

## MINUTES

**Town of Southern Pines Planning Board Meeting  
Douglass Community Center  
1185 W. Pennsylvania Avenue  
May 19, 2016 at 7:00 p.m.**

The Town of Southern Pines Planning Board met on Thursday, May 19, 2016, at 7:00 p.m. at the Douglass Community Center, 1185 W. Pennsylvania Avenue, Southern Pines, North Carolina.

Planning Board members Mike Martin, Chairman, John McLaughlin, Vice Chairman, Kristen Obst, Bill Pate, James Curlee, William Ross and Brittany Paschal were present.

Staff members Chris Kennedy, Senior Planner, and Cindy Williams, Secretary to the Board, were also present.

Chairman Martin called the meeting to order at 7:00 p.m.

### **NEW BUSINESS:**

Chairman Martin recognized Ashley Eder, from Aging Outreach and a member of the 2016 MCLI Program, who was present.

Chairman Martin, with unanimous approval of the Board, made an adjustment to the agenda, making the public hearing the first order of business.

### **APPROVAL OF MINUTES:**

A motion was made to approve the Minutes of the April 21, 2016 meeting as written. **The motion passed unanimously.**

Chairman Martin confirmed that there were no conflicts of interest with any of the Board members regarding the public hearing.

### **OATH OF TESTIMONY:**

All witnesses were sworn in by Cindy Williams, Secretary to the Board.

Chairman Martin opened the public hearing.

### **PUBLIC HEARING:**

#### **CU-02-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Attached (Townhomes) Development; Petitioner: Goneau Construction**

On behalf of Goneau Construction, Mr. Marcel Goneau has submitted a Conditional Use Permit application requesting the approval of a Major Subdivision for a residential development project between W. Maine Avenue and W. Rhode Island Avenue. Per Section 2.20 Major Subdivisions of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit. The proposed development consists of fourteen (14) single-family attached dwelling units, thereby the proposal will require a CUP. The subject property is comprised of 2.037 acres is zoned RM-2 (Residential Multi-Family - 2). The property is identified by the following: PIN: 858218219937 (PARID: 00036263). Per the Moore County Tax records, the property owner(s) are listed as Silver Ridge Holdings LLC.

### **STAFF REPORT – Senior Planner Chris Kennedy:**

Chris Kennedy presented the overall scope of the petitioner's request and described the location of the property as being between W. Maine Avenue and W. Rhode Island Avenue, with the only access to the property being W. Maine Avenue.

Mr. Kennedy stated that the RM-2 zoning designation does permit single-family attached dwelling units (townhomes); however, any subdivision greater than five lots requires a Conditional Use Permit ("CUP"). The petitioner is proposing fourteen (14) single-family attached dwelling units (townhomes). He explained the quasi-judicial hearing process to the members of the public who were present.

Mr. Kennedy stated that this project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality water area of the Little River Intake Number 2 Watershed. If the project moves forward as proposed, it will require the 5/70 exemption as part of the CUP application given that the development is proposed at 39.54% impervious. He stated that this issue is not necessarily part of the Planning Board's review as the Watershed Protection Permit does not require a Planning Board recommendation to the Town Council, but it is certainly something to be taken into consideration in the Board's deliberations.

Mr. Kennedy said that the petitioner has provided a thorough narrative of how the petitioner feels their application meets the criteria of the Comprehensive Long Range Plan. The preliminary plat shows W. Maine Avenue extending only to the project entrance.

The applicant is requesting a waiver of the 30' rear setback requirement and is proposing a setback of 20' along the rear property line only. The layout of the townhomes is affected by the grade of the property resulting in the request for a reduction in the rear setback requirement.

Mr. Kennedy stated that pursuant to Section 2.46.3, the Administrative Relief Section of the UDO, the petitioner could request an administrative waiver of the rear setback requirement from Town staff. Given the fact that the petitioner has provided a fence as well as a landscaping plan, any adjacent properties would likely not be affected, whether the setback is 30' or 20' given the screening proposed, so the staff would most likely grant the waiver at the administrative level based upon the criteria of the UDO for administrative relief and previous staff approved relief with past cases. Rather than ask staff for administrative relief later on, the petitioner has elected to proceed with requesting the waiver as part of the CUP hearing process and requests that the boards make the determination to grant the relief.

Mr. Kennedy addressed concerns regarding increased traffic potential, stating that W. Maine Avenue should be able to handle upwards of 200 or more trips per day and that the proposed development only triggered 85.4 trips per day. Per the UDO the number of trips triggered by the proposed development does not necessitate the need for a traffic study, neither the TDA nor the TIA.

The applicant is requesting that with the proposed abandonment of N. Mechanic Street, as part of a separate application, the need for the completion of W. Maine Avenue to N. Mechanic Street is not practicable. Mr. Kennedy stated that the Town Council is currently reviewing CU-01-16 wherein the petitioner of that project is asking for the abandonment of N. Mechanic Street from the NE Service Road to east side of W. Maine Avenue. Mr. Kennedy requested that the Board take the possible abandonment of that street into consideration in determining whether they see a need to extend W. Maine Avenue to N. Mechanic Street.

John McLaughlin expressed concern about the other homeowners having a means to exit the development in the event of a fire and asked if there would only be one point of ingress and egress.

Mr. Kennedy responded that there will only be one entrance, and that the Fire Department typically only requires a second means of ingress and egress for subdivisions containing more than one-hundred (100) dwelling units. He also said that Town staff, including the Technical Review Committee and the Fire Marshal, have reviewed the preliminary plat for the purpose of emergency vehicle access, as well as the ability of residents to leave in the event of such an emergency. All parties will use a critical eye when conducting the final site plan review.

Mr. Kennedy stated that the private road within the development is 22 feet wide, which is wider than W. Maine Avenue and some other Town streets.

Bill Pate asked if W. Maine Avenue is the street that does not allow on-street parking, and Mr. Kennedy responded yes.

Mr. Kennedy stated that each unit has a garage, as well as three parking spaces in front of the units, which exceeds the number of spaces that are required.

Jim Curlee asked if the Board may consider the traffic analysis that has been supplied for a different project in considering this application.

Mr. Kennedy said yes, but reminded the Board to keep in mind that is not an approved project to date. He added that the other project could add additional ingress/egress points which would affect the traffic study so he cautioned against using that information in the Board's deliberations.

Mr. Curlee inquired about the anticipated route out of the development.

Mr. Kennedy said he does not think this is going to add significant traffic to any of the local streets given the ADT of 85.4.

Mr. Curlee estimated the impact to be less than 10% and Mr. Kennedy agreed.

Marcel Goneau addressed the Board, thanked the members for hearing his CUP request, and offered to answer any questions. He stated that he is a local builder and resident of Southern Pines and has been in the area most of his life. It has been a while since he has done work in Southern Pines due to the recession, but is pleased that the opportunity to work in Southern Pines has presented itself again.

Brittany Paschal asked Mr. Goneau to clarify the number and location of parking spaces per unit.

Mr. Goneau responded that the UDO requires two spaces per unit, but that 5 spaces per unit have been provided, with each townhome having a two-car garage and room in each driveway to accommodate three additional vehicles.

Ms. Paschal asked if all of the parking spaces would be asphalt, and Mr. Goneau confirmed that they will all be paved.

Mr. Curlee inquired about the drop along the left side of the property.

Mr. Goneau said it is about 18 feet and runs along a good portion of the right-of-way. He said that is one of the reasons they shifted the project to the right, and that there will be safety railings and fencing along the left side of the property for the safety of the residents.

Mr. Curlee asked about the current condition of the right-of-way.

Mr. Goneau responded that there are trees and other vegetation along the right-of-way and that area will be maintained in its current state. He does not want to disturb that area because it is stable.

Mr. Pate stated that his only concern is that the setback line Mr. Goneau wants to decrease is the one that abuts existing houses.

Mr. Kennedy said that was a concern from the Town's perspective as well, but pursuant to the UDO, Town staff has the authority to grant administrative relief if all criteria has been met. He feels that given the fence and landscaping that is being provided, the staff would most likely grant a waiver in this situation.

Kristen Obst inquired about impervious surface and whether there is an available alternative surface.

Mr. Kennedy responded that the Town considers any surface other than grass and/or dirt to be impervious so alternative materials can help with stormwater calculations but not for the impervious percentage. He said that often times, without strict maintenance, pervious pavers eventually fill with silt and sheet water just like asphalt. In Town's opinion, gravel ultimately

compacts, not at the same rate as asphalt, but eventually it will sheet water as well therefore it is consider impervious.

Chairman Martin asked Mr. Goneau to explain how traffic from this development is going to disburse off of W. Maine Avenue into Town.

Mr. Goneau responded that since they will be improving W. Maine Avenue, he feels that anyone exiting the development would take a left on W. Maine Avenue and probably go down to N. Saylor Street to Pennsylvania Avenue only because N. Hale Street has not yet been improved and is currently a gravel road.

Mr. Goneau stated that another option for someone driving toward Midland Road would be to take a left and go down the paved portion of N. Hale Street and take a right or left onto 2<sup>nd</sup> Street. He said another option would be to take a right or left on Saylor Street, and added that there are multiple options.

Mr. Goneau stated that he thinks it is very important to consider that pursuant to the UDO, the location is set up to handle 200 trips per day. The UDO was used in calculating the number of trips and he is well below what is allowed.

Chairman Martin asked Mr. Goneau to convince him that with other potential growth in this area, demand will not exceed the limit that has been established for N. Saylor Street.

Mr. Goneau said that is difficult to do, but whether this development is improved or not will have an impact on Southern Pines as well. He said they have spent a lot of time, with Mr. Kennedy's assistance, to insure that all requirements are met.

Mr. Kennedy stated that the grid pattern of the downtown has helped with traffic flow, but anyone coming out of this development would most likely take N. Saylor Street, whether going to Midland Road or Pennsylvania Avenue. He added that N. Hale Street is currently unimproved where it connects to W. Connecticut Avenue, and that N. Leak Street connects to Midland Road so that is also an option. Other alternatives were also mentioned.

Chairman Martin asked if the Planning Board is required to look at this project specifically or if they are permitted to consider other projects that are under consideration at the present time.

Mr. Kennedy responded that the Board may look at any proposed project in the area but cautioned the board to make a decision on this application due to conditions of another application that may or may not be approved or amended.

Mr. McLaughlin asked about the topography toward the back of the property and the possibility of that section needing to be paved at a later date.

Mr. Kennedy responded that there are no plans for paving that section right now as that right-of-way is slated for abandonment by the Town Council but the final determination on the abandonment of N. Mechanic Street is to be determined.

Mr. McLaughlin asked if Mr. Goneau would be required to pave W. Maine Avenue beyond the entrance to his development.

Mr. Kennedy responded that the Town has two concerns and we need some clarity or a condition applied. One is the sewer easement that runs through the petitioner's property. The Town is going to require that if the right-of-way is abandoned, the Town will retain a 20' easement, and the other concern is if the US 1 project is denied, this right-of-way abandonment request for N. Mechanic Street would not be approved at this time.

Mr. Pate asked if there is any benefit to extending W. Maine Avenue past the entrance to the development to provide emergency vehicles another access or if one entrance is adequate.

Mr. Kennedy responded that he would defer to the Fire Department for that determination.

Chairman Martin asked if there were any other questions or if anyone else would like to speak.

Chairman Martin asked if the Board had enough information to make a decision tonight.

Chairman Martin entertained a **motion** to close the public hearing at 7:54 p.m. John McLaughlin made the **motion**, which was seconded by Jim Curlee. **The motion passed unanimously.**

**ACTION OF THE BOARD:**

**FINDINGS OF FACT:**

The following findings of fact were made by the Board as required by Section 20.20.5(G) Criteria for a Preliminary Plat:

**FINDING OF FACT #1**

John McLaughlin made a **motion**, which was seconded by Jim Curlee.

I move to recommend as a finding of fact that the Preliminary Plat application is complete and that the facts submitted are relevant to the case, in that...

- a. The request for Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices; and
- b. The facts submitted are relevant to the case as the evidence submitted was sworn testimony done so by qualified experts or provided through substantiated documentation.

**The motion passed unanimously.**

**FINDING OF FACT #2**

Brittany Paschal made a **motion**, which was seconded by William Ross.

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

1. **The application is consistent with the approved Sketch Plat, if applicable;**  
Not applicable.
2. **The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;**  
The proposed project is consistent with the goals and objectives of the CLRP as the project incorporates many of the goals and objectives of the CLRP. The proposed subdivision includes a product that is consistent with the scale and context of the surrounding neighborhood and downtown Southern Pines. The proposed project is not located on property where public recreational amenities are required by land plan or the UDO, however the petitioner is providing the required open space. Utility and street extensions will be required but the proposed project is consistent with adopted plans as the project ties into existing streets and public utilities as utilities are readily available adjacent to the subject property.
3. **The proposed subdivision complies with the UDO and applicable state and federal regulations;**  
The proposed preliminary plat does not fully comply with the UDO standards as the petitioner is requesting relief on the rear setbacks for the southern boundary of the property. However the petitioner has framed the relief request in a manner in which the intent of the setback ordinances are met with the installation of buffer plantings and a fence to screen neighboring views. The petitioner is also requesting that W. Maine Avenue not be required to be improved to the full extent of the property. The Planning Board recognizes that the feasibility of such, or lack thereof, may permit the applicant to proceed with an alternative length for road

construction as set forth in the streets section of the UDO. The remainder of the application complies with the restrictions of the UDO. The request also complies with all applicable state and federal regulations.

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

The proposed subdivision does not fully comply with the UDO standards as the petitioner is requesting relief on the rear setbacks for the southern boundary of the property as well as the extension of W. Maine Avenue. However, due to the petitioner's design of the setback area and the conditions affecting the W. Maine Avenue extension the relief may be permitted and reasonable. The remainder of the application complies with the restrictions of the UDO including density, lot sizes, buffers and the like. The CLRP designates this area and subject property as "residential". The proposed use is listed as a permitted use in the RM-2 zoning classification, a residential zoning classification, the proposed subdivision is compatible with the existing and future land uses of adjacent property.

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

The proposed subdivision is compatible with the adjacent properties and will not be detrimental to the adjacent properties as the project complies with the approved density as well as the buffer requirements set forth in the UDO. The CLRP designates this area and subject property as "residential". The proposed use is listed as a permitted use in the RM-2 zoning classification, a residential zoning classification, the proposed subdivision is compatible with the existing and future land uses of adjacent property.

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

Public water and sewer utilities are readily available for the project, the cost of which will be borne by the developer. As proposed, roadway connections and improvements will be made at the termination of the existing paved section of right-of-way on W. Maine Avenue to the entrance of the proposed subdivision. The petitioner is requesting that W. Maine Avenue not have to be completed to the full extent of the property but the Planning Board recognizes that the feasibility of such, or lack thereof, may permit the applicant to proceed with an alternative length for road construction as set forth in the streets section of the UDO. Regardless of the length of roadway required, the petitioner will provide the proper design to ensure normal and emergency demands of the development.

**The motion passed unanimously.**

**CLRP Compatibility for the Preliminary Plat:**

Brittany Paschal made a **motion**, which was seconded by John McLaughlin.

I move to recommend that the proposed Preliminary Plat is consistent with the Comprehensive Long Range Plan that has been adopted and any other officially adopted plan in that, the proposed project meets the objectives of the Comprehensive Long Range Plan including Policy P-4, Policy P-12, Policy P-15, and Policy P-16.

**The motion passed unanimously.**

Chairman Martin entertained a motion to recommend to Town Council the approval of the Preliminary Plat. John McLaughlin made the **motion**, which was seconded by Brittany Pascal.

**The motion passed unanimously.**

The following findings of fact were made by the Board as required by Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F:



## FINDING OF FACT #1

William Ross made the **motion**, which was seconded by John McLaughlin.

I move to recommend as a finding of fact that the Conditional Use Permit application is complete and that the facts submitted are relevant to the case in that...

- a. The request for a Conditional Use Permit approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices; and
- b. The facts submitted are relevant to the case as the evidence submitted was sworn testimony done so by qualified experts or provided through substantiated documentation.

**The motion passed unanimously.**

## FINDING OF FACT #2

Prior to making a formal motion on the application's compatibility with the Conditional Use Permit criteria set forth in Section 2.21.7 of the UDO discussion ensued amongst the Board members.

Bill Pate referenced the portion of Section 2.21.7 regarding whether the project conforms to the character of the neighborhood and asked if future traffic will have an impact.

Chairman Martin stated that he likes the presentation but is struggling with the traffic issue. Presented by itself, the plan should be approved, but he has knowledge that this could exacerbate an already significant problem.

Mr. McLaughlin stated that it is his personal opinion that the Board is looking at something that has not been totally addressed and aired and is punishing Mr. Goneau based on "the large thunderstorm versus the scattered shower."

Ms. Paschal referred to the language in Section 2.21.7(E) of the Code which states:

*"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 stated that "comfort" could include having to wait an extended period of time to enter the street or even the challenge of someone trying to walk their dog downtown due to heavy traffic because there are no sidewalks in that area. She would like for it to be emphasized to Council that this is a concern.

Mr. Kennedy asked the Board to think of a condition as something tangible, i.e. how you treat the extension of W. Maine Avenue. Does it stop as presented by the petitioner or does it extend to N. Mechanic Street? That is a tangible condition. Mr. Kennedy continued by stating that having a concern about traffic is not necessarily an appropriate condition because the petitioner can never satisfy that condition.

Mr. Kennedy continued by stating that any time you require a Major Subdivision you have to come before the Board because there are concerns like this. Traffic is a concern throughout the entire County. I think if you are deliberating between conditions and comments, make sure your condition is something tangible that can be achieved and not a theoretical comment.

Mr. Kennedy said he understands the Board's concerns and that development does not occur in a vacuum. If this was the only project on that street and nothing else was ever going to be developed traffic would likely not be a concern. The context is why these things need to come before the Board and it is not always an easy decision.

The Board then proceeded with their findings of fact for the Conditional Use Permit criteria.

Bill Pate made the following **motion**, which was seconded by Jim Curlee.

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

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

The property is currently zoned RM-2. Residential land uses are permitted under the RM-2 zoning classification at a density of 5-7 dwelling units per acre. The proposed subdivision does not fully comply with the UDO standards as the petitioner is requesting relief on the rear setbacks for the southern boundary of the property as well as the extension of W. Maine Avenue. However, due to the petitioner's design of the setback area and the conditions affecting the W. Maine Avenue extension the relief may be permitted and reasonable. The remainder of the application complies with the restrictions of the UDO including density, lot sizes, buffers and the like as well as 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;**

The RM-2 zoning classification permits single-family and multi-family uses at a density of 5-7 dwelling units per acre. The proposed conditional use is designed in a manner that will fit within the character of the surrounding neighborhood. Concerns such as density, building height, traffic, noise, light pollution associated with the proposed project should not be greater than those currently existing in the surrounding neighborhood. Therefore the proposed conditional use should not injure the use and enjoyment of the neighboring properties.

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

Public water and sewer utilities are readily available for the project, the cost of which will be borne by the developer. As proposed, roadway connections and improvements will be made at the termination of the existing paved section of right-of-way on W. Maine Avenue to the entrance of the proposed subdivision. The petitioner is requesting that W. Maine Avenue not have to be completed to the full extent of the property but the Planning Board recognizes that the feasibility of such may permit the applicant to proceed with an alternative length for road construction as set forth in the streets section of the UDO. Regardless of the length of roadway required, the petitioner will provide the proper design to ensure normal and emergency demands of the development.

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

The proposed project is an infill project in proximity to downtown Southern Pines. The development of the proposed, including the road and utility extensions, should enhance and not impede the viability of development of surrounding properties. The CLRP designates this area and subject property as "residential". The proposed use is listed as a permitted use in the RM-2 zoning classification, a residential zoning classification, the proposed subdivision is compatible with the existing and future land uses of adjacent property. Consequently, the proposed project should not diminish or impair the property values of the existing 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;**

The proposed project will provide an infill development that will comply with UDO and CLRP standards. In the instances where the application deviates from the UDO, the UDO allows such deviation based on specified criteria that the petitioner has provided evidence to support such relief. The CLRP and the UDO are documents that seek to advance the public health, safety, and general welfare of the public with policies, standards and restrictions. As a result, if the proposed project conforms to those policies, standards, and restrictions, the use should not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood and the public at large.

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

This project incorporates many of the goals and objectives of the CLRP and establishes a development pattern that fits within the context of the surrounding neighborhood and downtown Southern Pines. As set forth as a goal of the CLRP, the provision of residential units, especially those that enhance the diversity of residential dwelling unit composition in the downtown areas should be viewed as a positive impact. Development, in general, can contribute to what some may perceive to be negative externalities and thereby adverse impacts. However, the proposed development seeks to further the goals and objectives of the CLRP and the UDO requirements which are in place to promote the health, safety, and general welfare of the public. Therefore, the public interest and welfare supporting the proposed project is sufficient to outweigh and individual interests that may be adversely affected.

**The motion passed unanimously.**

**CLRP Compatibility for the Conditional Use Permit:**

Brittany Paschal made a motion, which was seconded by Jim Curlee.

I move to recommend that the proposed Conditional Use Permit application is consistent with the Comprehensive Long Range Plan that has been adopted and any other officially adopted plan that is applicable in that it is complete and covers all of the applicable criteria set forth in the UDO.

**The motion passed unanimously.**

Discussion ensued among the Board members regarding improvements to W. Maine Avenue.

Mr. McLaughlin stated that the extent of improvements should be based on whether W. Mechanic Street is abandoned because otherwise the Board would be placing a financial burden on Mr. Goneau that could be overkill.

Chairman Martin stated that he feels that W. Maine Avenue should be made adequate for emergency vehicles.

Mr. Kennedy said emergency vehicle personnel could then state what improvements would be adequate for emergency access during the site plan review process with Town staff. Mr. Kennedy asked Mr. Goneau if he was amenable to this condition.

Mr. Goneau responded yes.

Bill Pate made a **motion**, which was seconded by Brittany Paschal, to recommend to the Town Council the approval of the Conditional Use Permit with the condition that W. Maine Avenue be improved to a Town standard to the full extent of the property should the right-of-way abandonment for N. Mechanic Street between the NE Service Road and W. Maine Avenue be denied by the Town Council; such request is included in a separate request outside of the application for CU-02-16. Should the Town Council approve the abandonment of right-of-way of N. Mechanic Street between the NE Service Road and W. Maine Avenue, then the petitioner may only need to improve W. Maine Avenue to the ingress/egress as proposed in the application CU-02-16 and per the requirements of UDO Section 4.11.7(B).

The **motion passed by a vote of 6-1.**

**OTHER BUSINESS:**

**The Pavilion at Morganton Park – Unified Sign Plan; Petitioner: Koontz Jones Design**

On behalf of The Pavilion at Morganton Park development, Mr. Bob Koontz of Koontz Jones Design has submitted a Unified Sign Plan proposal for the signs to be included within the development. Per UDO Section 3.5.14(I), signs within the development shall adhere to the standards set forth in UDO Section 4.6 or as part of the zoning application or an amendment thereto; however the applicant may submit a Unified Sign Plan that establishes more specific design standards properties within the PD (Planned Development) zoning classification to ensure

a coordinated theme across the development. The subject property is identified by the following: PIN #: 857100495159 (Parcel ID: 20150045). Per the Moore County GIS the property owner(s) is listed as Pavilion at Morganton Park, LLC.

**STAFF REPORT – Senior Planner Chris Kennedy:**

Mr. Kennedy provided an overview of the plan and stated that shopping centers are required to maintain a unified sign plan. There are a few deviations from the UDO in this plan requiring the petitioner to come before the Planning Board for approval.

Mr. Kennedy provided an overview of the Town’s sign ordinance for shopping centers and outlined the petitioner’s request.

The only two deviations from the Code are the “Pavilion” sign and the monument sign in the parking area as one enters the building from parking lot. Currently the UDO does not directly address a sign that identifies a building itself. The monument sign is more of a pedestrian directional sign. It does not serve the purpose of directing vehicular traffic from a public right-of-way.

Bob Koontz, speaking on behalf of the petitioner, Koontz Jones Design, reiterated that they are requesting a deviation to allow the building identification sign on the Pavilion, and that sign will also include “100 Pavilion Way”, the address of the building. This will enable the tenants of the building to provide visitors with a location and it is a building direction sign. This sign measures 16 sq. ft., which is significantly smaller than a typical tenant identification sign.

Bill Pate asked where address would be located on the sign. Mr. Koontz said it will be under the word “Pavilion.”

Mr. Koontz stated that the other sign they are requesting a deviation from the UDO for will be in the rear of the building and it is a pedestrian scaled directory sign identifying the tenants in the building and the suite number for each of the tenants. Mr. Koontz informed the Board that several tenants would be located on the second level of the building. Each of those tenants will be listed on that sign with the suite number for wayfinding purposes. There will be standardized typography, not graphics. Again, it is pedestrian scale and will serve as a directory for visitors. Those are the two deviations from the UDO standards.

Mr. Koontz said there will be an elevator to the second floor located in the breezeway and he wants to make sure people get where they need to go.

Mr. Kennedy explained that each establishment is allowed one sign on the side of the building. The way the UDO is applied, your signage is allocated based on your street frontage. An establishment can have one sign per street frontage and one additional sign if the primary parking area for a business is not located between the entrance and the street. Sign size square footage is based on linear footage of each business space.

Mr. Kennedy reiterated that the deviations are the Pavilion identification sign what he would consider to be a monument sign in the rear.

Chairman Martin asked if the signs will be lit.

Mr. Koontz responded that they will be back lit and the lighting is internal.

Mr. Curlee asked if he is showing the maximum number of signs that could be permitted.

Mr. Koontz said the sign plan is based on what is permitted by the Code at this point. If a tenant moves out and two different suites are created, additional signage will be permitted at that time.

Chairman Martin asked if any there were any questions, and there were none.

**ACTION OF THE BOARD:**

Jim Curlee made a **motion**, which was seconded by William Ross, to approve The Pavilion at Morganton Park Unified Sign Plan. There being no further discussion, the **motion passed unanimously**.



**Morganton Park South, Phase 1 Unified Sign Plan; Petitioner: Koontz Jones Design**

On behalf of the Morganton Park South Phase 1 development, Mr. Bob Koontz of Koontz Jones Design has submitted a Unified Sign Plan proposal for the signs to be included in phase one of the development. Per UDO Section 3.5.14(I), signs within the development shall adhere to the standards set forth in UDO Section 4.6 or as part of the zoning application or an amendment thereto; however the applicant may submit a Unified Sign Plan that establishes more specific design standards properties within the PD (Planned Development) zoning classification to ensure a coordinated theme across the development. The subject property is identified by the following: PIN #: 857100487639 (Parcel ID: 98000750); PIN #: 857100489331 (Parcel ID: 20150133); PIN #: 857100583612 (Parcel ID: 20150132); PIN #: 857100485363 (Parcel ID: 20050319). Per the Moore County GIS the property owner is listed as CPGKRE Pinehurst Lowes, LLC.

**STAFF REPORT – Senior Planner Chris Kennedy:**

Chris Kennedy provided an overview of the Unified Sign Plan, reiterating that the petitioner is required to come before the Board because several variations from the UDO and the original sign plan are being proposed. Signage was approved in May 2013 under the application MRD 01-13. The project was approved under the MU (Mixed Use) zoning classification under the old UDO. In October 2013 the Town adopted a new UDO and the property was rezoned to Planned Development (PD). The Town Council granted a number of waivers for signage as part of the original MRD-01-13 application however the petitioner is seeking to modify those allowances and is requesting a new sign plan for Phase 1 of the development.

The petitioner wants to remove one freestanding monument sign located at the southwest entry point of the property and the landmark sign located at the intersection of what is now a private road known as Patriot Boulevard and Morganton Road. The petitioner is also requesting a “Lowe’s To Go” sign to be located at the entrance of the to-go area for the grocery store.

The gas station was not included in the earlier plans for signage. The petitioner is requesting digital changing LED pricing signs on all four sides of the gas station canopy and one digital changing LED pricing sign has been requested for the freestanding monument sign located adjacent to the gas station. The deviations from the code include the number of gas station canopy signs, typically only one would be allowed and the request for digital changed LED pricing signs.

Mr. Kennedy further stated that the Town prohibits digital changeable message signs and the Town staff highly recommends that the Board deny all requests for digital changeable messages signs included in this request.

Bob Koontz, the petitioner, addressed the Board, stating that he is requesting the additional signs on the gas station canopy and the “Lowe’s To Go” sign because they were not included in the previous request. He said they are asking for the LED changing sign and for signs around the canopy. The “Lowe’s To Go” sign will be an 11.5 square feet sign located in the front of the building inside the parking lot to direct people who are picking up carry out orders.

Mr. Koontz shared an illustration of the monument signs, stating they meet the sign standards for height and text size.

Chairman Martin inquired about what would happen to the “Lowe’s To Go” sign if the Lowe’s Foods business plan goes away.

Mr. Koontz responded that they would need to come back before the Planning Board if something that deviates from the approved Unified Sign Plan is requested.

Bill Pate asked the applicant to confirm that the free standing sign would have the gas prices. Mr. Koontz responded yes.

Jim Curlee asked the applicant to clarify the height of the monument sign. Mr. Koontz responded that it is 69 inches tall, which is within the sign guidelines of the UDO.

Mr. Curlee asked about the height of the other monument signs.

Mr. Koontz responded that they are both 10 feet in height.

Mr. Kennedy stated that as a point of information, when Town staff reviews the square footage of a monument sign, they do not count the base or any foundational features but they do consider these features when determining the height. No portion of any monument sign may extend above 10 feet. The text area is included in calculating the square footage.

Mr. Curlee asked if the LED changeable sign is for the gas station.

Mr. Koontz responded yes.

Chairman Martin asked if he would be willing to make alterations to the Unified Sign Plan and if it is necessary to have four signs on the canopy.

Mr. Koontz responded that he would be willing to alter his request.

Chairman Martin asked if it is necessary to have four signs on the canopy.

Mr. Koontz said they would like to have four signs.

Mr. Pate asked for clarification about the canopy sign.

Mr. Koontz said he believes the canopy will show the logo only, but it might be a pricing sign.

Mr. Kennedy stated that if the Board so chooses, they can individually select which signs are acceptable and which are not acceptable.

Mr. Koontz said part of the reason for wanting the four signs is the issue of street frontage and visibility.

Chairman Martin said he understands, but it will be very obvious that a gas station is there.

Mr. Koontz said once the landscaping has matured it will limit the visibility.

Mr. Pate questioned one of the signs, and said he does not understand the purpose, especially considering that landscaping will block it eventually.

Mr. Curlee asked if the signs will be situated so they are right in front of you when you pull into the shopping center.

Mr. Koontz said it is similar to a BP gas station that has its logo on each side. Lowe's Foods does not have a logo. The name is the logo.

Mr. Kennedy stated that the gas station can technically have two signs – a logo emblem sign and a text sign. However a logo emblem sign cannot include any text.

Chairman Martin asked if there will be a building associated with the gas station.

Mr. Koontz responded that there will be a small brick kiosk in the center for the cashier.

Chairman Martin asked if there will be a sign on that building.

Mr. Koontz replied no.

Mr. Curlee asked how they would change pricing if the changeable sign is not permitted.

Mr. Koontz said the prices would need to be manually changed and that the applicant feels that a changeable LED sign would be much more efficient.

Chairman Martin asked if there were any questions or comments from the Board.

Chairman Martin asked if there are any issues with removing the freestanding sign or the digital changing pricing signs on all four sides of the canopy. He stated that he has reservations about changing price sign on the freestanding monument sign.

Mr. Pate asked if the Board was agreeable to all four signs on the canopy.

Chairman Martin asked what gas station in Town had most recently petitioned for a sign permit.

Mr. Kennedy responded that most of the gas stations are typically situated on a corner and therefore have one sign on the building and one on the canopy because of where they are situated with two street frontages. This gas station does not have the advantage of being on a corner with two street frontages.

Mr. Koontz said it is tucked back from Morganton Road.

Mr. Kennedy said to again reference the purpose of the sign ordinance. It provides the ability for people to recognize the establishment and provides wayfinding capabilities, which enables people to travel safely and efficiently.

Mr. Koontz said that is true if you entered the development using Old Morganton Road but if you come in from another direction you probably would not see the gas station without some type of signage on the canopy. Mr. Koontz said there are large buffers similar to the buffer in front of the BP station beside Fresh Market. The gas station is difficult to see due to the large trees and the hedge. If you refer back to the site plan you will see the large planting area.

Chairman Martin asked for clarification that other than the large sign there is nothing else inside the development that will direct you.

Mr. Koontz confirmed.

Brittany Paschal said she feels that one canopy sign facing Patriot Boulevard would be sufficient.

Mr. Koontz said the problem with that is the angle and line of sight entering the site.

Mr. McLaughlin inquired about the elevation coming off of Brucewood Road.

Mr. Koontz said the canopy sits up a little bit above Morganton Road and there is heavy landscaping along that edge so a monument sign is proposed for that area.

Mr. McLaughlin asked about the sign pointing back toward Brucewood Road. He sees that as an important sign on the canopy.

Chairman Martin said the conversation would be different if you were only having pricing on the canopies. He would be more inclined to say yes to signs on the canopy showing the gas prices, but it is going to be clear that you are at Lowe's.

Ms. Paschal asked how the Board feels about the number of canopy signs.

Mr. Pate said he is fine with two signs.

Mr. Kennedy reiterated that the Board's decision should be compelled by the specific conditions of each individual development. The Board should state why it is allowing more signage in this situation.

Mr. Koontz said that the development has street frontage on Old Morganton Road, Morganton Road and Brucewood Road.

Chairman Martin asked if two gas canopy signs would be sufficient.

Mr. Koontz responded that the applicant could settle for two signs.

Chairman Martin asked the Board to review the remaining signage in the Unified Sign Plan.

Mr. Koontz provided an overview of the signage to be located on the outparcels in Phase 1 which includes the request for a third wall sign for establishments located on the corner tenant spaces of the outparcel buildings.

Mr. Kennedy stated that in order for an establishment to have a sign on the side of a building, it must be for the tenant that occupies that end unit.

Chairman Martin asked if the request is consistent with Tyler's Ridge sign plan that the Planning Board approved in 2015.

Mr. Kennedy responded yes.

Chairman Martin inquired about the "Lowe's To Go" sign.

Mr. Curlee said to clarify, if they change the brand but keep the same size they will not be required to come back

Mr. Kennedy said that is correct.

Chairman Martin asked if Mr. Koontz was agreeable to amending his Unified Sign Plan based on the discussion.

Mr. Koontz responded yes to the sign locations and number of signs discussed, but declined to amend the application with respect to the digital changeable message signs. Mr. Koontz stated that while he would not amend his application and he would prefer the Board approve the digital changeable message signs, he recognizes that the Board may still condition any approval to exclude the digital changeable message signs and would accept such conditions.

Chairman Martin confirmed that the Board had sufficient information to move forward.

**ACTION OF THE BOARD:**

Bill Pate made a **motion**, which was seconded by Brittany Paschal, to approve the Morganton Park South, Phase 1 Unified Sign Plan as submitted, with the following conditions:

- a. that there only be two gas canopy signs allowed, the location of such signs on the canopy can be determined by the applicant so long as it includes no more than two gas canopy signs and that the gas canopy signs not include any electronic changeable message or digital message signs; and
- b. that no electronic changeable message or digital message signs be permitted on the freestanding monument sign.

**The motion passed unanimously.**

The meeting adjourned.

Respectfully submitted:

Cindy Williams  
Secretary to the Planning Board