



## AGENDA

**Town of Southern Pines Planning Board Meeting  
Thursday, August 24, 2016. 7:00 PM, Douglass Community Center,  
1185 West Pennsylvania Avenue**

- I. Call to Order
- II. Minutes
- III. Public Hearings:
  - **OA-01-16; Ordinance Amendment to the UDO to Include Veterinary Services, Animal Boarding, & Pet Cemeteries into the NB Zoning Classification; Petitioner, Roy Harvel**  
The petitioner Mr. Roy Harvel is requesting to amend the Town of Southern Pines Unified Development Ordinance Chapter 3: Exhibit 3-15 *Table of Authorized Land Uses* to allow LBCS 2418 Veterinary Services, LBCS 2722 Animal Boarding, and LBCS 2723 Pet Cemeteries in the NB (Neighborhood Business) zoning classification.
  - **CU-03-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Detached Residential Development along Clark Street; Petitioner, Koontz Jones Design**  
On behalf of the petitioner Koontz Jones Design, Mr. Bob Koontz is requesting the approval of a residential development project located along Clark Street that will require a Conditional Use Permit application for a Major Subdivision. Per Section 2.20 *Major Subdivisions* of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit. The proposed development consists of a total of ten (10) lots, thereby the proposal will require a CUP. The subject property received the approval of a minor subdivision for five (5) lots in November 2015. The current request is a major subdivision to further subdivide lot 5 as shown on the November 2015 minor subdivision plat (see attachments) into an additional five (5) lots, creating a total of ten (10) lots from the parent tract; one (1) lot will serve as open space with the remaining nine (9) lots designated for single-family detached development. The subject property is comprised of 5.99 acres and is zoned RS-1 (Residential Single-Family – 1). The property is identified by the following: PIN: 85820071105 (PARID: 20150368). Per the Moore County Tax records, the property owner(s) are listed as Bradford Village LLC.
- IV. New Business
- V. Old Business
- VI. Adjournment

## Agenda Item

**To:** Planning Board

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** OA-01-16; Ordinance Amendment to the UDO to Include Veterinary Services, Animal Boarding, & Pet Cemeteries into the NB Zoning Classification; Petitioner, Roy Harvel

**Date:** March 24, 2016

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### **OA-01-16; Ordinance Amendment to the UDO to Include Veterinary Services, Animal Boarding, & Pet Cemeteries into the NB Zoning Classification; Petitioner, Roy Harvel**

The petitioner Mr. Roy Harvel is requesting to amend the Town of Southern Pines Unified Development Ordinance Chapter 3: Exhibit 3-15 *Table of Authorized Land Uses* to allow LBCS 2418 Veterinary Services, LBCS 2722 Animal Boarding, and LBCS 2723 Pet Cemeteries in the NB (Neighborhood Business) zoning classification.

#### **Staff Comments:**

- Veterinary Services are classified in Exhibit 3-15 Table of Authorized Land Uses under LBCS Code 2418.
- LBCS Code 2418 is listed as a “ZS” in the GB (General Business) zoning district and a “Z” in the I (Industrial) zoning district.
- Animal Sitting and Boarding is classified in Exhibit 3-15 Table of Authorized Land Uses under LBCS Code 2722.
- LBCS Code 2722 is listed as a “Z” in the RE (Rural Estate), RR (Rural Residential), GB (General Business), I (Industrial) zoning districts.
- Pet Cemeteries are classified in Exhibit 3-15 Table of Authorized Land Uses under LBCS Code 2723.
- LBCS Code 2723 is listed as a “Z” in the GB (General Business) zoning district.
- UDO Section 5.14 outlines the standards for Outside Kennels:
  - Outside kennels, where allowed, are subject to the following standards:
    - (A) No portion of an outside kennel shall be located within two-thousand (2000) feet of a RS-1, RS-2, RS-3, RM-1, or RM-2 zoning district, or of an existing residential structure not owned by the owner of the outside kennel except as provided in the following paragraph.
    - (B) An outside kennel may be no closer than one-thousand two-hundred (1200) feet to a RS-1, RS-2, RS-3, RM-1, or RM-2 zoning district, or of an existing residential structure not owned by the owner of the outside kennel if the kennel is constructed with sound-deflecting walls that separate the kennel from said district or use.

- The Planning Board public hearing shall be conducted using legislative hearing procedures.
- Section 2.17.10 outlines the criteria to be used by the hearing bodies in their consideration of the ordinance amendment:

- *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.

**Attachments:**

- Ordinance Amendment Application

Exhibit 3-15: Table of Authorized Land Uses

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Veterinary Services	2418	Veterinary medicine, testing services for veterinary practitioners									ZS	ZS		Z	
Animal and Pet Services and Kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)													
Animal Services	2721	grooming and training	Z								Z	Z			
Animal Boarding	2722	sitting and boarding	Z	Z							Z	Z		Z	
Pet Cemetery	2723										Z	Z			

- The proposed ordinance amendment would amend Exhibit 3-15 *Table of Authorized Land Uses* to put a “ZS” or permitted with supplementary standards and restriction required for Veterinary Service office to be located in the NB zoning district and a “Z” or permitted by right for Animal Sitting and Boarding Services and Pet Cemetery land uses to be located in the NB zoning district (see highlighted text in the table excerpt for proposed amendments).

**Planning Board Actions:**

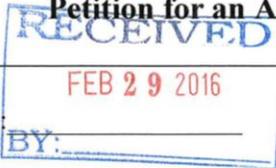
**The Planning Board shall vote on whether the proposed amendment is consistent with *Comprehensive Long Range Plan* that has been adopted and any other officially adopted plan that is applicable. The Planning Board could make one of the following motions for recommendations or any alternative they wish:**

1. Motion to **recommend approval** of the requested text amendment and to make a finding and determination that the approval of the text amendment request is consistent with the adopted Land Use Plan and that the approval of the text amendment request is reasonable and in the public interest due to the approval being consistent with the comprehensive plan and, as a result, the approval furthers the goals and objectives of the comprehensive plan;  
OR
2. Motion to **recommend denial** of the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted Land Use Plan and that that the denial of the text amendment request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

**Then:**

1. I move to recommend to the Town Council the approval of OA-01-16;
2. I move to recommend to the Town Council the denial of OA-01-16; OR
3. I move to recommend to the Town Council the approval of OA-01-16 with the following additional conditions...

**Petition for an Amendment to the Zoning Ordinance of the  
Town of Southern Pines**



Date Received:

Case: OA- 01-16

**TO THE PLANNING BOARD AND TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES,  
NORTH CAROLINA:**

**I, the undersigned, do hereby make a petition to amend the zoning Ordinance of the Town of Southern Pines a herein requested:**

It is desired and requested that Section \_\_\_\_\_ be amended to

It is desired and requested to Amend Exhibit 3-15 Table of Authorized Land Uses to include NB as a permissible land use for LBCS 2418 and LBCS 2720, LBCS 2722, and LBCS 2723. The amendment intends to include the NB as a "ZS" for LBCS 2418.

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**I certify that all information furnished in this petition is accurate to the best of my knowledge.**

Name of Petitioner (please print): Roy H. Harvel

Petitioner's Signature: *Roy H. Harvel*

Mailing Address: Box 1715  
Southern Pines 28388

Email Address: rharvel@pinehurst.net

Phone Number: 910-695-1111

**NOTE:** If the petition is made by a corporation, the names and addresses of all officers of the corporation **MUST BE** provided.

The **petitioner or a representative of the petitioner is expected to attend all meetings** to answer questions concerning the request. The absence of the petitioner/representative is sufficient grounds to warrant a deferral of action by the Planning Board and/or Town Council.

**ALL APPLICATION MATERIALS INCLUDING THE PETITION FEE OF \$800.00 MUST BE SUBMITTED TO THE PLANNING DEPARTMENT THIRTY (30) DAYS PRIOR TO THE PLANNING BOARD MEETING.**

Revised July 1, 2014

## Agenda Item

**To:** Planning Board

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** CU-03-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Detached Residential Development along Clark Street; Petitioner, Koontz Jones Design

**Date:** March 24, 2016

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### **CU-03-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Detached Residential Development along Clark Street; Petitioner, Koontz Jones Design**

On behalf of the petitioner Koontz Jones Design, Mr. Bob Koontz is requesting the approval of a residential development project located along Clark Street that will require a Conditional Use Permit application for a Major Subdivision. Per Section 2.20 *Major Subdivisions* of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit. The proposed development consists of a total of ten (10) lots, thereby the proposal will require a CUP. The subject property received the approval of a minor subdivision for five (5) lots in November 2015. The current request is a major subdivision to further subdivide lot 5 as shown on the November 2015 minor subdivision plat (see attachments) into an additional five (5) lots, creating a total of ten (10) lots from the parent tract; one (1) lot will serve as open space with the remaining nine (9) lots designated for single-family detached development. The subject property is comprised of 5.99 acres and is zoned RS-1 (Residential Single-Family – 1). The property is identified by the following: PIN: 85820071105 (PARID: 20150368). Per the Moore County Tax records, the property owner(s) are listed as Bradford Village LLC.

#### **Analysis:**

The subject property is identified as Residential in the CLRP. Per the *Comprehensive Long Range Plan 2010*: the Residential classification encompasses the majority of Southern Pines' residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed up to twelve units per acre in places that are clearly more urban.

#### **Staff Comments:**

- The subject property is comprised of 5.99 acres.
  - Portions of the subject property are currently in the Town of Southern Pines Extraterritorial Jurisdiction (ETJ) and not within the corporate limits of the

Town, therefore a voluntary annexation request will also run concurrent to the CUP application at the Town Council public hearing to annex the entirety of the subject property into the Town limits.

- The neighboring properties are zoned RS-1, RM-2, GB, and RS-3.
- The properties directly contiguous to the subject property are zoned RS-1 therefore there is no required buffer between the subject property and the adjacent property. However building setbacks still apply.
- The building setbacks for the RS-1 zoning classification are as follows:
  - Front: 30.0'; Interior Side: 10.0'; Exterior Side: 15.0'; Rear: 30.0'
- Per UDO Section 4.9.1, every residential development shall be developed to provide at least five (5) percent of the total area of the development remains permanently dedicated as usable open space.
  - The proposed development provides 21.7% open space.
- Per UDO Section 3.5.3, the RS-1 zoning classification has a minimum lot size of 10,000 square feet and permits a density of approximately 4.3 dwelling units per acre.
  - The RS-1 zoning classification is established as a district in which to allow primarily medium-density single-family residential land uses. The regulation of the RS-1 district are intended to:
    - Preserve existing single-family residential neighborhoods that have developed at a medium-density; and,
    - Encourage new residential development that is compatible with that in the existing neighborhoods.
- Per Section 2.20.5 a Preliminary Plat must satisfy the following criteria: A Sketch Plat shall be required when an Applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership.\*

#### 2.20.5 (G) *Criteria for a Preliminary Plat*

The application is consistent with the approved Sketch Plat, if applicable. \*Not applicable in this request

- (1) *The application is consistent with the approved Sketch Plat, if applicable.*
  - (2) *The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;*
  - (3) *The proposed subdivision complies with the UDO and applicable state and federal regulations;*
  - (4) *The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;*
  - (5) *The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and*
  - (6) *The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.*
- Per Section 2.21.7 an Application for a Conditional Use Permit must satisfy the following criteria:

#### 2.21.7 *Criteria for a Conditional Use Permit*

A Conditional Use is permitted only if the Applicant demonstrates that:

- (A) *The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;*
  - (B) *The proposed conditional 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;*
  - (C) *Adequate public facilities shall be provided as set forth herein;*
  - (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;*
  - (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; and,*
  - (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 public hearing for the Conditional Use Permit will utilize the quasi-judicial hearing procedures set forth in UDO Section 2.14.
  - The entirety of the property is within the Little River #2 Intake (LR#2) Watershed.
  - This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality water portion of the Little River Intake #2 Watershed. Should the project exceed the 12% impervious level the project will be required to utilize BMPs for storm water management. Should the project exceed the 24% impervious level the project will be required to apply for the 5/70 Exemption from the Town Council as part of the CUP application.
    - The Watershed Protection Permit if approved will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.

**Attachments:**

- GIS Location
  - Application Materials
  - Criteria Narratives
  - Approved Minor Subdivision
  - Preliminary Plat
  - Future Land Use Map
-

**Planning Board Action:**

To either approve or deny a *Preliminary Plat* application, the Planning Board must make findings of fact and conclusions to the applicable standards. The Planning Board shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Planning Board shall then vote on whether the application complies with the criteria as set forth in Section 2.20.5 (G) Criteria for a Preliminary Plat, Criteria 1-6. The Planning Board may choose one of the following motions for recommendations or any alternative they wish:

**Finding of Fact #1**

- 1) I move to recommend that as a finding of fact that the application is complete and that the facts submitted are relevant to the case.

**Or**

- 2) I move to recommend that as a finding of fact the application is incomplete and/or that the facts submitted are not relevant to the case, in that.....

**Finding of Fact #2**

- 1) I move to recommend that as a finding of fact the application complies with Section 2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that .....

**Or**

- 2) I move to recommend that as a finding of fact the application does not comply with Section 2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that.....

The Planning Board shall vote on whether the proposed *Preliminary Plat* is consistent with *Comprehensive Long Range Plan* that has been adopted and any other officially adopted plan that is applicable. The Planning Board could make one of the following motions for recommendations or any alternative they wish:

**I move that we advise that:**

1. The proposed *Conditional Use Permit Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; or
2. The proposed *Conditional Use Permit Application* is not consistent with those documents that constitute the officially adopted land development plan or other applicable plans, in that .....

**Then:**

**I move to recommend to the Town Council:**

1. The approval of the Preliminary Plat;
2. The denial of the Preliminary Plat; OR
3. The approval of the Preliminary Plat with the following additional conditions...

To either approve or deny a *Conditional Use Permit* application, the Planning Board must make findings of fact and conclusions to the applicable standards. The Planning Board shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Planning Board shall then vote on whether the application complies with the criteria as set forth in Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F. The Planning Board may choose one of the following motions for recommendations or any alternative they wish:

**Finding of Fact #1**

- 1) I move to recommend that as a finding of fact that the application is complete and that the facts submitted are relevant to the case.

**Or**

- 2) I move to recommend that as a finding of fact the application is incomplete and/or that the facts submitted are not relevant to the case, in that.....

**Finding of Fact #2**

- 1) I move to recommend that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that....

**Or**

- 2) I move to recommend that as a finding of fact the application does not comply with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that.....

The Planning Board shall vote on whether the proposed *Conditional Use Permit* is consistent with *Comprehensive Long Range Plan* that has been adopted and any other officially adopted plan that is applicable. The Planning Board could make one of the following motions for recommendations or any alternative they wish:

**I move that we advise that:**

1. The proposed *Conditional Use Permit Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; or
2. The proposed *Conditional Use Permit Application* is not consistent with those documents that constitute the officially adopted land development plan or other applicable plans, in that .....

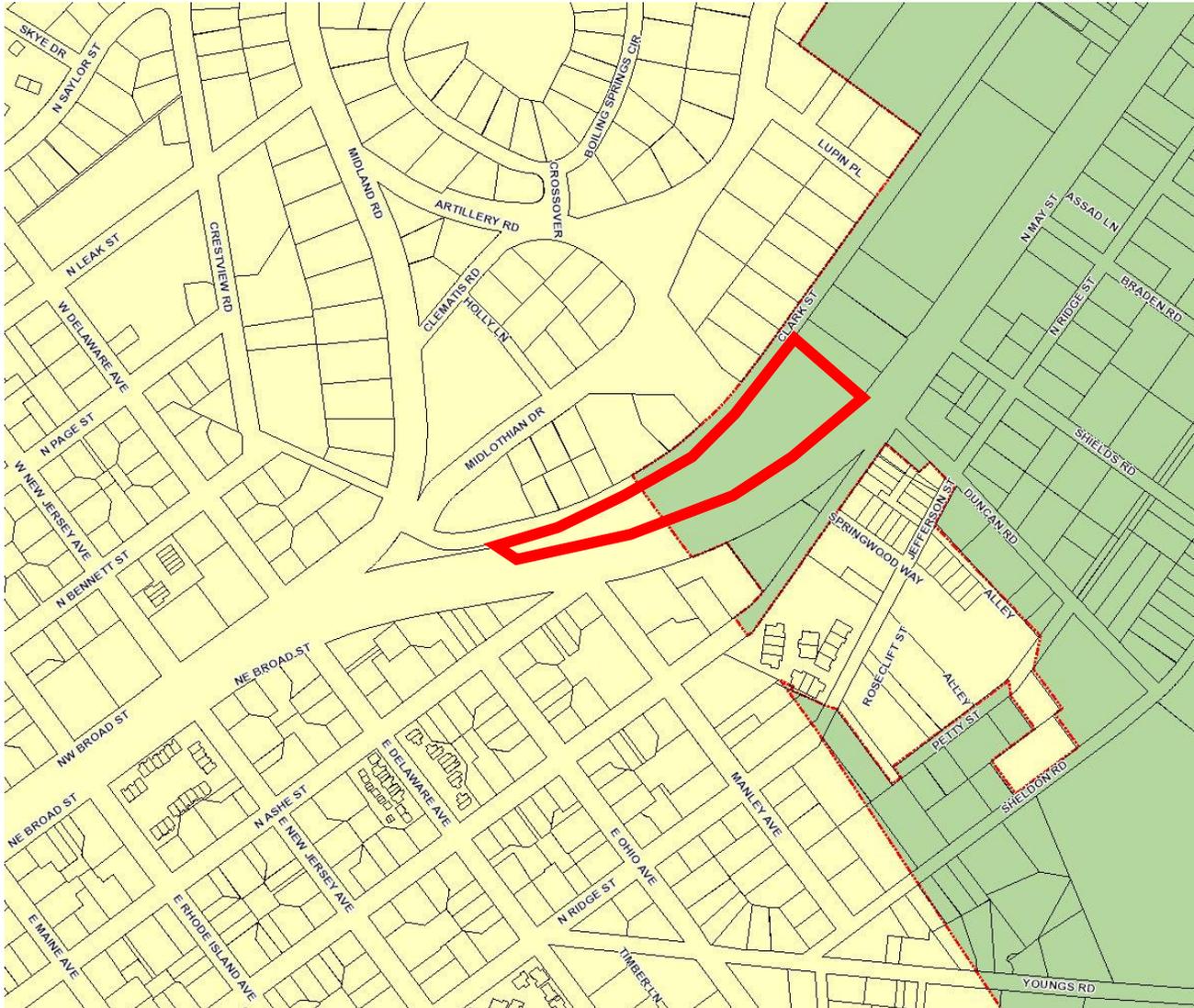
**Then:**

**I move to recommend to the Town Council:**

1. The approval of CU-03-16;
2. The denial of CU-03-16; OR
3. The approval of CU-03-16 with the following additional conditions...

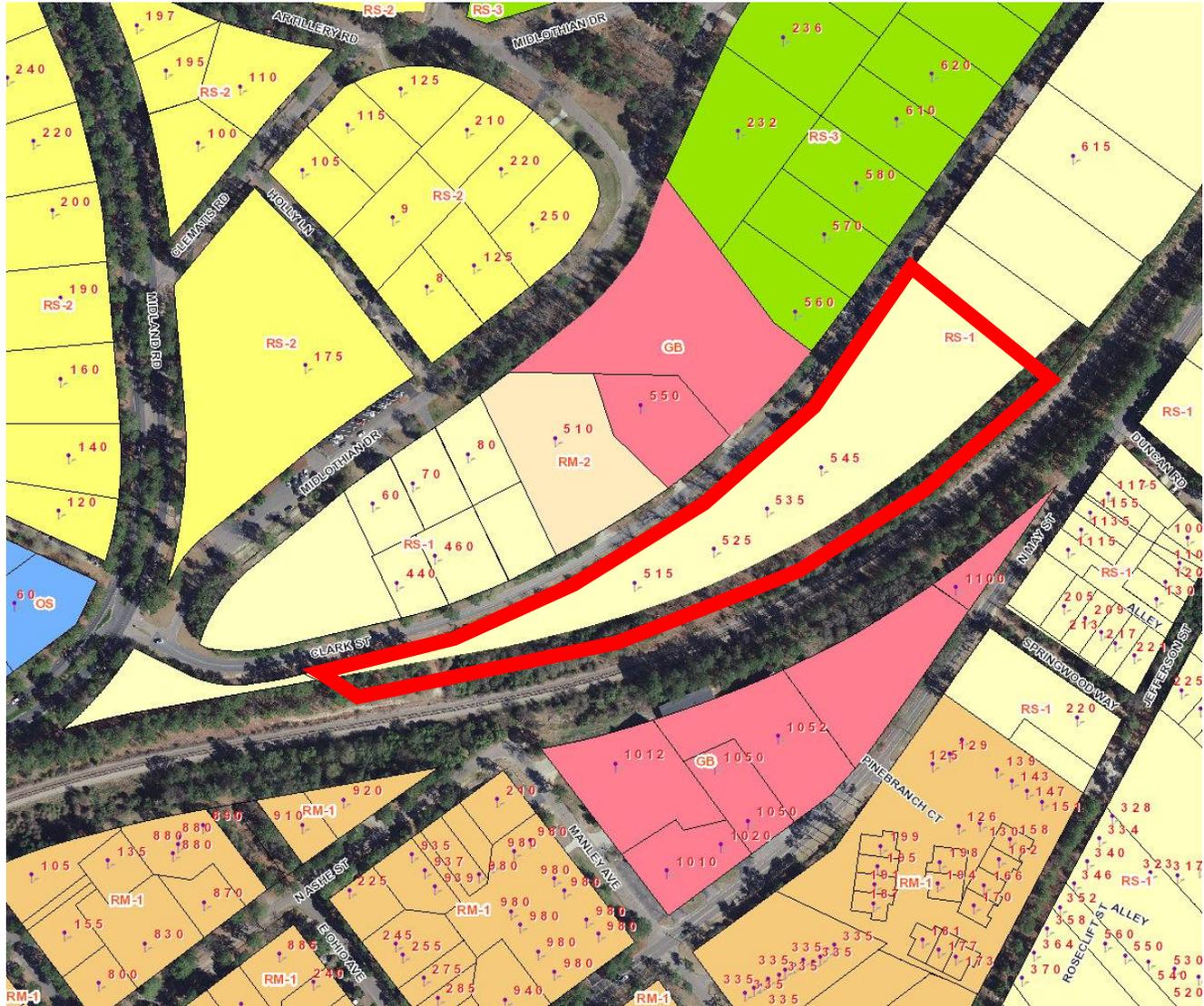
**CU-03-16 Major Subdivision**  
**PIN: 858200711051 (Parcel ID: 20150368)**

This map was created by the Town of Southern Pines Planning Department. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



# CU-03-16 Major Subdivision PIN: 858200711051 (Parcel ID: 20150368)

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# CU-03-16 Major Subdivision PIN: 858200711051 (Parcel ID: 20150368)

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RECEIVED  
FEB 17 2016  
BY: \_\_\_\_\_  
Date Received: \_\_\_\_\_

CU- 03-16

**Application for Conditional Use Permit  
Town of Southern Pines**

**To the Planning Board and Town Council:**

I, the undersigned, do hereby make application to and petition the Planning board and town Council to grant a Conditional Use Permit as required in the zoning Ordinance. In support of this application, the following facts are shown:

The property sought for Conditional Use is located on the east side of Clark (Street/Avenue), between Midland Road (Street Avenue) and Yadkin Road (Street/ Avenue). The address is Clark Street, also known as LRK # 20150368702 and PIN # 858200711051. It has a frontage of 1,400 feet and a depth of 235 feet, containing 4.62 acres.

The Conditional Use sought is based on Section(s) 2.20 Major Subdivision and 2.21 Conditional Use Permit of the *Town of Southern Pines Unified Development Ordinance*. The property in question is located in a RS-1 zoning district and is proposed for the following use:

\_\_\_\_\_  
Single Family Residences  
\_\_\_\_\_  
\_\_\_\_\_

The following are all individuals, firms or corporations owning property 200 feet adjacent to both sides and rear, as well as the property across the street/highway from the property described above or at least the 10 nearest property owners. Please see Town Staff for details on how to compute the required adjacent property list.

**List of Adjacent Properties**

1. Property owners' name: See attached

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

LRK #: \_\_\_\_\_

Adjacent Property Address: \_\_\_\_\_  
\_\_\_\_\_

2. Property owners' name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

I certify that all information furnished in this application is accurate to the best of my knowledge.

Petitioner Signature: *Robert Koontz*

Petitioner's Name: Robert Koontz

Petitioner's Mailing Address: Please Print

275 SE Broad Street

Southern Pines, NC 28387

Petitioner's email bkoontz@koontzdesign.com

Petitioner's Phone # (910) 639-4058

Cell# (910) 639-4058

Property owner's signature: *Michael W. Pugh*

Property owner's signature: \_\_\_\_\_

Property owner's Mailing Address: Please Print Bailey Pines, LLC

Po Box 2526

Southern Pines, NC 28388

Property owner's email \_\_\_\_\_

Property owner's Phone # (910) 690-1664

Cell # \_\_\_\_\_

**THE PETITIONER OR A REPRESENTATIVE OF THE PETITIONER IS EXPECTED TO ATTEND ALL MEETINGS TO BE AVAILABLE TO ANSWER QUESTIONS CONCERNING THE REQUEST.**

CLARK STREET ADJOINING PROPERTY OWNERS (WITHIN 200' OF PROPERTY BOUNDARY)

PIN	PARID	NAME	NAME2	ADDRESS	CITY	STATE	ZIP
858219604938	00036908	SOUTHERN PINES UNITED	METHODIST CHURCH, INC	175 MIDLAND RD	SOUTHERN PINES	NC	28387
858219604886	00035610	LEAK, VANESSA LORIANE	C/O VANESSA CESAR	440 CLARK ST	SOUTHERN PINES	NC	28387
858219711470	00039359	WHITTINGTON, MARY KYLE S	WHITTINGTON, JULIUS A	560 CLARK STREET	SOUTHERN PINES	NC	28387
858219703648	00038503	THELMA'S HOLDINGS, LLC		235 DUNCAN RD	SOUTHERN PINES	NC	28387
858220719134	00038781	SHORT, ROLAND	SHORT, THELMA	235 DUNCAN RD	SOUTHERN PINES	NC	28387
858219606443	00030759	ABSHER, ROBERT F		210 E MANLEY AVE	SOUTHERN PINES	NC	28387
858200717090	20150346	MOORE HL PROPERTIES, INC		55 WALNUT CREEK DR	PINEHURST	NC	28374
858219617079	00032727	SOUTHBOUND SALES, LLC		730 SOUTH BENNET ST STE A	SOUTHERN PINES	NC	28387
858200608497	20060137	BERKOSKI SOUTH, LLC		APARTADO 1011 00022			
858219619153	00037016	MURL INC		PO BOX 564	PINEBLUFF	NC	28373
858219712530	00032747	PAGET, DIANE P		PO BOX 2526	SOUTHERN PINES	NC	28388-2526
858220705837	00038787	THELMA'S HOLDINGS, LLC		235 DUNCAN RD	SOUTHERN PINES	NC	28387
858200707966	20150345	MOORE HL PROPERTIES, INC		55 WALNUT CREEK RD	PINEHURST	NC	28374
858200600625	20150367	BRADFORD VILLAGE, LLC	HARRIS, JOHNNY	PO BOX 2605	SOUTHERN PINES	NC	28387
858200707978	00038105	MOORE HL PROPERTIES, INC		55 WALNUT CREEK DR	PINEHURST	NC	28374
858200718032	20140273	DENT, JOSHUA J	DENT, PAMELA A	1195 N MAY STREET	SOUTHERN PINES	NC	28387
858219602480	00036783	COMTE, DAVID ANDREW &	MINTA MICHELE	910 N ASHE ST	SOUTHERN PINES	NC	28387-4908
858219713509	00032749	LAHR, WESTON		580 CLARK STREET	SOUTHERN PINES	NC	28387
858200711051	20150368702	BRADFORD VILLAGE, LLC	HARRIS, JOHNNY	PO BOX 2605	SOUTHERN PINES	NC	28387
858200715387	99000098	SPENCER, JASPER D	SPENCER, DELORES T	785 CLARK ST	SOUTHERN PINES	NC	28387-3106
858219605980	00039860	VAN CAMP, STEPHEN SCOTT& MARIA		701 HELEN AVE	CHESAPEAKE	VA	23322-4706
858200701546	00991747	SANDHILLS BONDED WAREHOUSE,	INC	PO BOX 592	SOUTHERN PINES	NC	28388
858219603484	00036492	JAMES, RICHARD L		435 S MAY STREET	SOUTHERN PINES	NC	28387-6017
858200716458	99000096	SPENCER, JASPER D	SPENCER, DELORES T	785 CLARK ST	SOUTHERN PINES	NC	28387-3106
858219713679	00035779	TUGGLE, CURTIS		1421 FRANKLIN DELL	EL PASO	TX	79912-7481
858200711051	20150368701	BRADFORD VILLAGE, LLC	HARRIS, JOHNNY	PO BOX 2605	SOUTHERN PINES	NC	28387
858219606975	00039861	VAN CAMP, STEPHEN SCOTT& MARIA		701 HELEN AVE	CHESAPEAKE	VA	23322-4706
858219603804	00039871	SOUTHERN PINES UNITED	METHODIST CHURCH, INC	175 MIDLAND RD	SOUTHERN PINES	NC	28387

**CLARK STREET PROPERTY  
CONDITIONAL USE PERMIT NARRATIVE**

The development of the property described as the Clark Street Property in the submitted exhibits is planned to be a single-family subdivision of lots along Clark Street near the downtown area of Southern Pines. The 5.99-acre property located off of Clark Street between Midland Road and Yadkin Road is located in the (RS-1) single-family residential zoning district. The RS-1 zoning allows primarily medium-density residential uses (10,000 sf lots) as stated in Section 3.5.3 of the Town of Southern Pines Unified Development Ordinance.

This conditional use permit application proposes nine (9) single-family residential lots and a single open space lot to be developed on the property. Residential lots will meet or exceed the 10,000 sf requirements of the RS-1 zoning district and provide building setbacks as required. In November of 2015, a minor subdivision was approved which divided the property in to five (5) lots. This Conditional Use Permit request further subdivides lot #5 into an additional five (5) lots, creating a total of ten (10) lots from the original tract which requires a major subdivision and Conditional Use Permit.

The development will meet the development standards for RS-1 district and any other Town of Southern Pines UDO requirements. Lots will be accessed through driveways off of Clark Street. An open space area of approximately 1.3 acres on a separate subdivided lot will be provided on the western end property and behind the individual lots. This area of open space will be utilized for built upon area calculations of the individual lots and to provide additional buffer from the railroad tracks.

Adequate water and sewer service can be provided by the Town of Southern Pines to service this development. Utilities are currently within close proximity, along the streets and adjacent properties near the proposed site. All utilities on the site will be located underground.

The descriptions and conditions described above will apply to the entire project as indicated in the Conditional Use Permit application and preliminary plat.



## EXHIBIT A

### Clark Street Property Conditional Use Permit Justification

Below are listed the six (6) criteria required to approve a Conditional Use Permit application as described in Section 2.21.7 of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria. A Conditional Use is permitted only if the Applicant demonstrates that:

- (A) The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

The proposed development will comply with all regulations of the RS-1 zoning district and any applicable supplemental use regulations. A lots created will meet the minimum lot size requirement of 10,000 sf and provide appropriate setbacks for the RS-1 zoning district. Access will meet the Town's requirements as all lots front to the existing Clark Street and are consistent with the rest of the surrounding neighborhood.

- (B) The proposed conditional 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 conditional use meets the standards of the zoning district and is in character with the surrounding properties. Uses directly across Clark Street from this property include other RS-1 zoned properties, GB (General Business) and RM-2(Residential Mixed Housing (5-7 DU/ac) uses. The subdivision and increased number of units of the RS-1 parcel are compatible with all these surrounding uses.

- (C) Adequate public facilities shall be provided as set forth herein;

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. The lots front the existing Clark Street and are configured in the same manner as most other lots along Clark Street. These lots will have adequate access to accommodate emergency and waste removal vehicles.

- (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;

This project will not impede the development of surrounding properties as it is in conformance with the surrounding development and zoning classifications as described in Item B of this exhibit.

- (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; and

This residential neighborhood will continue the existing development pattern in the neighborhood and will conform to all development standards of the UDO and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding neighborhood.

- (F) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that

## EXHIBIT A

The conditional use is in compliance with the established development pattern and is in context with the underlying zoning district. This project is also consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines. The development pattern also meets the landuse goals defined by the CLRP by adding development where public utilities are available and developing infill locations near downtown Southern Pines

## EXHIBIT B

### CLARK STREET PROPERTY PRELIMINARY PLAT JUSTIFICATION

Below are listed the six (6) criteria required to approve a Preliminary Plat application as described in Section 2.20.5 (G) Criteria of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

(1) The application is consistent with the approved Sketch Plat, if applicable.

Not Applicable

(2) The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;

This project is consistent with the goals and objectives of the CLRP and establishes a development pattern that is in context with the surrounding neighborhood and the projects area of Southern Pines. The development pattern also meets the landuse goals defined by the CLRP by adding development where public utilities are available and developing infill locations near downtown Southern Pines.

(3) The proposed subdivision complies with the UDO and applicable state and federal regulations;

This proposed preliminary plat complies with the UDO based on the requests for a Conditional Use Permit (CUP) for the property.

(4) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;

The proposed subdivision is compatible and consistent with the existing RS-1 (Residential Single-Family (10,000 sf Lots)) zoning district of the property. All residential lots proposed on the preliminary plat meet the size, density and setback requirements of the current RS-1 Zoning District. The development complies with the standards of the UDO as described for the RS-1 zoning district. Lot sizes, density, site access and circulation are permissible and compatible with the existing RS-1 district zoning classification.

The surrounding properties are developed in a similar manor as the proposed preliminary plat. Uses directly across Clark Street from this property include other RS-1 zoned properties, GB (General Business) and RM-2 (Residential Mixed Housing (5-7 DU/ac) uses. The subdivision and increased number of units of the RS-1 parcel are compatible with all these surrounding uses. Site access is provided from Clark Street and provides adequate vehicular circulation for all types of vehicles including emergency and waste removal vehicles.

(5) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

This proposed subdivision is compatible with the adjacent properties and will not be detrimental to the adjacent properties.

(6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development;

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. The lots front the existing Clark Street and are configured in the same manner as most other lots along Clark Street. These lots will have adequate access to accommodate emergency and waste removal vehicles.





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# Future Land Use Map: Proposed Major Subdivision CU-03-16



 = Subject Property

**Legend**

Urban Reserve		Southern Pines ETJ	
Rural Equestrian		Town Limits	
Low-Density Residential		Downtown Overlay	
Residential		WSP Overlay	
Commercial			
Industrial			
Traditional Mixed Use			
Facilities Resources Recreation			


**Future Land Use Map**  
 Long-Range Comprehensive Plan – April, 2010  
 Map Updated - September, 2010  
 \* Approved City Limits Additions (12/31/09)  
 \*\* Area off Airport Road changed from Residential Use to Traditional Mixed Use

