



AGENDA

**Town of Southern Pines Planning Board Meeting
Douglass Community Center
1185 W. Pennsylvania Avenue
September 22, 2016 at 7:00 p.m.**

I. Call to Order

II. Approval of Minutes

III. Public Hearings:

CU-06-16 Conditional Use Permit: Major Modification to CU-01-11 for a Daycare; Tyler's Ridge; Petitioner: Building Blocks Early Education Center

Z-03-16 Request to Rezone Property from PD to GB; 195 Short Street; Petitioner: Tammy Lyne

Z-04-16 Request to Rezone Property from PD to GB; 00048374; Petitioner: Tammy Lyne

IV. Old Business

V. New Business

VI. Adjournment

Agenda Item

To: Planning Board

Via: Bart Nuckols, Planning Director

From: Chris Kennedy, Senior Planner

Subject: CU-06-16 Conditional Use Permit: Major Modification to CU-01-11 for a Daycare; Tyler's Ridge; Petitioner, Building Blocks Early Education Centers

Date: September 22, 2016

CU-06-16 Conditional Use Permit: Major Modification to CU-01-11 for a Daycare; Tyler's Ridge; Petitioner, Building Blocks Early Education Centers

On behalf of the petitioner, Building Blocks Early Education Centers, Mr. Perry Melton has submitted a request for a major amendment to Conditional Use Permit CU-01-11. The approval of CU-01-11 approved a mixed-use development off of NC Highway 22 to include a commercial business park, a residential apartment section, and three (3) single-family homes. Mr. Melton is seeking a Major Amendment to the previously approved Conditional Use Permit to remove the requirement for the single-family homes in favor of a daycare center to be constructed on the same lots designated for single-family development. The subject property is comprised of 1.48 acres with the entirety of the subject property located within the corporate limits of the Town of Southern Pines. The subject property is identified by the following: PIN: 857300969695 (PARID: 00035939); PIN: 857300969508 (PARID: 20110241); and PIN: 857300967690 (PARID: 20110242). Per the Moore County Tax records, the property owner(s) are listed as Tyler's Ridge Business Park, LLC.

Analysis:

The subject property is identified as Commercial in the CLRP. Per the *Comprehensive Long Range Plan 2015-16 Update*:

Commercial: 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.

Staff Comments:

- The subject properties comprise approximately 1.48 acres included in the Tyler's Ridge development.
- The subject property is currently zoned PD (Planned Development).
- The neighboring properties are zoned PD (Planned Development) and FRR (Facilities, Resources, Recreation).

- The Tyler’s Ridge development was approved under a Conditional Use Permit, CU-01-11, which specifies the permitted land uses for the development. The approved Site Plan lists the following:
 - “Commercial: (As shown, exact design and layout to be determined by actual use and will be subject to approval by Planning Board and Town Council)
 - Lot 6 (Retail Use): 30,425sf of building space
 - Proposed Parking: 152 spaces (152 spaces required @ 1/200sf)
 - Lot 7 (Restaurant Use): 6,500sf of building space
 - Proposed Parking: 48 spaces + 17 shared from Lot #6 (65 spaces required @ 1/100sf)
 - Lot 8 (Retail Use): 14,490sf of building space
 - Proposed Parking: 72 spaces (72 spaces required @ 1/200sf)
 - Lot 9* (Service Use): 12,000sf of building space
 - Proposed Parking: 48 spaces (30 spaces required @ 1/400sf)
 - *this lot is actually part of Lot 6 on the site plan, it is not subdivided off as an individual parcel, however per the site plan sheet detail it is listed as Lot 9
 - TOTAL (As Shown on Site Plan): 63,415sf of building space
 - Proposed Parking: 320 spaces
 - Proposed Impervious Surface: 258,477sf
 - Optimum Build-out: 64,000sf GB Commercial Building Space
 - Maximum Impervious Surface: 355,946sf (65% of Commercial Lots)
 - Maximum Parking: 320 Spaces (1 per 200sf of building space) or as required by Town development ordinance”
- The Conditional Use Permit lists the commercial development project area as “Neighborhood Commercial” however the land uses permitted in the commercial development project area should follow the land uses permitted in the GB (General Business) zoning classification. However regardless of zoning classification the following land uses are not permitted: Land uses under the Land Use Code 1300 (formerly the Use 1.540) Hotels, Motels, and Similar Businesses or Institutions providing overnight accommodation; Use Code 2540 (formerly Use 8.20) Bars, Night Clubs; Use Code 4222 (formerly use 6.12) Movie Theaters.
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed.
- The area designated for the requested modification to the approved CUP 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.
 - The requested modification will likely trigger the UDO requirements for the developer to apply for the 5/70 exemption for area currently designated as single-family lots in conjunction with the CUP Major Modification.

- Currently, only the previously approved commercial section is permitted the 5/70 exemption and that portion of the development is further limited to a maximum of a 65% impervious level per the CUP conditions applied to CU-01-11.
- The applicant has submitted an application for the 5/70 Exemption under Watershed Protection Permit application WP-03-16.
- RLUAC (Regional Land Use Advisory Commission) and the US Fish & Wildlife Service will provide comments prior to the Town Council public hearing.
- Per UDO Section 2.21.13 Conditional Use Permit Amendments are subject to the following standards:
 - A. An amendment is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid CUP.
 - B. Minor CUP amendments may be authorized by the Planning Director for shifts in on-site location and changes in height, area, or intensity of development by less than five (5) percent, or a five (5) percent or less increase in either impervious surface or floor area over what was originally approved provided that such minor changes comply with the following criteria:
 - 1.No previous minor modification has been granted pursuant to this section;
 - 2.There will be no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor;
 - 3.Nothing in the currently valid CUP precludes or otherwise limits such amendment; and,
 - 4.The proposal conforms to the UDO and is in keeping with the spirit and intent of any adopted comprehensive plan.
 - C. Major CUP amendments are any proposed amendment other than those defined above as Minor CUP amendments and shall be approved in the same manner and under the same procedures as the original approval.
- 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.*

Attachments:

- GIS Location
 - Application Materials
 - Criteria Narratives
 - Vicinity Map
 - Proposed Recombination Plat
 - Proposed Site Plan
 - Future Land Use Map
-

Planning Board Action:

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, in that...

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; in that...

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...

I move to recommend to the Town Council:

1. The approval of CU-06-16;
2. The denial of CU-06-16; OR
3. The approval of CU-06-16 with the following additional conditions...

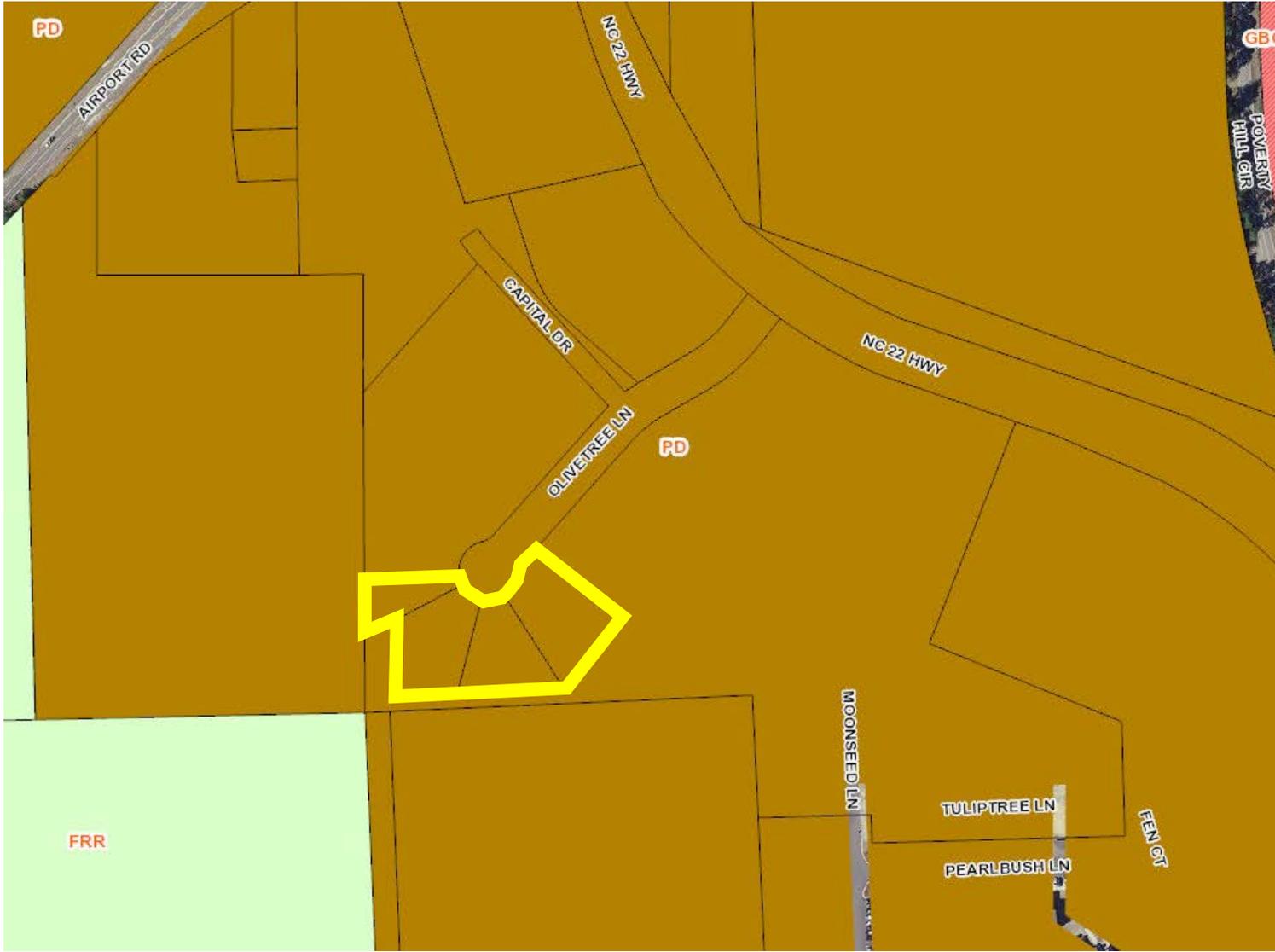
CU-06-16 Tyler's Ridge (Vicinity and Corporate Limits Map) Request for Major Amendment to CU-01-11

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CU-06-16 Tyler's Ridge (Zoning Map) Request for Major Amendment to CU-01-11

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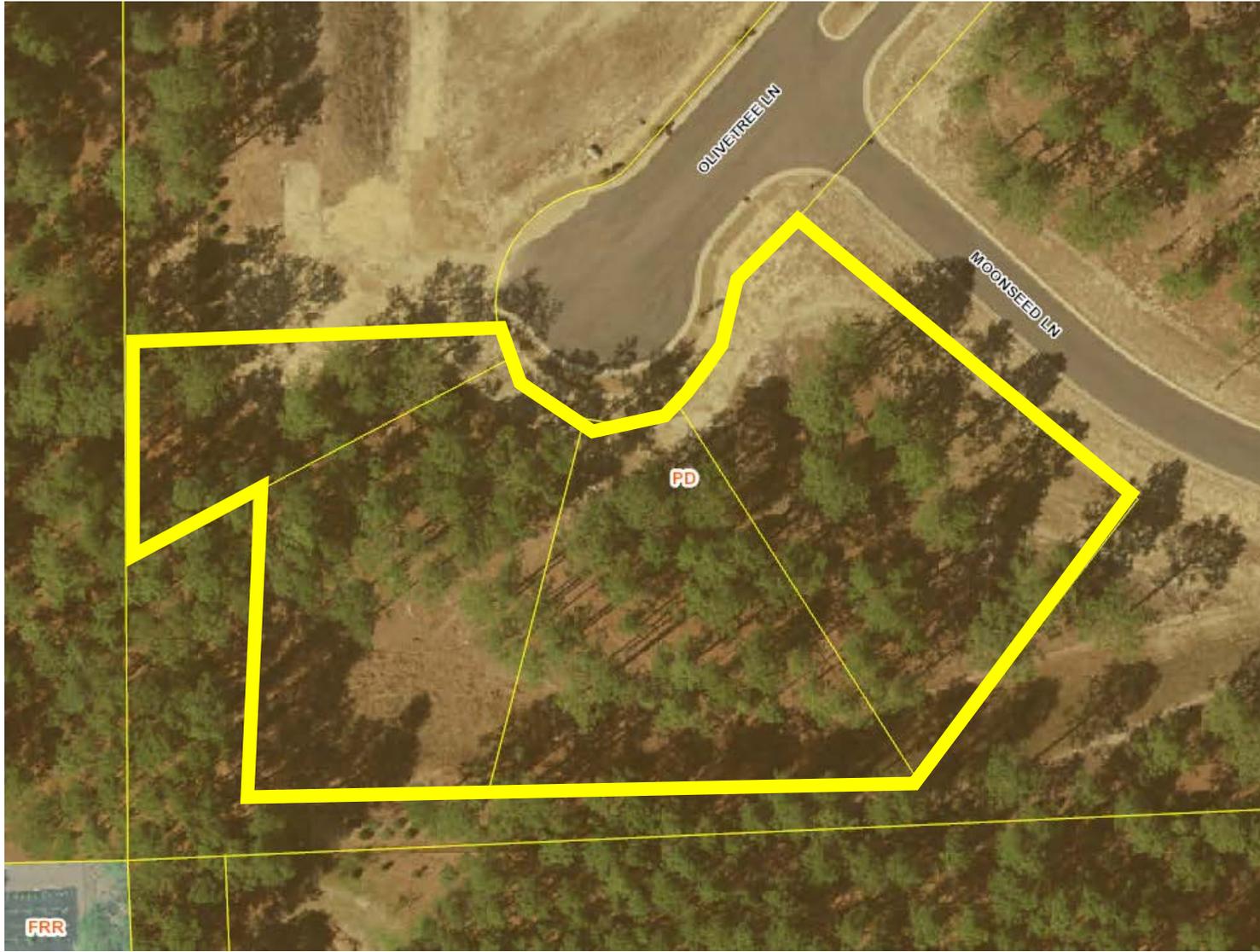
CU-06-16 Tyler's Ridge (Zoning with Aerials Map) Request for Major Amendment to CU-01-11

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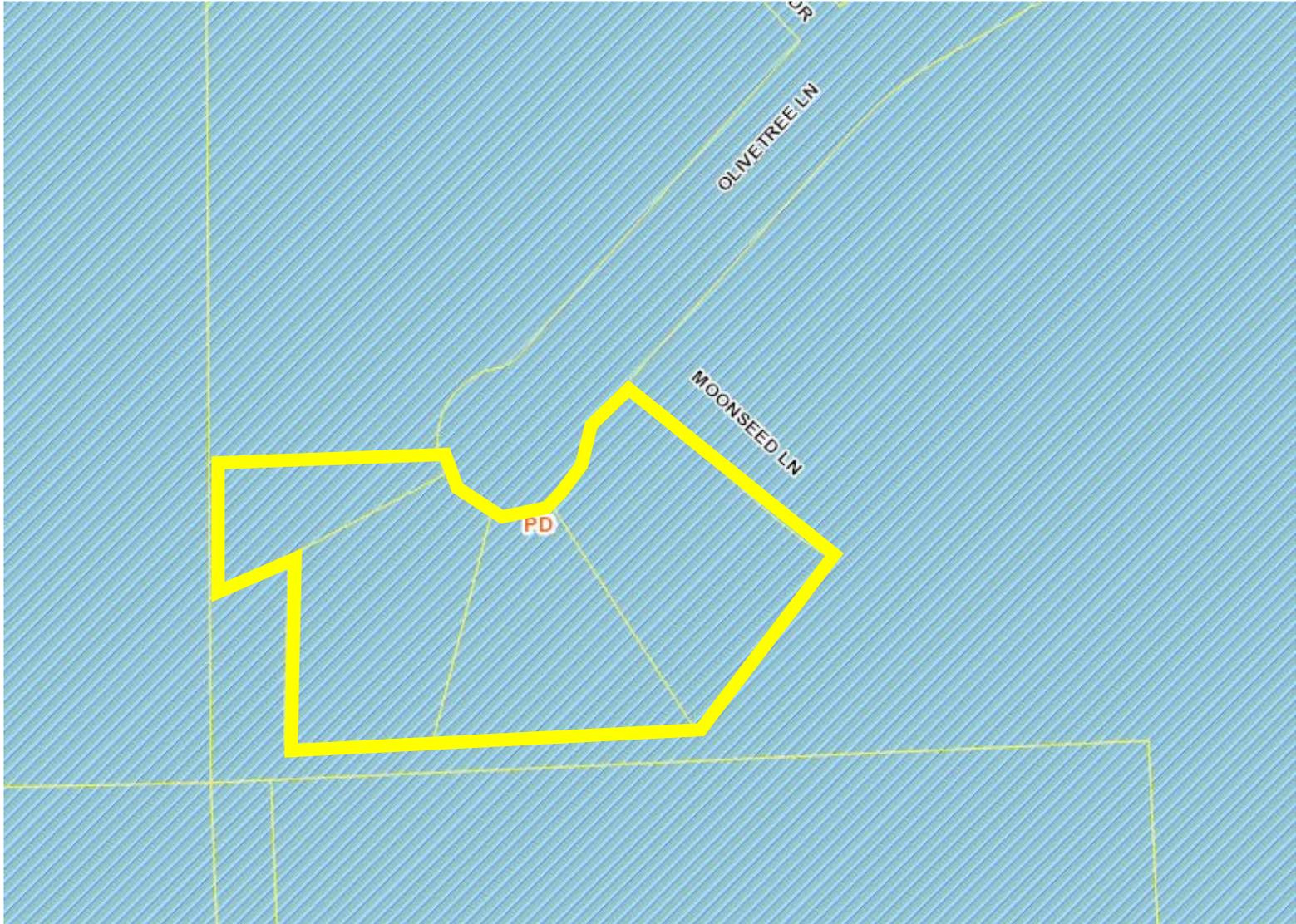
CU-06-16 Tyler's Ridge Request for Major Amendment to CU-01-11

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**CU-06-16 Tyler's Ridge (Watershed Map)
Request for Major Amendment to CU-01-11**

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CU-06-16

Date Received: 8/22/16

**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 South side of Olivetree LN (Street/Avenue), between Moonseed Ln (Street Avenue) and Olivetree Ln (Street/ Avenue. The address is _____, also known as LRK # ^{20110241, 20110242, 0035939} and PIN # ^{857300969508, 857300967690, 85730969695}. It has a frontage of 150 feet and a depth of 190 feet, containing 1.48 acres.

The Conditional Use sought is based on Section(s) 2.21.13 Conditional Use Permit of the Town of Southern Pines Unified Development Ordinance. The property in question is located in a PD zoning district and is proposed for the following use: Land Use-Daycare-LBCS code 6562

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

- Property owners' name: Tylers Ridge Phase II LLC
Mailing Address: 5715 S. 108th St.
Hales Corners, WI. 53130
LRK #: 0003577
Adjacent Property Address: 500 Moonseed LN
Carthage, NC. 28327
- Property owners' name: Sandhills Community College
Mailing Address: 3395 Airport Rd.
Pinehurst, NC. 28374

LRK #: 00033106

Adjacent Property Address: 3395 Airport Road
Pinehurst, NC. 28374

3. Property owners' name: Donald & Short Betsy Frye-Phibbs, Clara Mae Frye

Mailing Address: 12691 Third Branch Court
Chesterfield, VA. 22832

LRK #: 00033603

Adjacent Property Address: 3141 Airport Rd
Carthage, NC. 28327

4. Property owners' name: Southern Pines Ace Land Company, LLC

Mailing Address: 26 Goldenrod Drive
Carthage, NC. 28327

LRK #: 20150296

Adjacent Property Address: 215 Capital Dr.
Carthage, NC. 28327

5. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

6. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

7. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

8. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

9. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

10. Property owners' name: _____

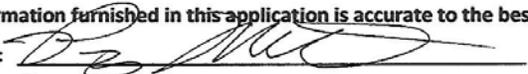
Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

Please note that if you have more than (10) ten adjacent property owners, please use additional sheets, if necessary. Please include a stamped envelope addressed to each adjacent property owner with the following return address: Town of Southern Pines, Attn: Planning Department, 180 SW Broad Street, Southern Pines, NC 28387

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

Petitioner Signature: 
Petitioner's Name: Perry S. Melton

Petitioner's Mailing Address: **Please Print**
351 Wanoner Dr. Ste 329
Fayetteville, NC. 28303-4608

Petitioner's email pmelton@bbeec.com
Petitioner's Phone # 910-703-8714
Cell# 910-476-1260

Property owner's signature: James B. O'Malley Digitally signed by James B. O'Malley
DN: cn=James B. O'Malley, o=CU, email=jomalley@wiselfstorage.com, c=US
Date: 2016.09.06 08:45:53 -0500
Property owner's signature: _____

Property owner's Mailing Address: **Please Print**
Tyler's Ridge Buisness Park LLC
5715 S. 108th St.
Hales Corners, WI. 53130
Property owner's email jomalley@wiselfstorage.com
Property owner's Phone # _____
Cell # 414-573-0855

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

Adjacent Property Owners

PIN:857300967690
 PARID:20110242
 NAME:TYLER'S RIDGE BUSINESS
 PARK, LLC
 ADDRESS:5715 S 108TH ST
 CITY:HALES CORNERS
 STATE:WI
 ZIP:53130

PIN:857300969508
 PARID:20110241
 NAME:TYLER'S RIDGE BUSINESS
 PARK, LLC
 ADDRESS:5715 S 108TH ST
 CITY:HALES CORNERS
 STATE:WI
 ZIP:53130

PIN:857300969695
 PARID:00035939
 NAME:TYLER'S RIDGE BUSINESS
 PARK, LLC
 ADDRESS:5715 S 108TH ST
 CITY:HALES CORNERS
 STATE:WI
 ZIP:53130

PIN:858300064627
 PARID:00035777
 NAME:TYLER'S RIDGE PHASE II,
 LLC
 ADDRESS:5715 S 108TH ST
 CITY:HALES CORNERS
 STATE:WI
 ZIP:53130

PIN:858309060116
 PARID:00033106
 NAME:SANDHILLS COMMUNITY
 COLLEGE
 NAME2:BOARD OF TRUSTEES
 ADDRESS:3395 AIRPORT RD
 CITY:PINEHURST
 STATE:NC
 ZIP:28374

PIN:857312967113
 PARID:10001650
 NAME:SANDHILLS COMMUNITY
 COLLEGE
 NAME2:BOARD OF TRUSTEES
 ADDRESS:3395 AIRPORT RD
 CITY:PINEHURST
 STATE:NC
 ZIP:28374

PIN:857312859168
 PARID:00991683
 NAME:MOORE COUNTY
 COMMUNITY COLLEGE
 NAME2:BOARD OF TRUSTEES
 ADDRESS:2200 AIRPORT RD
 CITY:PINEHURST
 STATE:NC
 ZIP:28374

PIN:857300968934
 PARID:20150296
 NAME:SOUTHERN PINES ACE
 LAND
 NAME2:COMPANY, LLC
 ADDRESS:26 GOLDENROD
 DRIVE
 CITY:CARTHAGE
 STATE:NC
 ZIP:28327

PIN:858300071202
 PARID:20110244
 NAME:TYLER'S RIDGE BUSINESS
 PARK, LLC
 ADDRESS:5715 S 108TH ST
 CITY:HALES CORNERS
 STATE:WI
 ZIP:53130

PIN:857300977318
 PARID:20110243
 NAME:TYLER'S RIDGE BUSINESS
 PARK, LLC
 ADDRESS:5715 S 108TH ST
 CITY:HALES CORNERS
 STATE:WI
 ZIP:53130

PIN:857300979522
 PARID:20110245
 NAME:TYLER'S RIDGE BUSINESS
 PARK, LLC
 ADDRESS:5715 S 108TH ST
 CITY:HALES CORNERS
 STATE:WI
 ZIP:53130

PIN:857300963887
 PARID:00033603
 NAME:FRYE, DONALD & SHORT,
 BETSY FRYE &
 NAME2:PHIBBS, CLARA MAE
 FRYE
 ADDRESS:12671 THIRD BRANCH
 COURT
 CITY:CHESTERFIELD
 STATE:VA
 ZIP:23832

PIN:857300973377
 PARID:20120310
 NAME:FRYE, JAMES FLOYD &
 SARAH H
 ADDRESS:3139 AIRPORT ROAD
 CITY:CARTHAGE
 STATE:NC
 ZIP:28327

PIN:857312975402
 PARID:00033605
 NAME:FRYE, FLOYD
 ADDRESS:3139 AIRPORT RD
 CITY:CARTHAGE
 STATE:NC
 ZIP:28327-9524

PIN:857308975509
 PARID:00033604
 NAME:FRYE, FLOYD
 ADDRESS:3139 AIRPORT RD
 CITY:CARTHAGE
 STATE:NC
 ZIP:28327-9524

PIN:857300976723
 PARID:00032134
 NAME:COUNTY OF MOORE
 ADDRESS:PO BOX 905
 CITY:CARTHAGE
 STATE:NC
 ZIP:28327

PIN:857308977773
PARID:00039999
NAME:COUNTY OF MOORE
ADDRESS:PO BOX 905
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:858300075920
PARID:00039998
NAME:COUNTY OF MOORE
ADDRESS:PO BOX 905
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:858300071652
PARID:20110225
NAME:O'MALLEY, JAMES B
TRUSTEE &
NAME2:O'MALLEY, SHELLEY J
TRUSTEE
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:858305072651
PARID:98000811
NAME:COUNTY OF MOORE
ADDRESS:PO BOX 905
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:858309077445
PARID:00032996
NAME:COUNTY OF MOORE
ADDRESS:PO BOX 905
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:858300078028
PARID:20110224
NAME:O'MALLEY, JAMES B
TRUSTEE &
NAME2:O'MALLEY, SHELLEY J
TRUSTEE
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:858300264784
PARID:00037592
NAME:PINEHURST AREA REALTY,
INC
ADDRESS:PO BOX 1511
CITY:PINEHURST
STATE:NC
ZIP:28370

PIN:858309262021
PARID:00037593
NAME:PINEHURST AREA REALTY,
INC
ADDRESS:PO BOX 1511
CITY:PINEHURST
STATE:NC
ZIP:28370

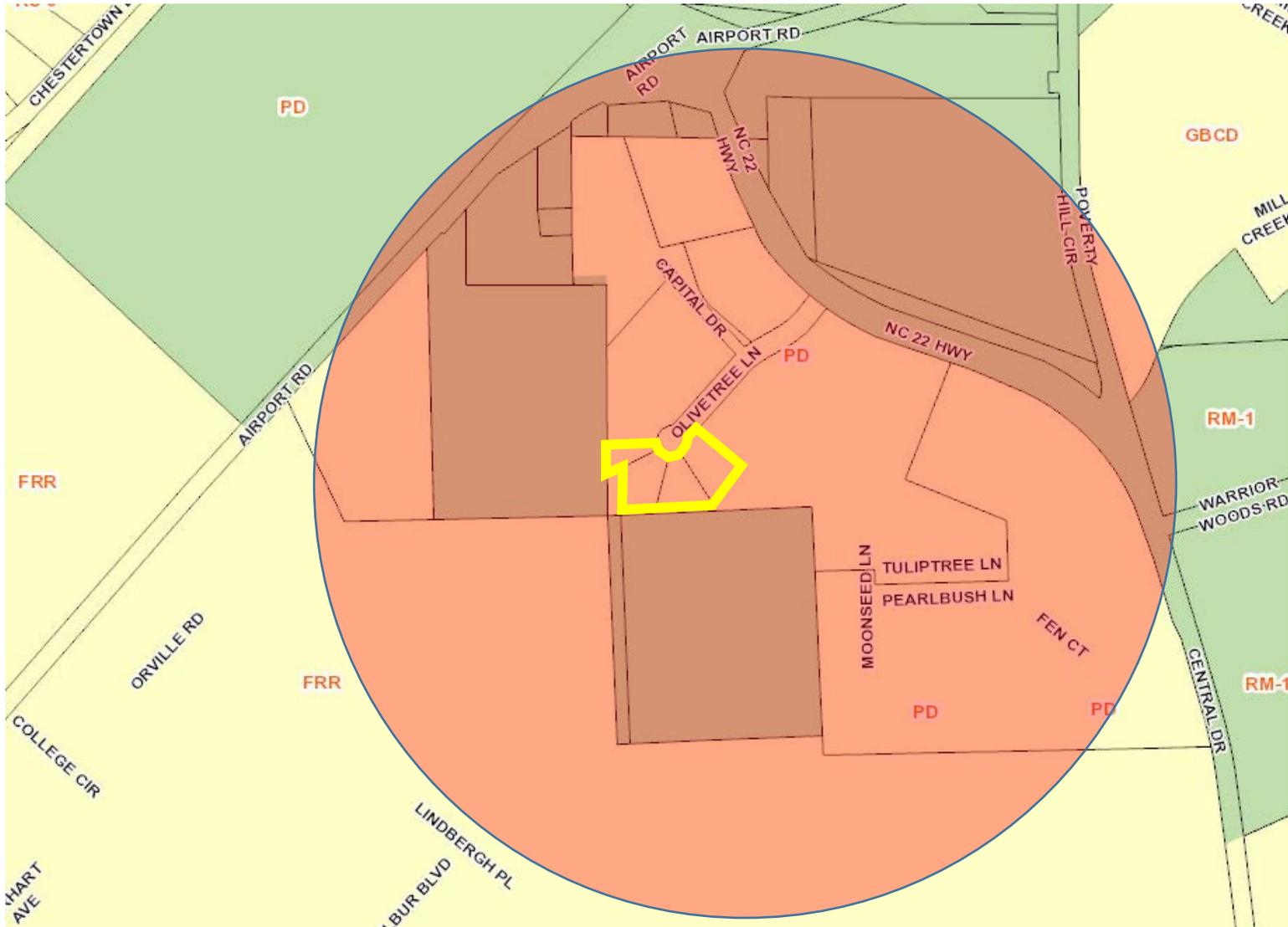
PIN:858300176636
PARID:20070989
NAME:MILL CREEK PARTNERS,
LLC
ADDRESS:PO BOX 1511
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:857308878977
PARID:00038510
NAME:SANDHILLS COMMUNITY
COLLEGE
ADDRESS:3395 AIRPORT RD
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:857312868871
PARID:00037050
NAME:SANDHILLS COMMUNITY
COLLEGE
NAME2:BOARD OF TRUSTEES
ADDRESS:3395 AIRPORT RD
CITY:PINEHURST
STATE:NC
ZIP:28374

CU-06-16 Tyler's Ridge (Adjacent Property Owners Map) Request for Major Amendment to CU-01-11

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Narrative for a CUP Amendment

CUP History

I would like to demonstrate why I am asking for an amendment to the existing Conditional Use Permit established under the old UDO and why the Proposed Amended Conditional Use Permit complies with all of the regulations of the new UDO applicable to the zoning district use regulations and outlined as modifying reasons in Section 2.21.7(A-F).

(A) The existing CUP was created prior to the new UDO being adopted and at the time, the old UDO required the 3 single family lots as part of the CUP approval. However, the new adopted UDO does not require any single family lots as part of a CUP approval or an amended CUP.

(B) As it is now, the 3 single family lots are not harmonious with the character of the neighborhood located immediately adjacent to commercial development. The use and enjoyment of the 3 single family residents would constantly be at odds with commercial deliveries to ACE Hardware's loading dock area which faces directly at their homes. However, the location of the 3 single family lots is ideal for a daycare being at the end of a cult-de-sac street and not in a high traffic location as appose to a location near the front of the commercial area where small children are being picked up and dropped off with the potential of cars flying by.

(C) The existing public facilities such as the roads and utilities are already available.

(D) The proposed daycare use will 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. In fact, the daycare is an extension to the already existing educational uses surrounding the property such as the O'Neal School, SCC and the future new high school. In contrast, the original CUP approved 3 single family lots, would in fact have on going issues, complaining about noise, lights and traffic diminishing the use of the other commercial businesses and impairing the property value of the single family homes.

(E) The location of the daycare on the 3 single family lots is a safe environment for the kids not only when being dropped off and picked up away from drive thru traffic but the whole daycare business is concern with the public health, safety, comfort and general welfare of the parents and especially the kids. The outside play areas are fenced in and video cameras record all activities inside and outside. The existing CUP, with 3 single family lots put the family members at potential risk of vandalism, thief, inattentive drivers, and the adjacent businesses have the potential of causing an attractive nuisance that attract kids and cause potential harm.

(F) The public interest and welfare of a well-run daycare which is open only on weekdays and until 6pm will be a benefit to the community and should not adversely affect any establishment or existing neighboring property owner.

Below is a little bio of who Building Block Day Care is and how they plan to be as a new business in Southern Pines.

Introduction

We would like to take this opportunity to introduce you to Building Blocks Early Education Centers. We are early childhood development centers with a focus on Christian values. It is our priority to make families feel at home in our centers.

Building Blocks Early Education Center (BBEEC) provides child care as well as child development for children ages six weeks to twelve years. The first years of a child's life are the most important for his/her development. We solidly support and believe the science proving the first three years of life being the most crucial for brain development for humans. Therefore; we have developed a program that specializes in early brain development for children. This program includes the specific design of our facilities, the manipulatives (specialized toys and learning tools) used by the children, the curriculum, and our staff education.

Our classrooms are equipped with age-appropriate manipulatives to help children learn developmental milestones. BBEEC's curriculum includes learning centers including: art, science, blocks and writing, both large and small group time, and outdoor activities.

All teachers are first aid and CPR certified and receive twenty hours of continuing education each year beyond state requirements. We complete criminal background checks on all staff members before they join our team. Each classroom has a video security camera that is visible to administration. Our hours of operation are 5:30 AM to 6:00 PM Monday through Friday.

Quality

BBEEC has developed a reputation of quality. All centers are NAEYC accredited, which is the highest accreditation nationally in childcare. Our Cameron center has a four star rating, while the Hoke and Cumberland centers have five star ratings. We have been voted by People's Choice Awards (Fayetteville Observer) the best child care in the area for the past two years. We currently serve private pay and NACCRA (military subsidy), and are one of the largest providers nationally. We provide NC Pre-K, being one of the largest providers in Cumberland County. We serve DSS in all three counties including: Hoke Harnett, and Cumberland. Our center participates in the Federal Food Program. All meals are routinely evaluated to meet the requirements of the USDA. Breakfast, lunch, and an afternoon snack are provided for all children in attendance

Mission

The primary mission of Building Blocks Early Education Centers is to provide a loving and nurturing Christian environment that enhances the development of the "whole" child. Our development center is a home away from home for every participating child. We want to assist working parents with affordable childcare while helping them feel at ease with the daily separation from their children. Our educational programs will enable each child to develop a positive, Christian attitude toward learning and developing

responsibility, self-discipline, and self-esteem. Our vision is to see children who:

- feel loved by their teachers and peers
- have a high self-esteem
- know that Jesus loves them and died for them
- are developing in their recognition of the world around them
- are eager to learn
- are happy and well-adjusted
- share their love of Jesus with their friends and communities
- are academically prepared to enter Kindergarten

History

BBEEC was founded in 2005 and opened its doors in July of 2006 in Hoke County. We opened our second center in January of 2007 in Cameron, NC and our third in 2009 in Hope Mills, NC. We have since expanded with new construction in Cameron by adding space for 50 children. In Raeford, we have twice expanded our facilities with the addition of a 50 space after school care facility and most recently, a 1.5-million-dollar addition for 100 new children. These additions have made the Hoke center by far the largest child care facility in the county. The center consists of three buildings on a seven-acre campus licensed for 392 children. Perry Melton started the company from its beginning stages. He personally designed the building and has been the CEO since 2007. He is currently the owner operator and still operating as CEO. Barbra Schneider is the head of compliance and regulation and has 29 years of Early Childhood experience. She has also been a NAEYC accessor for many years. She has a very active role working directly with Mr. Melton and each of the three locations.

Mr. Melton currently serves on the Board of Directors at the Cumberland County Partnership for Children. He serves on their executive board, finance committee, and is the chair of their main fund raising event, the annual Soiree. He aggressively works with our legislators county and statewide to promote sound and responsible child care laws. He is an active member of NCLCCA. If you speak with anyone who has worked with Mr. Melton or our organization, you will find BBEEC are leaders within the industry and are constantly striving to improve and innovate using the latest research on early childhood development.

The bottom line is not our top priority. Being healthy financially is important and has its place to remain consistent and stable. However, quality and service is our top priority.

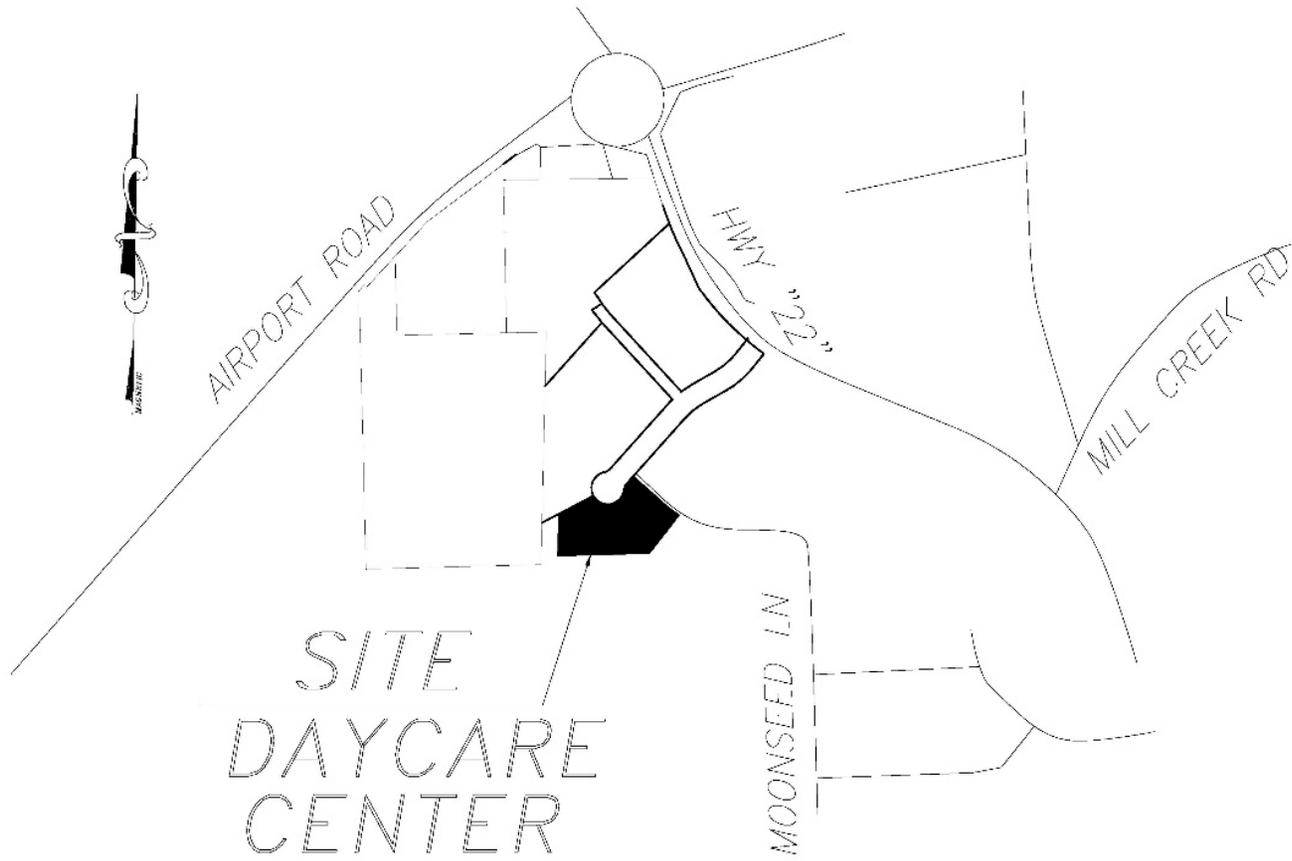
Facilities

BBEEC is a leader in design and originality in child care facilities. BBEEC is one of the only child care companies in North Carolina with a courtyard interior playground for two year olds and below. BBEEC built a 2,500 square foot playground in the middle of the building. It has pour and play rubber surfacing and artificial turf grass for safety and cleanliness for the small ones that like to crawl on the ground. This greatly reduces the chance of insect bites, choking by picking up mulch or other small items, and provides

zero exposure to the outside public. With security being such an issue in today's world, especially for military families with heightened concerns, this is a unique feature not found anywhere else. We also have indoor gyms and splash pads for our children. These types of features are only found in the highest market areas, such as Cary, North Carolina located outside of the Raleigh area. All centers have large lobbies and keypad entries to enter the classroom area. All classrooms are monitored by camera and all of the buildings have sprinkler systems.

Summary

We believe that we have a great company and would make a fine addition to the area. We are a top of the line provider that believes in serving all areas of the community and has demonstrated great success with our model in the local economy and demographic region. We have been striving and working to find a location for the last four years and have been working closely with Mr. Jim O'Malley. He has been patient and extremely helpful with us and with the timing of this expansion. Please feel free to contact Perry Melton if you have any further questions.

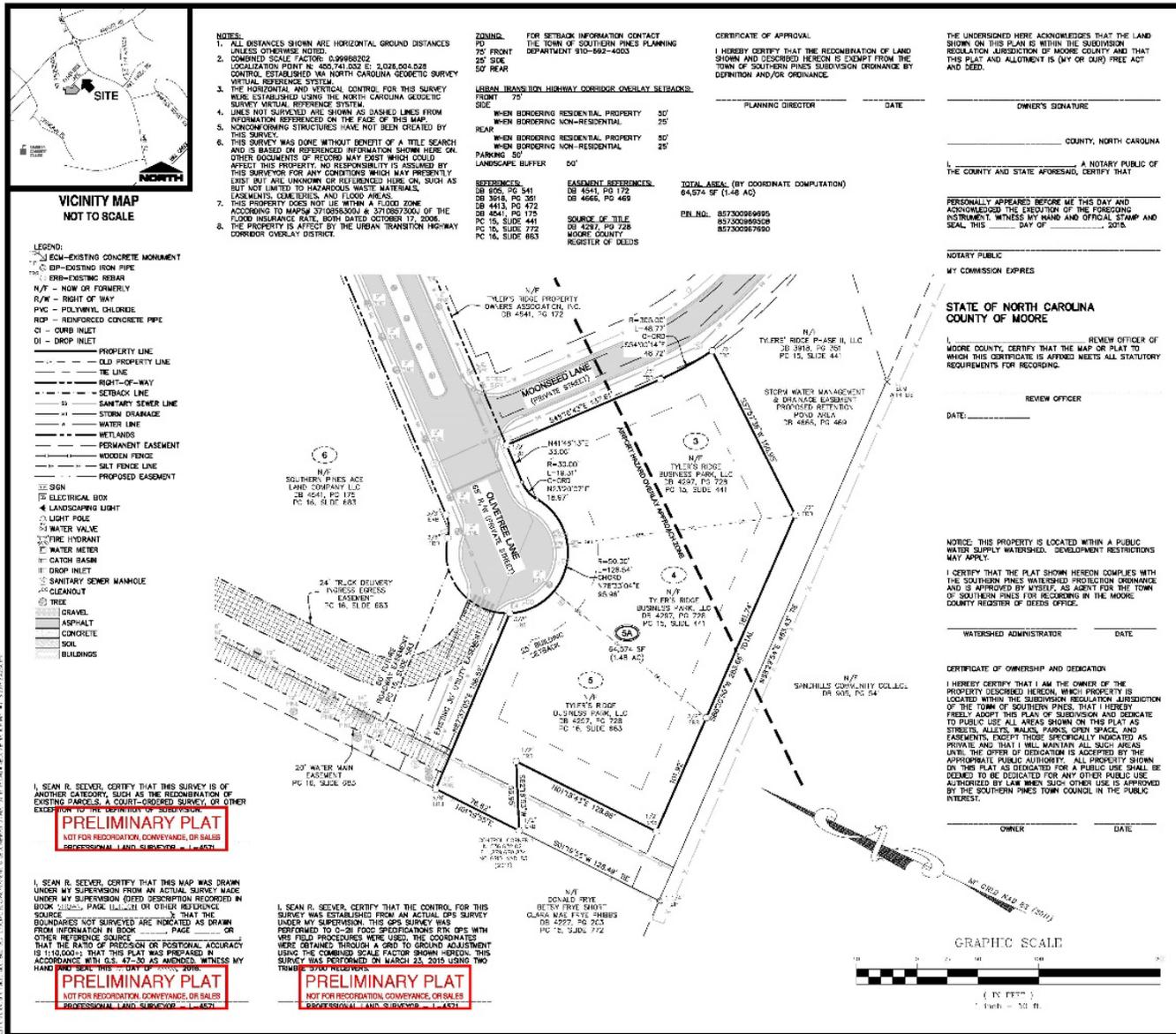


*SITE
DAYCARE
CENTER*

VICINITY MAP

SCALE 1" = 200'

Proposed Recombination Plat



PROJECT NAME: RECOMBINATION SURVEY OF LOTS 3 & 4 OF TYLER'S RIDGE PC 15, SLIDE 41 AND LOT 5 OF TYLER'S RIDGE PC 16, SLIDE 683

TAX ID#: 85730096995
85730096508
85730096760

CLIENT: OLIVETREE LANE
MCNEILL TOWNSHIP
TOWN OF SOUTHERN PINES
MOORE COUNTY
NORTH CAROLINA

PROJECT INFORMATION:

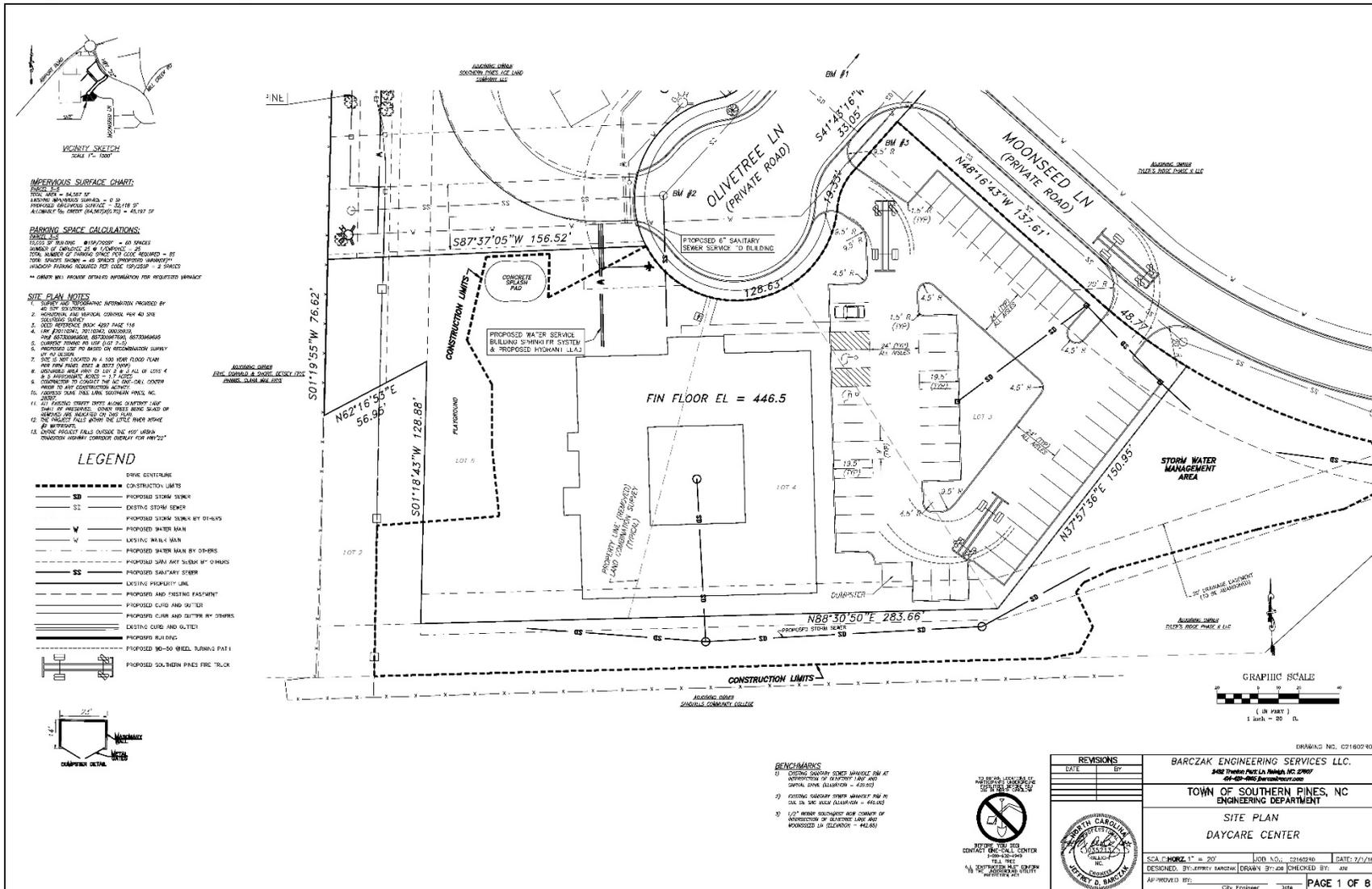
| | |
|-----------------|-------|
| SURVEYED BY: | JASON |
| DRAWN BY: | SEAN |
| CHECKED BY: | JIMMY |
| PROJECT NUMBER: | 1018 |

DRAWING SCALE: HORIZONTAL: 1"=50'

DATE SURVEYED: DECEMBER 15, 2015

SHEET NUMBER: 1 OF 1

Proposed Site Design







Recorded CU-01-11 Document

Town of Southern Pines **CONDITIONAL USE PERMIT**

On the dates as listed below, the Town Council of the Town of Southern pines met and held a public hearing to consider, and met to act upon, the following application:

Applicant: James B. O'Malley

Property Location: Located on the west side of NC 22 between Airport Road and Aiken Road and across from Warrior Woods Road with Parcel Identifier Numbers (PIN) 858300064803, 858309064200, 858309057907, 858309151960 and 858309154859 on approximately 46.12 Acres.

File Number: CU-01-11

Proposed Use of Property: *PRD-Planned Residential Development (Single-family, Multifamily Apartments) and Neighborhood Commercial* development of 8 lots with 5 Parcel Identification Numbers (PIN) zoned Planned Development (PD).

Meeting Dates: Public Hearing on application: Planning Board: June 23, 2011
Town Council: July 12, 2011

Final action on application Town Council: July 25, 2011

Having heard all the evidence and arguments presented at the hearing and having considered other relevant factors, the Town Council found that the application is complete, complies with all the applicable requirements to the Town of Southern Pines Unified Development Ordinance and, the evidence having failed to establish any disqualifying conditions under sub-section 54(d) of the Unified Development Ordinance, the Conditional Use Permit to make use of the above-described property for the purpose stated was approved and issued, subject to all applicable provisions of the Unified Development Ordinance.

THIS CONDITIONAL USE PERMIT MUST BE RECORDED AND PROOF OF RECORDATION PROVIDED TO THE TOWN OF SOUTHERN PINES BEFORE ISSUANCE OF PERMITS.

The following conditions will apply to this Conditional Use Permit:

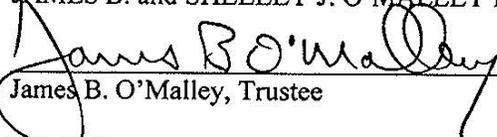
1. The following conditions, with the agreement of the applicant, apply to this conditional use permit:

- Include, with the initial construction, a five feet in height creosote wooden fence, four board rails with a welded wire mesh attached to the back side, similar to the type of fence found at The Moss Foundation and other horse pastures around Youngs Road. This fence shall be constructed along the entire common boundary with Mrs. Frye's property and the project area, approximately 1,000 l.f. The fence will be offset sufficiently from the property to install requested plantings.
 - Public water and sewer lines will be extended to the Frye property line directly across from the Tyler's Village Court cul-de-sac. In addition, the water main line will terminate with a hydrant at the property line as well.
 - Cable television will be extended to Mrs. Ester Frye's house when cable is being installed to service any of the single family homes or the commercial retailers.
 - The double row of evergreen plants will be extended along commercially zoned common property line with the Ester Frye property. These plants will be of the same type and size to be installed along the Sandhills community College and be planted in place of the buffer plants shown on the drawings.
 - The contract for dumpster and delivery services will provide that the services are not to occur between the hours of 9:00 p.m. and 7 a.m. for as long as Mrs. Frye resides at the residence.
2. The following uses are excluded: Use 1.540 Hotels, Motels and Similar Businesses or Institutions providing overnight accommodation, Use 8.20 Bars, Night Clubs, Use 6.12 Movie Theaters; and
 3. The northern three lots (6, 7, and 8) are allocated a 5/70 allocation with the maximum amount up to 12 acres and the planned residential development shall be developed using the low-density option with a maximum of 24% built upon area with storm-water controls.

The undersigned owners of the above-described property acknowledge the receipt and issuance of the Conditional Use Permit.

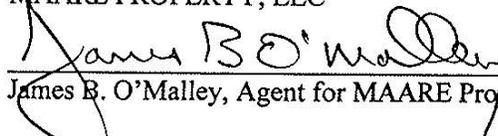
JAMES B. and SHELLEY J. O'MALLEY REV. TRUST u/a 10/16/97

By:


James B. O'Malley, Trustee

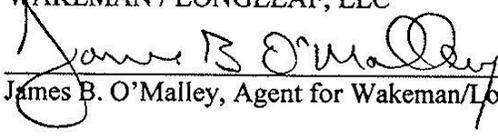
MAARE PROPERTY, LLC

By:


James B. O'Malley, Agent for MAARE Property, LLC

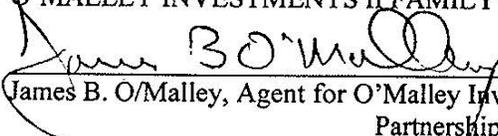
WAKEMAN / LONGLEAF, LLC

By:


James B. O'Malley, Agent for Wakeman/Longleaf, LLC

O'MALLEY INVESTMENTS II FAMILY PARTNERSHIP

By:


James B. O'Malley, Agent for O'Malley Investments II Family Partnership

When recording show owners as James B. and Shelley J. O'Malley Rev. Trust u/a 10/16/97, MAARE Property, LLC, Wakeman/Longleaf, LLC and O'Malley Investments II Family Limited Partnership.

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I certify that the following person personally appeared before me this date, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

James B. O'Malley, Trustee of the JAMES B. and SHELLEY J. O'MALLEY REV. TRUST u/a October 16, 1997, JAMES B. and SHELLEY J. O'MALLEY REVOCABLE TRUST.

Date: 9-6-2011

Susan Windley
Notary Public
Susan Windley
Printed name of Notary Public

{Official Seal}

My Commission Expires: 4-27-2014

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, Susan Windley, a Notary Public for said County and State, do hereby certify that James B. O'Malley, Agent for MAARE PROPERTY, LLC, a limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and seal this 6 day of September, 2011.

Susan Windley
Notary Public
Susan Windley
Printed name of Notary Public

{Official Seal}

My Commission Expires: 4-27-2014

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, Susa Windley, a Notary Public for said County and State, do hereby certify that James B. O'Malley, Agent for WAKEMAN / LONGLEAF, LLC, a limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and seal this 6 day of September, 2011.

Date: 9-6-2011

Susa Windley
Notary Public
Susa Windley
Printed name of Notary Public

{Official Seal}

My Commission Expires: 4-27-2011

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, Susa Windley, a Notary Public for said County and State, do hereby certify that James B. O'Malley, Agent for O'MALLEY INVESTMENTS II FAMILY LIMITED PARTNERSHIP personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the partnership.

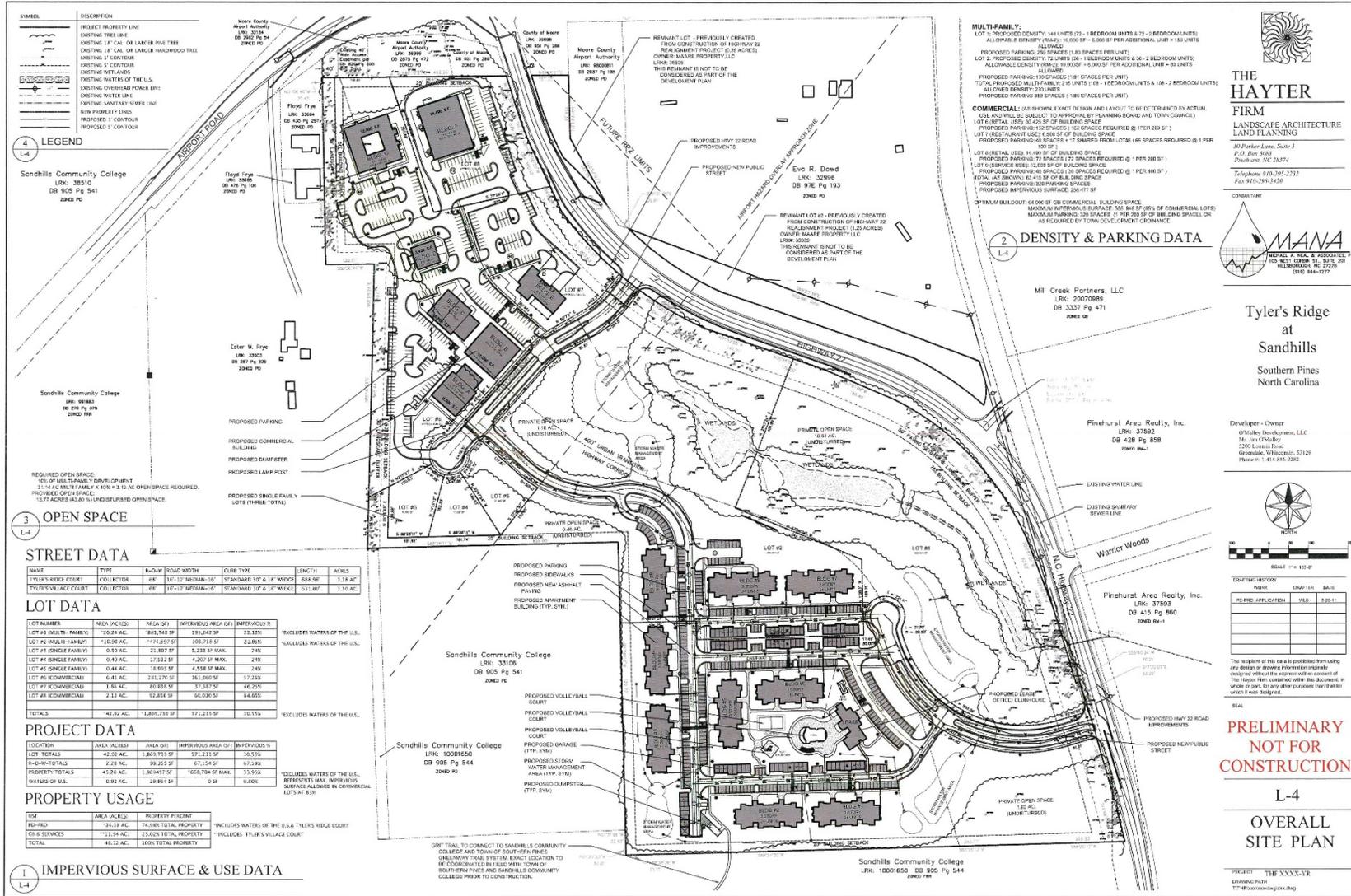
Witness my hand and official stamp or seal, this 6 day of September, 2011.

Susa Windley
Notary Public
Susa Windley
Printed name of Notary Public

{Official Seal}

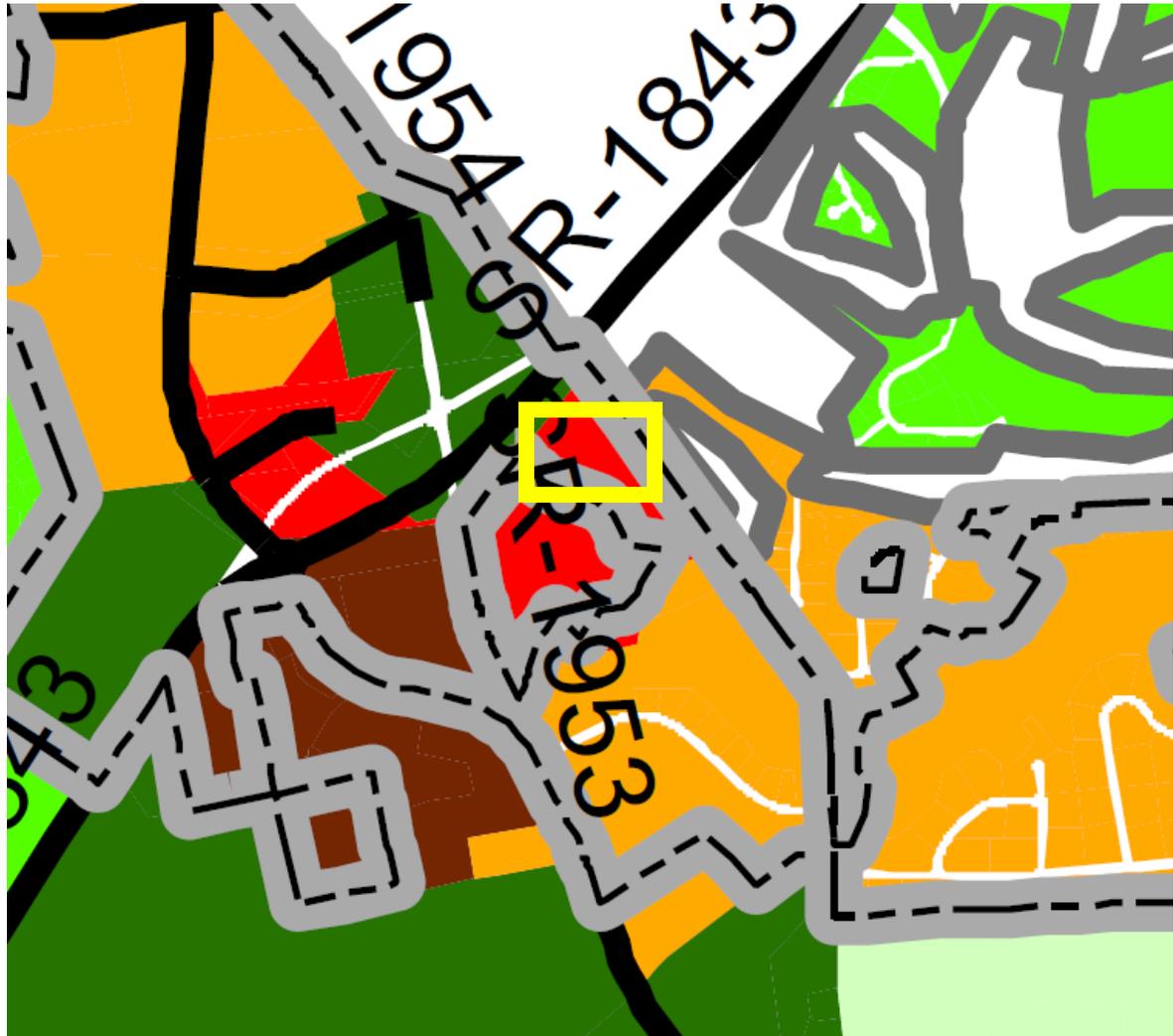
My Commission Expires: 4-27-2011

Tyler's Ridge Development Overall Master Plan Approval – CU-01-11



Future Land Use Map: CU-06-16

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).



 = Subject Property

Legend

-  City Limits
 -  Primary Roads
- ### Future Land Use Categories
-  Parks / Open Space
 -  Residential / Golf
 -  Rural Equestrian
 -  Urban Reserve
 -  Low Density Residential
 -  Residential
 -  Commercial 
 -  Traditional Mixed Use
 -  Industrial

Agenda Item

To: Planning Board

Via: Bart Nuckols, Planning Director

From: Chris Kennedy, Senior Planner

Subject: Z-03-16; Request to Rezone Property from PD to GB; 195 Short Street; Petitioner, Tammy Lyne

Date: September 22, 2016

Z-03-16; Request to Rezone Property from PD to GB; 195 Short Street; Petitioner, Tammy Lyne

On behalf of property owners, the petitioner Ms. Tammy Lyne is requesting to rezone property from PD (Planned Development) to GB (General Business). The subject property is comprised of two parcels totaling 1.296 acres. The subject property is located at 195 Short Street and is identified by the following: PIN: 857110458453 (PARID: 00052928) and PIN: 857100459493 (PARID: 00052929). Per the Moore County GIS records, the property owner(s) are listed as Culture Club, LLC.

Analysis:

The subject property is identified as “Residential” in the *Comprehensive Long Range Plan Future Land Use Map*. Per the *Comprehensive Long Range Plan 2015-16 Update*:

- **Residential:** This designation 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 to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks, and neighborhood scale commercial services may be authorized through the rezoning process without amending the Future Land Use Map.

Staff Comments:

- The subject property is comprised of two parcels totaling 1.296 acres along Murray Hill Road and Short Street.
 - The subject properties are all located within the corporate limits of the Town of Southern Pines.
- The petitioner is seeking to rezone the property from PD to GB.
- The adjoining properties are zoned PD to the North, GB to the West and the South, and RM-1 to the East.
- The subject property is identified as “Residential” in the *Comprehensive Long Range Plan Future Land Use Map*. The request for a rezoning to GB is incompatible with the

“residential” designation of the CLRP Map.

- Per UDO Section 3.5.14:
 - Purpose: The PD district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center development patterns in UDO Section 6.5. This district is intended to allow mixed-use developments in areas where sufficient public water and sewer service is available (or can be readily extended) and where the street system is adequate (or can readily be improved) to handle the projected traffic volumes generated by the development. The regulations of the PD district are intended to:
 1. Encourage planned, large-tract development, including service, office, commercial, residential, public or private recreational development or light industrial uses;
 2. Exclude heavy commercial and heavy industrial land uses;
 3. Encourage development in areas located on major thoroughfares and collector streets;
 4. Encourage vehicular access from service drives and other local streets;
 5. Provide performance standards to help ensure compatible land uses;
 6. Encourage common or shared parking;
 7. Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;
 8. Facilitate clustering of development thereby increasing the amount of saved land;
 9. Foster development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;
 10. Improve connectivity within and between developments to promote mobility and enhance walkability;
 11. Integrate public spaces and amenities to promote community gatherings and activities;
 12. Establish coordinated land plan and consistent treatment of common design elements;
 13. Provide the flexibility to respond to market conditions over longer projected development periods due to the scale of such developments; and,
 14. If residential land uses are proposed, provide a variety of lot sizes and dwelling types to expand the spectrum of housing choices for households of various types, sizes, incomes, and ages.
- Per UDO Section 3.5.9:
 - A. Purpose: The GB district is designed to accommodate highway-oriented retail, commercial service businesses and in some limited cases light manufacturing, which generally have as their market area the entire Town and surrounding area. The major objectives of this district are to:
 1. Encourage planned commercial, light manufacturing conducted within buildings and office parks;

2. Discourage small lot development on major highways;
 3. Encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets; and,
 4. Provide a location for major shopping facilities and land uses requiring large outdoor spaces.
- Per Section 2.17.7 *Planning Board Action*; The Planning Board shall hold a legislative public hearing and shall render its recommendation in accordance with the procedures set forth in this chapter.
 - Per Section 2.17.8 *Town Council Action*;
 - A. Within thirty (30) days of the Planning Board recommendation, the application shall be submitted to the Council to review at a legislative public hearing.
 - B. The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
 - C. Following the hearing, the Council may approve, conditionally approve or deny the application. If the Application is denied, the Council shall advise the Applicant of the reason for denial.
 - D. The Council need not await the recommendations of the Planning Board before taking action on a proposed amendment, nor is the Council bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment.
 - E. At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study or take any other action consistent with its usual rules of procedure.
 - F. Voting on amendments to this chapter shall proceed in the same manner as other ordinances, subject to the provisions for protests to zoning district changes as set forth herein.
 - G. Impacts. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.
 - Per Section 2.17.9 a Rezoning Application must satisfy the following criteria:

2.17.9 *Criteria for Zoning Map Amendments*

In its review of an application for a zoning map 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.* Rezoning shall be consistent with the adopted Comprehensive Plan.
- B. *Adverse Impacts on Neighboring Lands.* *The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social*

alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.

- C. *Suitability as Presently Zoned. The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.*
- D. *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. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*
- E. *Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.*
- F. *Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*
- G. *Other Factors. The Hearing Body may consider any other factors relevant to a rezoning application under state law.*
- H. *Applicant Representations. Except for rezoning requests submitted in accordance with the provisions herein for conditional use district rezonings, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

Attachments:

- GIS Location
 - Application Materials
 - Criteria Narrative
 - Metes and Bounds
 - Future Land Use Map
-

Planning Board Action:

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:

I move that we advise that:

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

I move to recommend to the Town Council:

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

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Z-03-16 Request to Rezone from PD to GB

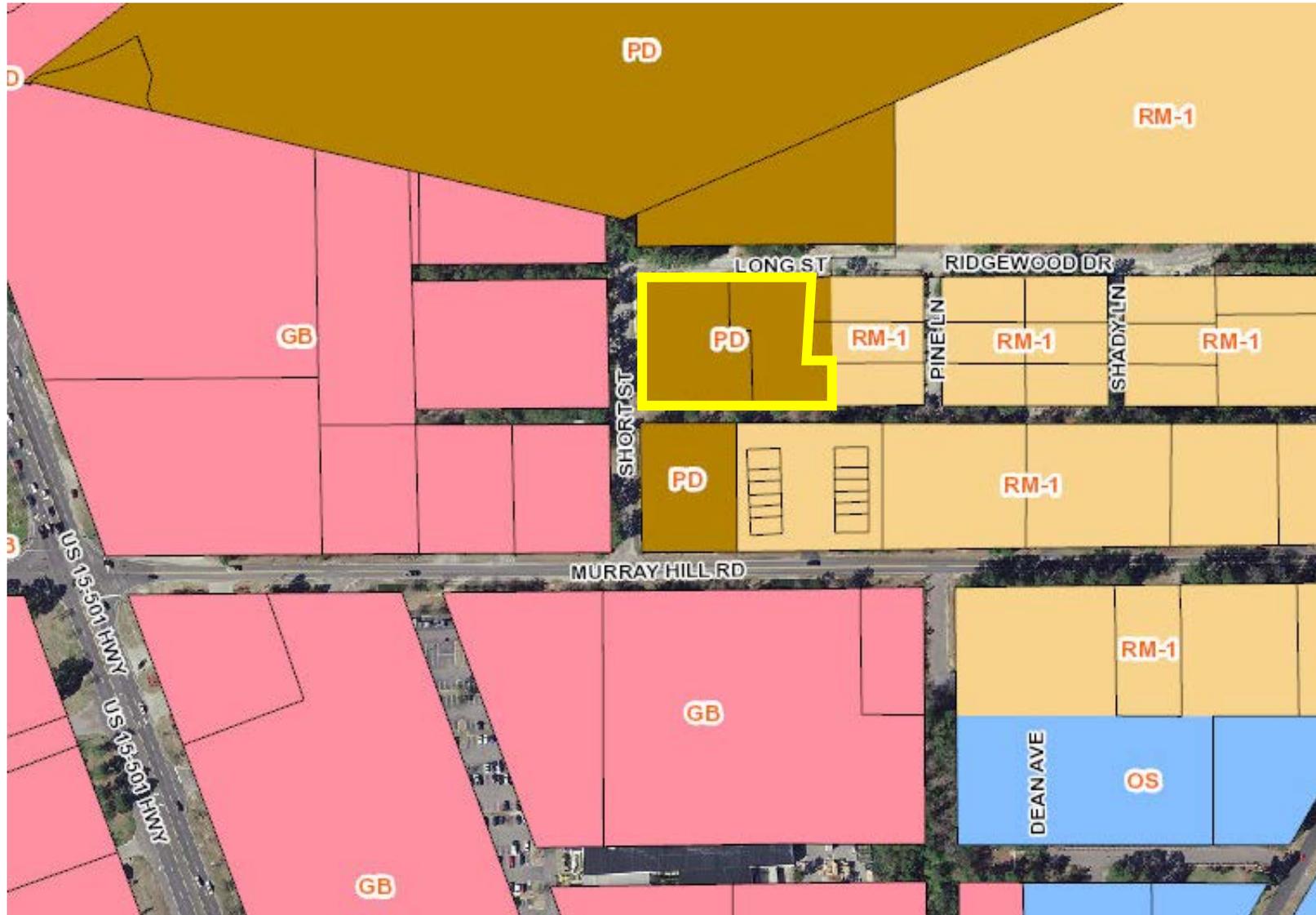
PIN: 857110458453 (PARID:00052928); PIN: 857100459493 (PARID:00052929)



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Z-03-16 Request to Rezone from PD to GB

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Z-03-16 Request to Rezone from PD to GB

PIN: 857110458453 (PARID:00052928); PIN: 857100459493 (PARID:00052929)



To the Planning Board and Town Council of Southern Pines, North Carolina:

I, the undersigned, do hereby make a petition to change the zoning map of the Town of Southern Pines as herein requested:

1. The property is located on the Left side of Short St (St., Ave., Dr., Ct.) between Murray Hill Rd (St., Ave., Dr., Ct.) and Long St (St., Ave., Dr., Ct.). The address is 195 Short St and is identified as PIN Number 00052928 & 00052929 and LRK 857110458453. It has a frontage of 200 feet and an average depth of 118 feet containing 0.75 & 0.55 acres.
2. It is desired and requested that the foregoing property be rezoned from Mixed Use District to General Business District for the following purpose: To achieve the highest and best use of the property.
Properties located directly across Short St fall under GB zoning.
3. A metes and bounds description must be attached to this application.
4. List all individuals, firms or corporations owning property within 200 feet of the rezoning petition and within 200 feet of all other property contiguously owned by the property owner/petitioner or all pieces of land that were part of the property requesting rezoning or at least the ten (10) closest properties prior to the requested rezoning, and the property across the street from the property sought to be rezoned. It is required to furnish PIN and LRK numbers for each property, owner's name and address.

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

Petitioner's Name (Please Print) Tammy O Lyne

Petitioner's Signature Tammy O Lyne datloop verified 08/23/16 11:46AM EDT G7OW-CIGQ-6TBA-EPRL

Mailing Address 195 Short Rd
Southern Pines, NC 28387

Phone Number () 910-692-5553 Email tammy@tammylyne.com

Property Owner (Please Print or Type) Culture Club, LLC

Mailing Address PO Box 4393
Pinehurst, NC 28374

Phone Number () 910-692-5552 Email tammy@tammylyne.com

RECEIVED
AUG 24 2016
BY: C. Williams

1. **Property owners' name:** Overton Body Shop
Mailing Address: 110 Sandy Ave
Southern Pines, NC 28387
LRK #: 857110455473
Adjacent Property Address: 200 Short Rd
Southern Pines, NC 28387

2. **Property owners' name:** Morris Properties, INC
Mailing Address: 200 Short Rd
Southern Pines, NC
LRK #: 857110455651
Adjacent Property Address: _____

3. **Property owners' name:** BSD Holdings, LLC
Mailing Address: 209 Fleetwood Dr
Lookout Mountain, TN 37350
LRK #: 857100562348
Adjacent Property Address: _____

4. **Property owners' name:** Jeffrey Masar
Mailing Address: 15 Pine Valley Circle
Pinehurst, NC 28374
LRK #: 857111550606
Adjacent Property Address: _____

5. Property owners' name: Patricia Hankins
Mailing Address: 3522 Lincoln Ln
Gastonia, NC
LRK #: 857100551530 and 857100551433
Adjacent Property Address:

6. Property owners' name: Nancy S. Martin
Mailing Address: 1600 Hoffman Rd
Jackson Springs, NC 27281
LRK #: 857110456250
Adjacent Property Address:

7. Property owners' name: Glen-Moore INC
Mailing Address: 711 E. Broad Ave
Rockingham, NC 28379
LRK #: 857111550240
Adjacent Property Address: 205 Murray Hill Rd

8. Property owners' name: Douglass Donnell
Mailing Address: 11354 Links Dr
Reston, VA 20190
LRK #: 857110458250
Adjacent Property Address:

9. Property owners' name: CLS Holdings, LLC
Mailing Address: 210 Frye Rd
Pinehurst, NC 28374

LRK #: 857100555776 _____

Adjacent Property Address: _____

10. Property owners' name: Naomi Rose _____

Mailing Address: 265 Murray Hill Rd _____

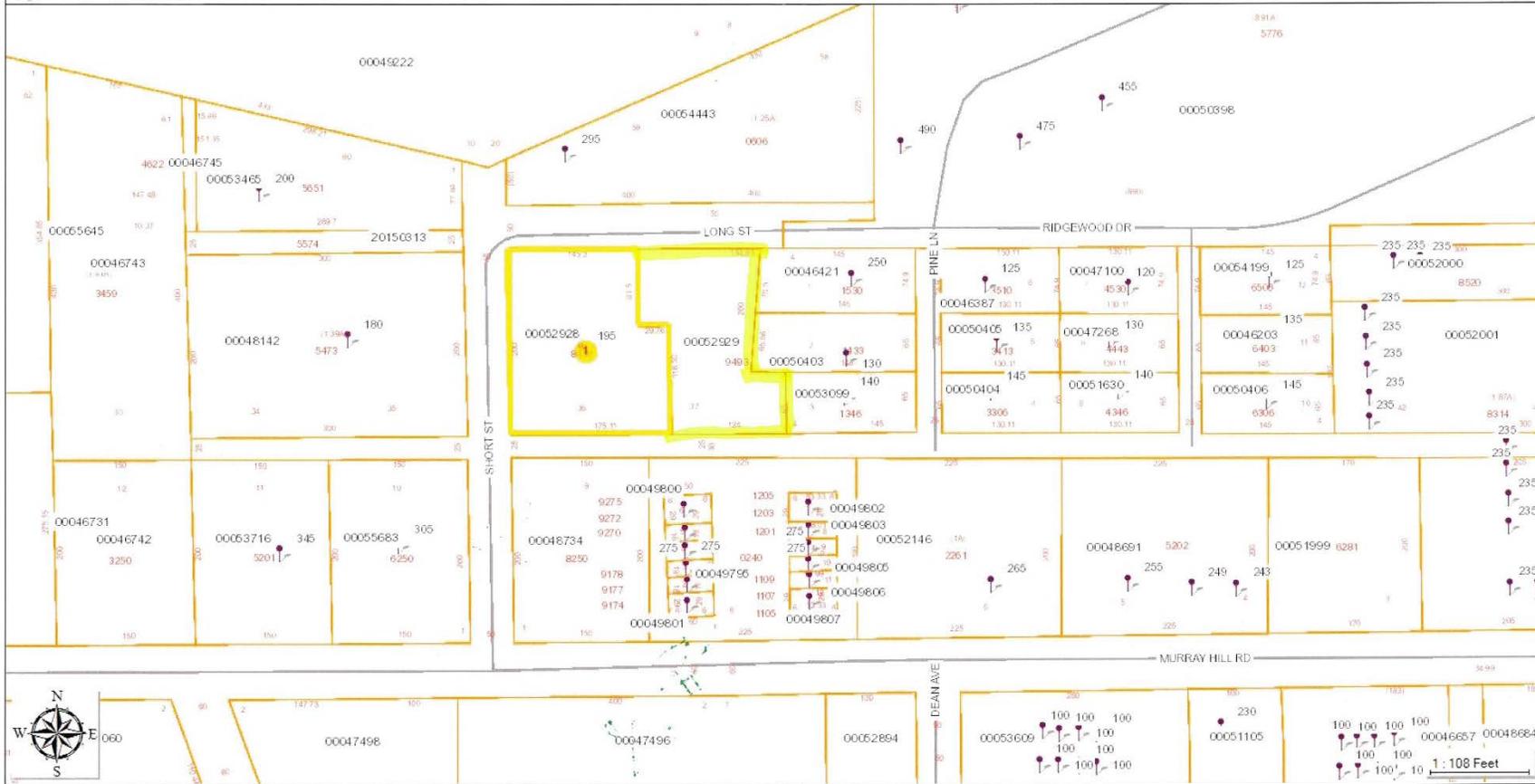
Southern Pines, NC 28387 _____

LRK #: 857111552261 _____

Adjacent Property Address: 255 Murray Hill Rd _____

Southern Pines, NC 28387 _____

Please note that if you have more than (10) ten adjacent property owners, use another sheet for additional names, if necessary. Please include a stamped envelope addressed to each adjacent property owner with the following return address: Town of Southern Pines, Attn: Planning Department, 180 SW Broad Street, Southern Pines, NC 28387



GIS DISCLAIMER All the information contained on this media is prepared for the inventory of real property found within Moore County. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. All information contained herein was created for the County's internal use. Moore County, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether express 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).

Adjacent Property Owners

PIN:857110458453
 PARID:00052928
 NAME:CULTURE CLUB, LLC
 ADDRESS:PO BOX 4393
 CITY:PINEHURST
 STATE:NC
 ZIP:28374

PIN:857100459493
 PARID:00052929
 NAME:CULTURE CLUB, LLC
 ADDRESS:PO BOX 4393
 CITY:PINEHURST
 STATE:NC
 ZIP:28374

PIN:857110458250
 PARID:00048734
 NAME:DONNELL, DOUGLASS W
 ADDRESS:11354 LINKS DR
 CITY:RESTON
 STATE:VA
 ZIP:20190

PIN:857111550240
 PARID:00049795
 NAME:GLEN-MOORE INC
 ADDRESS:711 E BROAD AVE
 CITY:ROCKINGHAM
 STATE:NC
 ZIP:28379-0816

PIN:857110459275
 PARID:00049800
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857110459272
 PARID:00049796
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857110459270
 PARID:00049797
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857110459178
 PARID:00049798
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857110459177
 PARID:00049799
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857110459174
 PARID:00049801
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857111551205
 PARID:00049802
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857111551203
 PARID:00049803
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857111551201
 PARID:00049804
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857111551109
 PARID:00049805
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857111551107
 PARID:00049806
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:857111551105
 PARID:00049807
 NAME:ROBINSON, CRAIG F &
 NAME2:CRAWFORD, MARY ANN
 TRUSTEES
 ADDRESS:39 GRAND VIEW LN
 CITY:BELLINGHAM
 STATE:WA
 ZIP:98229

PIN:85710055776
PARID:00050398
NAME:CLS HOLDINGS LLC
ADDRESS:210 FRYE RD
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:857111553413
PARID:00050405
NAME:FRYE, NETTIE
ADDRESS:135 PINE LN
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857110455473
PARID:00048142
NAME:OVERTON BODY SHOP
ADDRESS:110 SANDY AVE
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857100551530
PARID:00046421
NAME:HANKINS, PATRICIA B
NAME2:GARNER, DEBRA LYNN
& TANT, TERESA GAIL
ADDRESS:3522 LINCOLN LANE
CITY:GASTONIA
STATE:NC
ZIP:28056

PIN:857111553306
PARID:00050404
NAME:SWAGEL, RENEE JEAN
ADDRESS:145 PINE LN
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857110455201
PARID:00053716
NAME:MURRAY HILL
INVESTMENTS, INC
ADDRESS:6010 PAYTON DR
CITY:ROUGEMONT
STATE:NC
ZIP:27572-7368

PIN:857100551433
PARID:00050403
NAME:HANKINS, PATRICIA B
NAME2:GARNER, DEBRA LYNN
& TANT, TERESA GAIL
ADDRESS:3522 LINCOLN LANE
CITY:GASTONIA
STATE:NC
ZIP:28056

PIN:857111552261
PARID:00052146
NAME:ROES, NAOMI B
ADDRESS:265 MURRAY HILL RD
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857100455574
PARID:20150313
NAME:OVERTON BODY SHOP
ADDRESS:110 SANDY AVE
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857111551346
PARID:00053099
NAME:COVINGTON, CAROLYN T
ADDRESS:140 PINE LN
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857110456250
PARID:00055683
NAME:MARTIN, NANCY S &
SLATE, JAMES D JR &
NAME2:CHARLES D & TRENT J &
DAWSON, JENNIFER S
ADDRESS:1600 HOFFMAN RD
CITY:JACKSON SPRINGS
STATE:NC
ZIP:27281

PIN:857110455651
PARID:00053465
NAME:MORRIS PROPERTIES INC
ADDRESS:200 SHORT RD
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387-6289

PIN:857111553510
PARID:00046387
NAME:BAILEY, MARIE R
ADDRESS:125 PINE LN
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387-6254

PIN:857111550606
PARID:00054443
NAME:MASAR, JEFFREY A
ADDRESS:15 PINE VALLEY CIR
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:857100562348
PARID:00049222
NAME:BSD HOLDINGS, LLC
ADDRESS:209 FLEETWOOD DR
CITY:LOOKOUT MOUNTAIN
STATE:TN
ZIP:37350

2.17.9 Criteria for Zoning Map Amendments

As related to 195 Short Road request to rezone from PD to GB.

A. Consistency. *Rezoning shall be consistent with the adopted Comprehensive Plan.*

The subject property is located on Short St. in Southern Pines, and is compatible with contiguous parcels. Short St. is positioned off Murray Hill Rd. in direct proximity to business operating under General Business zoning. These businesses include, and are not limited to, The Oil Changer, Lowe's Home Improvement, Star 102.5 Radio Station, Kick Back Jack's, Chick-Fil-A, and the Kangaroo Gas Station located less than 1000 ft. to the west of the subject. The request is consistent with neighboring properties to the North, South, and West. With the ever present external forces that drive the market in which we reside a rezoning to GB would allow for the highest and best use of the subject property while promoting sustained economic opportunity for the community.

B. Adverse Impacts on Neighboring Lands. *The hearing body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.*

Requesting the zoning map amendment from PD to GB is compatible with the surrounding neighborhood. The petitioner does not feel that granting its request to rezone the parcel will hinder, or jeopardize, any of the surrounding parcels.

C. Suitability as Presently Zoned. *The hearing body shall consider the suitability or unsuitability of the tract as it is currently zoned.*

For consideration; the current PD zoning requires setbacks and buffers that create a hardship for maximizing the highest and best use of the subject parcel. Given the lot size of 1.296 acres, 0.746 of which is improved, these prescribed setbacks limit the square footage of usable space.

D. 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 area. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*

Adopting GB zoning on the subject property will in no way alter public health, safety, or welfare. The current use of the subject property will remain the same. In meeting the requirements for health, safety, and welfare it is important to note that there is little variation between PD and GB statutes.

- E. **Public Policy.** *Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with the neighborhood, area, or specific plans.*

The requested change is compatible with the surrounding neighborhood, and fits symmetrically with growth of contiguous properties.

- F. **Size of Tract.** *The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the neighboring affected lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*

Rezoning from PD to GB will allow for the highest and best use of the subject property. Total acreage of the parcel is 1.296 acres, with .746 of that already improved. The required setbacks under PD zoning significantly reduce the amount of usable area. Of importance to note; with the limited lot size, a number of permitted uses under GB would not be applicable to the property.

- G. **Other Factors.** *The Hearing Body may consider any other factors relevant to a rezoning application under state law.*

With demands placed on municipalities as the market continues to grow and diversify, a rezoning to General Business will allow for the highest and best use of the subject parcel while remaining in harmony with the surrounding neighborhood. The Comprehensive Long Range Plan considers future land use a seminal value governed by consistent vision, goals, and policies. Recognizing this vision, and the dynamic forces affecting the evolution of our town, a reclassification to General Business on the subject property will remain consistent with zoning standards set forth by the adopted Comprehensive Long Range Plan.

- H. **Applicant Representations.** *Except for rezoning requests submitted in accordance with the provisions herein for conditional use district rezonings, The Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

The request is not applicable as the request is not for a conditional use or conditional district rezoning.

Matthew A. Callahan, P.L.S.
Land Surveying

August 23, 2016

Culture Club, LLC

Being all of Tract A as shown on Plat Cabinet 15, Slide 178 of the Moore County Registry and being described as follows:

BEGINNING at an existing iron rod, said iron rod being located in the southeast quadrant of Long Street and Short Road in the town of Southern Pines, N.C... Running thence from said beginning point and with the southern right-of-way of Long Street, S 88°01'06" E 145.30 feet to a existing iron pipe; thence leaving said Long Street S 00°57'30" W 81.50 feet to a existing iron rod; thence S 87°58'43" E 29.76 feet to a existing iron pipe; thence S 01°59'22" W 118.44 feet to a existing iron pipe in the northern right-of-way of Blue Lane; thence with the northern right-of-way of Blue Lane N 87°59'07" W 175.11 feet to a existing iron rod in the eastern right-of-way of Short Road; thence with the eastern right-of-way of Short Road N 01°35'00" E 199.85 feet to the beginning and being all of Tract A, containing 0.75 acres as shown on Plat Cabinet 15, Slide 178 of the Moore County Registry.

Note:

Above bearings are in reference to Plat Cabinet 15, Slide 178 of the Moore County Registry.

P.O. Box 938 – Vass, NC 28394 – (910)245-2980

Matthew A. Callahan, P.L.S.
Land Surveying

August 23, 2016

Culture Club, LLC

Being all of Tract B as shown on Plat Cabinet 15, Slide 178 of the Moore County Registry and being described as follows:

BEGINNING at an existing iron pipe, said iron pipe being located in the southern right-of-way of Long Street and being further described as being S 88°01'06" E 145.30 feet from the southeast quadrant of Long Street and Short Road in the town of Southern Pines, N.C. Thence from said beginning point and with the southern right-of-way of Long Street S 88°01'06" E 128.59 feet to a existing iron pipe; thence leaving said right-of-way S 05°36'30" W 135.65 feet to a existing iron pipe; thence S 88°40'25" E 36.06 feet to a existing iron pipe; thence S 02°02'28" W 65.05 feet to a existing concrete monument in the northern right-of-way of Blue Lane; thence with the northern right-of-way of Blue Lane N 87°59'07" W 124.80 feet to a existing iron pipe; thence leaving said right-of-way N 01°59'22" E 118.44 feet to a existing iron pipe; thence N 87°58'43" W 29.76 feet to a existing iron rod; thence N 00°57'30" E 81.50 feet to the beginning and being all of Tract B, containing 0.43 acres as shown on Plat Cabinet 15, Slide 178 of the Moore County Registry.

Note:

Above bearings are in reference to Plat Cabinet 15, Slide 178 of the Moore County Registry.

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Future Land Use Map: Property Along Murray Hill Road & Short Street – Proposed Rezoning from PD to GB



Agenda Item

To: Planning Board

Via: Bart Nuckols, Planning Director

From: Chris Kennedy, Senior Planner

Subject: Z-04-16; Request to Rezone Property from PD to GB; 00048374; Petitioner, Tammy Lyne

Date: September 22, 2016

Z-04-16; Request to Rezone Property from PD to GB; 00048374; Petitioner, Tammy Lyne

On behalf of property owner, the petitioner Ms. Tammy Lyne is requesting to rezone property from PD (Planned Development) to GB (General Business). The subject property is comprised of 0.687 acres. The subject property is identified by the following: PIN: 857110458250 (PARID: 00048734). Per the Moore County GIS records, the property owner(s) are listed as Douglass W. Donnell.

Analysis:

The subject property is identified as “Residential” in the *Comprehensive Long Range Plan Future Land Use Map*. Per the *Comprehensive Long Range Plan 2015-16 Update*:

- **Residential:** This designation 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 to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks, and neighborhood scale commercial services may be authorized through the rezoning process without amending the Future Land Use Map.

Staff Comments:

- The subject property is comprised of 0.687 acres along Murray Hill Road and Short Street.
 - The subject property is located within the corporate limits of the Town of Southern Pines.
- The petitioner is seeking to rezone the property from PD to GB.
- The adjoining properties are zoned PD to the North, GB to the West and the South, and RM-1 to the East.
- The subject property is identified as “Residential” in the *Comprehensive Long Range Plan Future Land Use Map*. The request for a rezoning to GB is incompatible with the “residential” designation of the CLRP Map.

- Per UDO Section 3.5.14:
 - Purpose: The PD district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center development patterns in UDO Section 6.5. This district is intended to allow mixed-use developments in areas where sufficient public water and sewer service is available (or can be readily extended) and where the street system is adequate (or can readily be improved) to handle the projected traffic volumes generated by the development. The regulations of the PD district are intended to:
 1. Encourage planned, large-tract development, including service, office, commercial, residential, public or private recreational development or light industrial uses;
 2. Exclude heavy commercial and heavy industrial land uses;
 3. Encourage development in areas located on major thoroughfares and collector streets;
 4. Encourage vehicular access from service drives and other local streets;
 5. Provide performance standards to help ensure compatible land uses;
 6. Encourage common or shared parking;
 7. Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;
 8. Facilitate clustering of development thereby increasing the amount of saved land;
 9. Foster development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;
 10. Improve connectivity within and between developments to promote mobility and enhance walkability;
 11. Integrate public spaces and amenities to promote community gatherings and activities;
 12. Establish coordinated land plan and consistent treatment of common design elements;
 13. Provide the flexibility to respond to market conditions over longer projected development periods due to the scale of such developments; and,
 14. If residential land uses are proposed, provide a variety of lot sizes and dwelling types to expand the spectrum of housing choices for households of various types, sizes, incomes, and ages.
- Per UDO Section 3.5.9:
 - A. Purpose: The GB district is designed to accommodate highway-oriented retail, commercial service businesses and in some limited cases light manufacturing, which generally have as their market area the entire Town and surrounding area. The major objectives of this district are to:
 1. Encourage planned commercial, light manufacturing conducted within buildings and office parks;
 2. Discourage small lot development on major highways;

3. Encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets; and,
 4. Provide a location for major shopping facilities and land uses requiring large outdoor spaces.
- Per Section 2.17.7 *Planning Board Action*; The Planning Board shall hold a legislative public hearing and shall render its recommendation in accordance with the procedures set forth in this chapter.
 - Per Section 2.17.8 *Town Council Action*;
 - A. Within thirty (30) days of the Planning Board recommendation, the application shall be submitted to the Council to review at a legislative public hearing.
 - B. The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
 - C. Following the hearing, the Council may approve, conditionally approve or deny the application. If the Application is denied, the Council shall advise the Applicant of the reason for denial.
 - D. The Council need not await the recommendations of the Planning Board before taking action on a proposed amendment, nor is the Council bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment.
 - E. At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study or take any other action consistent with its usual rules of procedure.
 - F. Voting on amendments to this chapter shall proceed in the same manner as other ordinances, subject to the provisions for protests to zoning district changes as set forth herein.
 - G. Impacts. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.
 - Per Section 2.17.9 a Rezoning Application must satisfy the following criteria:

2.17.9 *Criteria for Zoning Map Amendments*

In its review of an application for a zoning map 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.* Rezoning shall be consistent with the adopted Comprehensive Plan.
- B. *Adverse Impacts on Neighboring Lands.* *The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.*

- C. *Suitability as Presently Zoned. The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.*
- D. *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. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*
- E. *Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.*
- F. *Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*
- G. *Other Factors. The Hearing Body may consider any other factors relevant to a rezoning application under state law.*
- H. *Applicant Representations. Except for rezoning requests submitted in accordance with the provisions herein for conditional use district rezonings, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

Attachments:

- GIS Location
 - Application Materials
 - Criteria Narrative
 - Metes and Bounds
 - Future Land Use Map
-

Planning Board Action:

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:

I move that we advise that:

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

I move to recommend to the Town Council:

1. The approval of Z-04-16;
2. The denial of Z-04-16;
3. The approval of Z-04-16 with the following additional conditions...

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Z-04-16 Request to Rezone from PD to GB

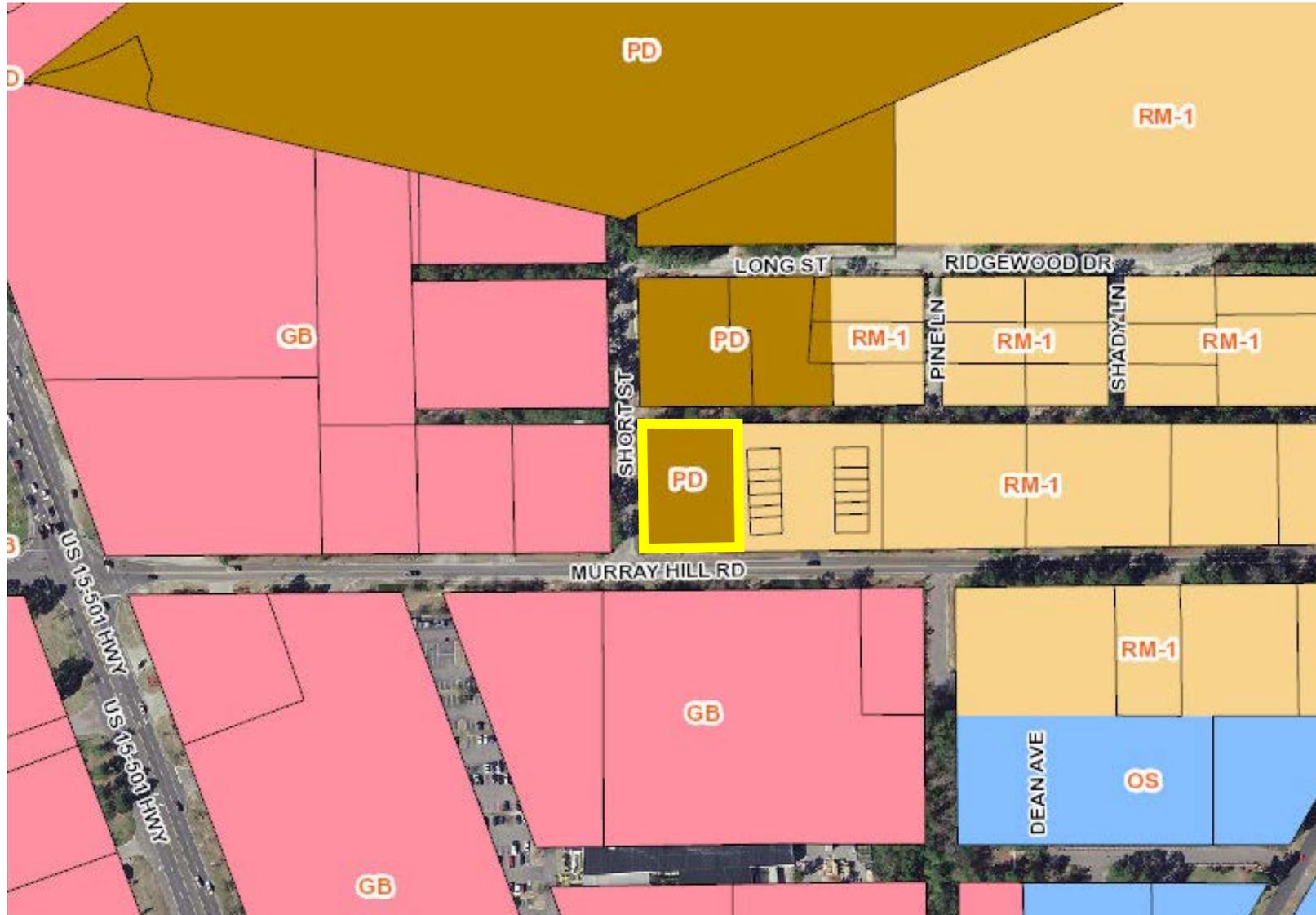
PIN: 857110458250 (PARID:00048734)



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Z-04-16 Request to Rezone from PD to GB

PIN: 857110458250 (PARID:00048734)



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Z-04-16 Request to Rezone from PD to GB

PIN: 857110458250 (PARID:00048734)



To the Planning Board and Town Council of Southern Pines, North Carolina:

I, the undersigned, do hereby make a petition to change the zoning map of the Town of Southern Pines as herein requested:

1. The property is located on the Right side of Murray Hill Rd (St., Ave., Dr., Ct.) between Short St. (St., Ave., Dr., Ct.) and Richards St (St., Ave., Dr., Ct.). The address is 295 Murray Hill Rd and is identified as PIN Number 00048734 and LRK 857110458250. It has a frontage of 150 feet and an average depth of 200 feet containing .69 acres.
2. It is desired and requested that the foregoing property be rezoned from Mixed Use - PD District to General Business District for the following purpose: To achieve the highest and best use of the property
3. A metes and bounds description must be attached to this application.
4. List all individuals, firms or corporations owning property within 200 feet of the rezoning petition and within 200 feet of all other property contiguously owned by the property owner/petitioner or all pieces of land that were part of the property requesting rezoning or at least the ten (10) closest properties prior to the requested rezoning, and the property across the street from the property sought to be rezoned. It is required to furnish PIN and LRK numbers for each property, owner's name and address.

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

Petitioner's Name (Please Print or Type) Tammy O Lyne
 Petitioner's Signature Tammy O Lyne
 Mailing Address 195 Short St.
Southern Pines, NC 28387
 Phone Number () (910)692-5552 Email tammy@tammylyne.com

Property Owner (Please Print or Type) Douglas Donnell
 Mailing Address 11354 Links Dr.
Reston, VA 20190
 Phone Number () (703)867-7035 Email nebraska72@yahoo.com

RECEIVED
 AUG 24 2016
 BY: C. Williams

1. Property owners' name: Nancy S. Martin
Mailing Address: 1600 Hoffman Rd.
Jackson Springs, NC 27281

000656683
LRK #: _____
Adjacent Property Address: 345 Murray Hill Rd
Southern Pines, NC 28387

2. Property owners' name: Glen-Moore INC
Mailing Address: 711 E. Broad Ave.
Rockingham, NC 28379

00049795
LRK #: _____
Adjacent Property Address: _____

3. Property owners' name: Claude F Smith Jr Family
Mailing Address: 1305 E Broad Ave STE 36
Rockingham, NC 28379

00047496
LRK #: _____
Adjacent Property Address: _____

4. Property owners' name: Culture Club, LLC
Mailing Address: PO Box 4393
Pinehurst, NC 28374

00048142
LRK #: _____
Adjacent Property Address: 0 Long St
Southern Pines, NC 28387

5. Property owners' name: Overton Body Shop
 Mailing Address: 110 Sandy Ave.
Southern Pines, NC 28387
 LRK #: 00048412
 Adjacent Property Address: 200 Short St.
Southern Pines, NC 28387
6. Property owners' name: Murray Hill Housing Partnership
 Mailing Address: PO BOX 26405
Greensboro, NC 27404
 LRK #: 857115544890
 Adjacent Property Address: _____
7. Property owners' name: Carolyn Covington
 Mailing Address: 140 Pine Ln
Southern Pines, NC 28387
 LRK #: 857111551345
 Adjacent Property Address: _____
8. Property owners' name: Patricia Hankins
 Mailing Address: 3522 Lincoln Ln
Gastonia, NC 28056
 LRK #: 857100551433
 Adjacent Property Address: _____
9. Property owners' name: Naomi Rose
 Mailing Address: 265 Murray Hill Rd
Southern Pines, NC 28387

857111552261
LRK #: _____

Adjacent Property Address: _____

10. Property owners' name: Murray Hill Investments, INC _____

Mailing Address: 6010 Payton Dr _____

Rougemont, NC 27572 _____

857110455201
LRK #: _____

Adjacent Property Address: _____

Please note that if you have more than (10) ten adjacent property owners, use another sheet for additional names, if necessary. Please include a stamped envelope addressed to each adjacent property owner with the following return address: Town of Southern Pines, Attn: Planning Department, 180 SW Broad Street, Southern Pines, NC 28387

Adjacent Property Owners

PIN:857110458250
PARID:00048734
NAME:DONNELL, DOUGLASS W
ADDRESS:11354 LINKS DR
CITY:RESTON
STATE:VA
ZIP:20190

PIN:857110458453
PARID:00052928
NAME:CULTURE CLUB, LLC
ADDRESS:PO BOX 4393
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:8571100459493
PARID:00052929
NAME:CULTURE CLUB, LLC
ADDRESS:PO BOX 4393
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:857111550240
PARID:00049795
NAME:GLEN-MOORE INC
ADDRESS:711 E BROAD AVE
CITY:ROCKINGHAM
STATE:NC
ZIP:28379-0816

PIN:857110459275
PARID:00049800
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857110459272
PARID:00049796
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857110459270
PARID:00049797
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857110459178
PARID:00049798
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857110459177
PARID:00049799
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857110459174
PARID:00049801
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857111551205
PARID:00049802
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857111551203
PARID:00049803
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857111551201
PARID:00049804
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857111551109
PARID:00049805
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857111551107
PARID:00049806
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857111551105
PARID:00049807
NAME:ROBINSON, CRAIG F &
NAME2:CRAWFORD, MARY ANN
TRUSTEES
ADDRESS:39 GRAND VIEW LN
CITY:BELLINGHAM
STATE:WA
ZIP:98229

PIN:857100551530
PARID:00046421
NAME:HANKINS, PATRICIA B
NAME2:GARNER, DEBRA LYNN
& TANT, TERESA GAIL
ADDRESS:3522 LINCOLN LANE
CITY:GASTONIA
STATE:NC
ZIP:28056

PIN:857100551433
PARID:00050403
NAME:HANKINS, PATRICIA B
NAME2:GARNER, DEBRA LYNN
& TANT, TERESA GAIL
ADDRESS:3522 LINCOLN LANE
CITY:GASTONIA
STATE:NC
ZIP:28056

PIN:857111551346
PARID:00053099
NAME:COVINGTON, CAROLYN T
ADDRESS:140 PINE LN
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857110456250
PARID:00055683
NAME:MARTIN, NANCY S &
SLATE, JAMES D JR &
NAME2:CHARLES D & TRENT J &
DAWSON, JENNIFER S
ADDRESS:1600 HOFFMAN RD
CITY:JACKSON SPRINGS
STATE:NC
ZIP:27281

PIN:857110455473
PARID:00048142
NAME:OVERTON BODY SHOP
ADDRESS:110 SANDY AVE
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857110455201
PARID:00053716
NAME:MURRAY HILL
INVESTMENTS, INC
ADDRESS:6010 PAYTON DR
CITY:ROUGEMONT
STATE:NC
ZIP:27572-7368

PIN:857114446845
PARID:00047498
NAME:SMITH, CLAUDE F JR
FAMILY
NAME2:LIMITED PARTNERSHIP
#4
ADDRESS:1305 E BROAD AVE
STE 36
CITY:ROCKINGHAM
STATE:NC
ZIP:28379

PIN:857115540740
PARID:00047496
NAME:SMITH, CLAUDE F JR
FAMILY
NAME2:LIMITED PARTNERSHIP
#4
ADDRESS:1305 E BROAD AVE
STE 36
CITY:ROCKINGHAM
STATE:NC
ZIP:28379

PIN:857115541974
PARID:00052894
NAME:TUNSTALL, WILLIAM M &
WANDA S
ADDRESS:1316 MCCASKILL RD
CITY:CARHAGE
STATE:NC
ZIP:28327

2.17.9 Criteria for Zoning Map Amendments

As related to Parcel 00048734 request to rezone from PD to GB.

A. Consistency. *Rezoning shall be consistent with the adopted Comprehensive Plan.*

The subject property is located on Murray Hill Rd. and Short St. in Southern Pines, and is compatible with contiguous parcels. The subject parcel is located in direct proximity to parcels currently zoned for General Business. Existing businesses contiguous to the subject parcel include, and are not limited to, The Oil Changer, Lowe's Home Improvement, Star 102.5 Radio Station, Kick Back Jack's, Chick-Fil-A, and the Kangaroo Gas Station located less than 800 ft. to the west of the subject. The request is consistent with neighboring properties to the North, South, and West. With the ever present external forces that drive the market in which we reside a rezoning to GB would allow for the highest and best use of the subject property while promoting sustained economic opportunity for the community.

B. Adverse Impacts on Neighboring Lands. *The hearing body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.*

Requesting the zoning map amendment from PD to GB is compatible with the surrounding neighborhood. The petitioner does not feel that granting its request to rezone the parcel will hinder, or jeopardize, any of the surrounding parcels.

C. Suitability as Presently Zoned. *The hearing body shall consider the suitability or unsuitability of the tract as it is currently zoned.*

For consideration; the current PD zoning requires setbacks and buffers that create a hardship for maximizing the highest and best use of the subject parcel. Given the lot size of 0.69 acres, these prescribed setbacks limit the square footage of usable space.

D. 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 area. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*

Adopting GB zoning on the subject property will in no way alter public health, safety, or welfare. The current use of the subject property will remain the same. In meeting the requirements for health, safety, and welfare it is important to note that there is little variation between PD and GB statutes.

- E. Public Policy.** *Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with the neighborhood, area, or specific plans.*

The requested change is compatible with the surrounding neighborhood, and fits symmetrically with growth of contiguous properties.

- F. Size of Tract.** *The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the neighboring affected lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*

Rezoning from PD to GB will allow for the highest and best use of the subject property. Total acreage of the parcel is .69 acres. The required setbacks under PD zoning significantly reduce the amount of usable area. Of importance to note; with the limited lot size, a number of permitted uses under GB would not be applicable to the property.

- G. Other Factors.** *The Hearing Body may consider any other factors relevant to a rezoning application under state law.*

With demands placed on municipalities as the market continues to grow and diversify, a rezoning to General Business will allow for the highest and best use of the subject parcel while remaining in harmony with the surrounding neighborhood. The Comprehensive Long Range Plan considers future land use a seminal value governed by consistent vision, goals, and policies. Recognizing this vision, and the dynamic forces affecting the evolution of our town, a reclassification to General Business on the subject property will remain consistent with zoning standards set forth by the adopted Comprehensive Long Range Plan.

- H. Applicant Representations.** *Except for rezoning requests submitted in accordance with the provisions herein for conditional use district rezonings, The Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

The request is not applicable as the request is not for a conditional use or conditional district rezoning.

Matthew A. Callahan, P.L.S.
Land Surveying

August 23, 2016

Culture Club, LLC

Being all of Lot 9 as shown on a plat entitled Longview and recorded in Map Book 3, Page 70 of the Moore County Registry and being described as follows:

BEGINNING at a corner, said corner being located in the southeast quadrant of Short Street and Blue Lane in the town of Southern Pines, N.C. Running thence from said beginning corner and with the southern right-of-way of Blue Lane, S 88°51'00" E 150.00 feet to a corner; thence leaving Blue Lane, S 01°09'00" W 200.00 feet to a corner in the northern right-of-way of Murray Hill Road; thence with the northern right-of-way of Murray Hill Road N 88°51'00" W 150.00 to a corner in the eastern right-of-way of Short Street; thence with the eastern right-of-way of Short Street N 01°09'00" E 200.00 feet to the beginning and being all of Lot 9, containing 0.69 acres as shown on Map Book 3, Page 70 of the Moore County Registry.

Note:

Above bearings are in reference to Map Book 3, Page 70 of the Moore County Registry.

P.O. Box 938 – Vass, NC 28394 – (910)245-2980

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).

Future Land Use Map: Property Along Murray Hill Road & Short Street – Proposed Rezoning from PD to GB

