposed amendment is inconsistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment 1 of staff report OA-03-23 as revised by the Planning Board as follows;

I further move that the following other matters were considered by the Planning Board and shall be added to Attachment 1 by Town staff as part of the Planning Board's written recommendation to the Town Council:

- 1.

And, therefore, I move to:

1. Recommend approval of OA-03-23 to the Town Council.
2. Recommend denial of OA-03-23 to the Town Council.



ATTACHMENT 1

PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR ORDINANCE AMENDMENT APPLICATION OA-03-23

WHEREAS, Section 160D-701 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to protect the public health, safety and general welfare; and

WHEREAS, Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted Comprehensive Plan and on other matters as deemed appropriate by the Planning Board, and that the Planning Board shall provide this in the form of a written recommendation to the Town Council; and

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on July 20, 2023 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-03-23.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revision to the Unified Development Ordinance (UDO) that has been prepared by the Town of Southern Pines Planning Department is reasonable, in the public interest and is consistent with the Town of Southern Pines Comprehensive Long-Range Plan (CLRP).

The General Business (i.e., "GB") zoning district is meant to accommodate highway-oriented retail, commercial service businesses, and—in limited cases—some light manufacturing that market to the town and surrounding area. The Industrial zoning district is intended for intensive commercial uses. The Planning Board affirms Planning staff's analysis that mini- and self-storage facilities in Southern Pines—as seen in staff's report—do not engage with adjoining land uses, are primarily accessed by automobile, and require clearing sites to accommodate expansive building footprints, parking, and circulation requirements.

Furthermore, the Comprehensive Long-Range Plan (CLRP) has a vision of protecting natural resources with sustainable growth and development while diversifying employment opportunities to create a more sustainable local economy. The Planning Board finds that mini- and self-storage provide minimal employment opportunities. The Planning Board affirms staff's analysis that the

areas surrounding downtown and some highway corridors, typically zoned GB, are becoming more multimodal and connected with adjoining land uses and the community altogether.

Considering the intent of the GB district and the vision for the town, the proposed amendment to prohibit mini- and self-storage in the GB district creates opportunities for the growth of desired land uses that increasingly rely on multimodal transportation and interact with surrounding residential and mixed-use areas, such as educational and recreational opportunities for residents.

Therefore, the proposed text amendment is reasonable, in the public interest, and consistent with the CLRP.

ADOPTED this the 20nd day of July, 2023.

Diane T. Westbrook, Chair

ATTEST:

Cindy Williams
Secretary to the Planning Board

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Investment banking, securities, and brokerages	2230	Securities underwriting, brokering, exchange services, managing portfolios								ZS/Z	Z	Z	Z		
Insurance-related establishment	2240	Insurance underwriting, selling insurance								ZS/Z	Z	Z	Z		
Fund, trust, or other financial establishment	2250	Pool assets on behalf of shareholders or beneficiaries								ZS/Z	Z	Z	Z		
Pawn shop	2260										Z				
Real Estate, and Rental and Leasing	2300	Rent or lease assets													
Real estate services	2310	Lease real estate (except Buildings) such as Manufactured Home sites and vacant Lots; includes real estate appraisers								ZS/Z	Z	Z	Z		
Property management services	2320	Manage real property for others													
commercial property-related, mini- or self-storage	2321	Lease Buildings not used as residences; includes mini-warehouses and self-storage Dwelling Units									Z			Z	
rental housing-related	2322	Lease Buildings used as residences								ZS/Z	Z	Z	Z		
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators													
cars	2331	Lease passenger cars without drivers									Z				
leasing trucks, trailers, RVs, buses, aircraft, tugboats, etc.	2332	Drivers not provided									Z				
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles									Z				
leasing commercial, industrial machinery and equipment	2334	Rent or lease office machinery and equipment, heavy equipment used for construction, well-drilling, telecommunications, manufacturing, institutional furniture									Z			Z	
consumer goods rental	2335	Rent personal and household-type goods and a range of consumer, commercial, and industrial equipment geared toward consumers									Z				
intellectual property rental	2336	Establishments that assign patents, trademarks, brand names, and franchise agreements								ZS/Z	Z	Z	Z		

Commented [BG23]: Deleting this "Z" from the GB column will eliminate mini- or self-storage as a by-right use in the General Business Zoning District.