

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, November 16, 2023, at 6:00 PM

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

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

Matthew Walden made a motion, which was seconded by Monica Harvey, to approve the Minutes of the October 2023 regular meeting. The motion carried.

PUBLIC HEARING:

Z-04-23: Request to rezone 1.1 acres from Residential Single-Family (RS-3) to General Business Conditional Zoning District (GB-CD)

Mr. Corey Longstreet of Windridge Gardens, LLC has submitted a request to extend a prior General Business Conditional Zoning District (GB-CD) (file Z-07-01) to the remaining 1.07 acres of the existing 2.49-acre parcel. The proposed use would be for lawn and garden supplies and the applicant volunteers the protection of existing trees on the property. The application illustrates walking paths through the tree canopy to display statuary and lawn ornaments in a similar fashion to the existing GB-CD-zoned portion of the property. The subject parcel is identified as PARID 20140484 and is owned by Windridge Gardens, LLC.

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

Senior Planner Alaina Mallette stated that the request was for the purpose of expanding the current use and provided an overview of the application and staff report accompanied by a Power Point presentation.

Planning staff recommended the following conditions: 1) that the only permitted use moving forward would be for garden and lawn supplies that could be displayed and stored outdoors if behind a fully-enclosed fence; 2) the 30' required buffer will remain undisturbed; 3) existing clearings for the driveway, parking and buildings shall be used to protect the Longleaf pine trees; and 4) no manufacturing will occur on the site.

Andy Bleggi asked if a metal chain link fence would be permitted.

Ms. Mallette responded that a brick, masonry or wooden solid face fence would be permitted. And the intent is to prevent any outdoor storage being a nuisance.

Mr. Bleggi asked if a path is permitted within a buffer.

Ms. Mallette responded that driveways, walkways and paths can cross a buffer.

Mr. Bleggi asked if merchandise can be displayed in the buffer and Ms. Mallette responded no.

Monica Harvey asked why Planning staff felt that a 30' buffer was sufficient.

Ms. Mallette responded that approval of the reduced buffer an easy determination because the use is very low density and the site, included the Longleaf pine trees, is going to remain undisturbed.

Ms. Harvey asked if the applicant would be allowed to disturb the buffer in the future.

Ms. Mallette responded that the site plan does not show trees being removed and therefore, any major changes would require prior approval.

Corey Longstreet stated that he agreed to maintaining the natural environment and that he intends to keep the existing chain link fence and have the pathways inside of the fenced area.

Andy Bleggi asked Mr. Longstreet if he was agreeable to all of Planning staff's recommended conditions with the exception of the fence.

Mr. Longstreet responded that he does not want to add any additional fencing because he wants passersby to see the statuary and fountains.

John Earp asked Mr. Longstreet for the exact exception that he was seeking.

Mr. Longstreet responded that he would like to be able to display his merchandise behind the existing chain link and partial solid wood fence.

Ms. Mallette stated that pursuant to UDO §5.13.3, outdoor displays shall be limited to the displays within areas that are enclosed by walls or fences and located behind the front Building line and that the property line, buffer, fence requirement only applies to the sides of the parcel that abut a Residential zone.

Mr. Longstreet stated that he did not understand why the fence had to be opaque for product display and that the fence is 73 ft. back from the property line that adjoins the RS-3 property and

73 feet from the side property line and the fence is on the property line on the back side. The intent is to put the displays within the existing fence.

Francine Echter, 140 Tannen Drive, stated that her main concern was safety due to increased business and requested that the rear fence remain in its current location.

Ms. Mallette stated for clarification that for outdoor storage that is adjacent to a residential zone, the fence has to be on the interior side of the buffer.

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

John Earp made a motion, which was seconded by Andy Bleggi, that after reviewing the proposed map amendments to the Town of Southern Pines zoning map and after considering the criteria for approval of map amendments found in UDO §2.17.9, the proposed amendments are consistent with the 2040 Comprehensive Plan for reasons set forth in Attachment 1 to staff report Z-04-23 as revised by the Planning Board to grandfather the existing fence with any changes to be required to conform to the current UDO and therefore, to recommend approval of Z-04-23 to the Town Council with the following extension of conditions on the General Business Conditional zoning district, as consented to by the applicant:

1. The permitted uses shall be restricted to low-volume lawn and garden supplies which may be stored and displayed outdoors and the existing fence shall be grandfathered with any changes to be required to conform to the current UDO.
2. Required buffers which have been administratively reduced by the Planning Director to 30' for the highway, side and rear yards of the portion of the property currently being rezoned shall remain undisturbed (e.g. no tree removal nor site grading, at a minimum) and existing vegetation shall be considered to comply with all buffer requirements.
3. Existing clearings for driveway, parking and building shall be used to protect the Longleaf pine forest.
4. No manufacturing operation shall occur on site.

The motion passed by a 6-1 vote with Jennifer Garner being opposed.

UNFINISHED BUSINESS:

In response to questions from the Board during the November agenda meeting, the Town attorney advised that it was better not to require individuals who speak during a public forum or hearing to state their name and address. The request could be made and the individual speaking

would have the option of doing so or not. In addition, testimony cannot be limited to Town of Southern Pines residents or business owners.

With regard to the question of whether remote calls and video conferencing are options when a quorum is an issue, that will depend on the circumstances. Obviously, the preference is for everyone to be present and in the uniquely rare scenario when someone is not, options will be discussed at that time.

NEW BUSINESS:

The Board agreed to hold the December agenda meeting.

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

The meeting adjourned at 7:13 PM.

An audio recording of the meeting and any related PowerPoint presentations are available upon request.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board