

## MINUTES

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

The Town of Southern Pines Planning Board met on Thursday, September 22, 2016, at 7:00 p.m. at the Douglass Community Center, 1185 W. Pennsylvania Avenue, Southern Pines, North Carolina.

Board members John McLaughlin, Chairman, Brittany Paschal, Vice Chairman, Jim Curlee, Bill Pate, Larry Harward and Kristen Obst were present. Member William Ross was unable to attend.

Staff members Chris Kennedy, Assistant Town Manager/Community Development Director, Bart Nuckols, Planning Director, and Cindy Williams, Secretary to the Board, were also present.

The meeting was called to order at 7:00 p.m.

### **APPROVAL OF MINUTES:**

A motion was made by Bill Pate, seconded by Jim Curlee, to approve the Minutes of the June 23, 2016 meeting as written. **The motion passed unanimously.**

### **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 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.

Chairman McLaughlin confirmed that there were no conflicts of interest among the Board members regarding the petition.

## **OATH OF TESTIMONY:**

All witnesses were sworn in by Chairman McLaughlin.

Chairman McLaughlin opened the public hearing.

## **STAFF REPORT – Chris Kennedy, Assistant Town Manager/Community Development Director:**

Chris Kennedy provided an overview of the petition and stated that this Conditional Use Permit application is different than the typical Major Subdivision Conditional Use Permit requests the Board reviews as this request is for a Major Modification to the previously approved Conditional Use Permit application CU-01-11. Major Modification requests must go through the same process as the originally approved Conditional Use Permit, hence the current request. The subject property was zoned PD in 2011 and is still zoned PD; however, the ordinance has changed. The Planned Residential Development (PRD) for Tyler's Ridge was established and approved under the previous version of the UDO. The current version of the UDO was adopted in October 2013. Under the previous version of the UDO, a PRD required that fifty percent (50%) of its residential units be comprised of single-family detached residential units. However, a PRD in the PD zoning classification was exempt from that requirement. The Tyler's Ridge property was previously zoned PD so therefore it was not required to plan for fifty percent (50%) of its residential units to be single-family detached residential. However, the developer was required to designate some single-family detached lots. Consequently, the developer had approved three (3) lots designated as single-family detached residential under CU-01-11. These three (3) lots are the subject of this Major Modification request. Additionally, it should be noted that a small sliver of property that was previously part of Tyler's Ridge Lot 6 has been recombined into a residential lot by recordation of a recombination plat last year.

Mr. Kennedy said he expects the construction of Phase 2 of the Tyler's Ridge apartment complex to begin in the near future. Staff has recently permitted seventy-two (72) new units for Phase 2. Phase 1 consisted of one-hundred forty-four (144) units, for a total of two-hundred sixteen (216) dwelling units for the apartment portion of the Tyler's Ridge development.

Mr. Curlee asked Mr. Kennedy for clarification regarding the location of the remaining apartment buildings to be constructed, which he provided.

Mr. Kennedy stated that this property is located within the high quality water portion of the Little River Intake #2 (LR#2) Watershed. Should this project exceed the maximum permitted in the high quality watershed, the project will be required to apply for the 5/70 exemption. The existing commercial area in the Tyler's Ridge development was granted the 5/70 exemption for up to twelve (12) acres but was also capped at sixty-five percent (65%) impervious surface percentage, partially due to its location in the Urban Transition – Highway Corridor Overlay which also limits development to a sixty-five percent (65%) impervious surface percentage.

Mr. Kennedy continued and stated that a daycare is classified under LBCS code 6562 as listed in UDO Exhibit 3-15 Table of Authorized Uses as a permitted use in the GB zoning classification,

therefore, it would be a permitted use in a commercial zoning within Tyler's Ridge. This use is listed as a "ZS" so there are supplemental conditions or standards and restrictions that may apply, these standards are listed in Section 5.7 of the UDO.

Mr. Kennedy stated that Town staff would like to recommend a couple of conditions should the Board wish to recommend approval of this application. The first being, any condition that was applied under the previously approved Conditional Use Permit CU-01-11 would remain intact with this modification should approval be granted. This approval does not supersede the previously approved CUP. Second, Town staff considers this property to be situated outside of the airport clear zone overlay, but staff does not have documentation or evidence to support that opinion with absolute certainty so staff would request that the Board require the petitioner to provide a letter from the Moore County Airport stating that these three (3) lots are outside of the clear zone. A daycare is prohibited within a clear zone and thereby evidence stating that these lots are not within the clear zone is critical to the approval of this application. Staff would ask that this evidence be provided in written form and be the second condition of approval.

Mr. Kennedy stated that staff would also like for the petitioner to provide updated information regarding the traffic impact analysis that was submitted with the previous application as shifting from three (3) single family homes to a daycare could alter the findings. Presumably, a daycare would generate greater than thirty (30) trips per day, the ADT (Average Daily Trips) for three (3) single-family detached homes. Staff would ask the Board to request that the petitioner provide updated traffic data but recognizes that the streets and intersections will likely be suitable for the modification.

Mr. Kennedy said with regard to the site plan provided, staff would comment that since this application does not contain a preliminary plat, we want it to be on the record that entrances, parking design, and other site details are subject to change. We recognize that those details will be discussed further with staff with the Technical Review Committee, and such procedure is not uncommon. The way the UDO is written, the parking code in UDO Section 4.5, requires one (1) space per employee of the daycare center and one (1) space for every two-hundred (200) square feet of gross floor area. The petitioner is showing approximately forty-five (45) spaces, which may be allowed but with some modifications and waivers of the parking standards. Typically, staff would require that the petitioner provide a letter to the Planning Director requesting a reduction in the number of required parking spaces. Staff would typically grant the request for a reduction in the number of spaces if the petitioner can produce enough information to substantiate the reduction. This is a significant decrease in the required number of spaces, so this item may be one of the topics the Board may wish to discuss with the petitioner during his presentation.

There is existing buffering on one side of this property per the original approval. Part of the original approval was that there be a thirty (30) foot landscape buffer on the side that borders the Frye property and the Sandhills Community College property, a fifty (50) foot side setback requirement on the other side, and twenty-five (25) foot setbacks on the remainder of the property.

Mr. Kennedy reviewed the quasi-judicial hearing procedures and the series of motions the Board is required to make. He clarified that all criteria are to be based on the current UDO. The zoning map and the CLRP Future Land Use Plan map are consistent with the application.

Mr. Kennedy stated that the Town no longer has a PRD development pattern in the UDO. Within the PD zoning, you are able to create your own zoning classification which may or may not include some of the principles of a PRD. Previously, three (3) single-family residential lots were incorporated to satisfy the PRD. The petitioner is seeking a major modification to remove the three (3) single-family lots and to proceed with the previously approved Conditional Use Permit without the three (3) single-family lot requirement in favor of a daycare in that location.

Jim O'Malley, the developer of Tyler's Ridge, addressed the Board. He stated that he is seeking approval to change the use on the land designated for three (3) single-family lots. He said it was not identified until very late in the original application approval process that the UDO required the single-family lots. The original proposal that was submitted went through the Planning Board and Town Council and one of the members pointed out at that time that it was his interpretation that the single-family lots were a requirement of the UDO.

Mr. O'Malley stated that one of the buildings on the original plan is the same building they are proposing in this application. The airport and the FAA required him to submit all of the buildings within the project as approved and he has letters of approval from the FAA and the Moore County Airport.

Mr. O'Malley said that in the original approval there were several types of businesses that would not be permitted. He has no objections to incorporating those original restrictions, which stated there would be no movie theaters, hotels, motels or bars. For clarification, a restaurant that has a bar as part of the business is not a bar; it is a restaurant. The petitioner is not requesting approval to build a bar or restaurant on this property, but he wanted to make note that there is a difference between the two types of establishments.

Mr. O'Malley stated that with regard to the traffic issue, since a daycare was part of the previous proposal, the change in location really does not impact that traffic analysis. He said he has approval from NCDOT to create a right in/right out driveway and he has recently acquired an additional three (3) acres from adjacent property owner, Floyd Frye. This project did not previously have any other access. The reason the NCDOT even approved the driveway access is because they liked the fact that traffic could travel through the development as opposed to going through the traffic circle.

Mr. O'Malley said the reason the daycare was part of the original proposal was because he had gone to Sandhills Community College early on in the project seeking their approval. Dr. Dempsey stated that he would love to have a daycare near the campus. The average age of the student body is 26, so a high percentage of the students are at an age when they are starting a family, so having a daycare that close to the college was very high on Dr. Dempsey's list of the types of businesses he would like to see there. Dr. Dempsey stated that services are another request of students so they have a place to eat or meet with people. Residents of Whispering Pines have also expressed a desire to have more services in this area.

Mr. O'Malley said that he originally targeted builders when marketing the three (3) single-family lots hoping there would be an interest in building single-family homes to serve as rental properties.

He had also met with a number of realtors about listing the parcels as single-family lots. Several of the realtors felt that buyers would not be interested due to the location of the lots.

Mr. Curlee asked if there are wetlands on these lots or within the development.

Mr. O'Malley responded that there are no wetlands on these lots but wetlands are present in the development and those wetland areas have been delineated. He also stated that he has received a letter verifying that this area is not within a protected woodpecker habitat.

Mr. O'Malley described the design of the parking lot, including the drop off zones. The number of parking spaces shown is less than required by the UDO, but with Building Blocks having multiple sites, they know that forty-five (45) spaces will be more than sufficient. If the use of the building was a business that would be frequented by adult patrons, additional parking would be needed. The occupants are not drivers of vehicles.

Kristen Obst stated that a two-year old child would not be dropped off at the curb to walk into school alone.

Mr. O'Malley agreed with Ms. Obst that it would be inappropriate to drop off a two-year old, and stated that he is not the person who operates the daycare business. He asked Perry Melton to respond.

Perry Melton, founder, CEO and owner of Building Blocks Early Education Centers, addressed the Board.

Mr. Melton stated that all of his centers have a similar number of parking spaces and they have never had an issue with parking. The centers do have a great number of children who are dropped off. All of the buildings have an area where parents park and walk their children into the building. A staff member then walks the child to his or her classroom. Parents of smaller children park in the parking lot and take their children inside. A majority of the children are dropped off in the morning and picked up in the evening and they have never had a problem with traffic congestion at any of the other locations. Mr. Melton said he has been required to get a parking variance for every building he has built because every county has required a large number of parking spaces that proved to be unnecessary for any of the locations.

Mr. Curlee inquired about the age of children who would be attending the facility.

Mr. Melton responded that the age range is from six (6) weeks to twelve (12) years of age. Many of the children are bussed to the centers after school.

Mr. Curlee asked how many children would be in this building.

Mr. Melton responded that the State will determine the number of children that are permitted once the building is complete. The State measures the rooms, but he estimates it will be approved for between one-hundred seventy-five (175) and two-hundred five (205) children.

Mr. Curlee asked about the number of employees.

Mr. Melton responded that the number of employees will vary between eighteen (18) and twenty-seven (27) depending on the capacity of the building. If the center was at maximum capacity, he could have as many as twenty-seven (27) employees, maybe more. If there are less children, there could be fewer employees. The employees do not work twelve (12) hours. The centers are open from 5:30 am to 6:00 pm. The employees are shift workers and some are floaters so all twenty-seven (27) employees will not be there at one time.

Mr. Curlee asked if the center will have staggered starting times.

Mr. Melton responded yes, and they have floaters for the staggered starting times and there is a floating employee in the classroom until the teacher arrives. That also changes based on the number of children due to holidays, vacation days, et cetera.

Mr. Curlee asked what time a majority of children arrive.

Mr. Melton said most children are dropped off between 5:30 am and 9:00 am. The majority are dropped off before 8:00 am and picked up between 4:30 pm and 6:00 pm.

Mr. Melton stated that the centers are unique and state-of-the art. Mr. Melton gave an overview of his credentials, and of Building Blocks Early Education Centers and its accreditations. The interior courtyard is designed for interior play for the safety of the children. It is exposed to the elements but completely surrounded by the building.

Brittany Paschal inquired about the additional entrance to be constructed off of Airport Road, and whether that will require any additional changes to the site plan.

Mr. Kennedy responded that NCDOT has granted a driveway permit to the petitioner. The access has not been designed or approved by the Town. NCDOT has merely consented to an encroachment into its right-of-way for the purpose of a driveway. It would most likely be a right in/right out driveway because of the proximity to the traffic circle.

Mr. O'Malley pointed out the adjacent three (3) acre parcel he recently purchased.

Mr. Melton thanked the Board and explained the Building Blocks partnership with Sandhills Community College with respect to its Early Education program, childcare grants, and other programs. He stated that he is very excited about this location and the beauty of the surroundings.

Mr. Curlee asked Mr. Melton how many of the children would be in the second grade or older.

Mr. Melton responded that the centers offer all day childcare from 5:30 am to 6:00 pm. After-school care is from approximately 2:30 pm to 6:00 pm. Daycare is available for all of the age groups from 5:30 am to 6:00 pm during the summer.

Ms. Obst asked Mr. O'Malley what he plans to build on the site previously approved a daycare.

Mr. O'Malley responded that he is hoping to attract a retail business or fast food restaurant but he does not currently have a tenant.

Mr. Kennedy stated that it is the staff's opinion that this project will act independently from the requirements allocated for the commercial space.

Ms. Obst asked the other Board members if there was any interest in having another traffic study done.

Mr. Pate asked that additional information be a condition of recommendation to the Town Council.

Ms. Obst stated that based on her experience, there will likely be a significant increase in traffic and expressed concern about turning left when leaving the daycare.

Mr. O'Malley said he is not stating that a traffic analysis cannot be done, but because he does not have a confirmed use of the other parcels the analysis is not necessarily going to be an accurate traffic study. When a daycare was first proposed the use was in that traffic study.

Ms. Obst stated that if a restaurant is built in that location, that is a big difference in her mind.

Chairman McLaughlin stated that he prefers the current proposed location for the daycare versus the original commercial location.

Ms. Paschal asked if, since Mr. O'Malley does not have a definite idea of what type of tenants will be occupying the remaining commercial spaces, it could be made a condition of approval that a traffic study be provided prior to any new businesses being approved for those sites.

Mr. Kennedy stated that the property is zoned PD but the petitioner is not required to come back for approval but the Town can require a TIA be provided at the staff level. This is a PD zoned property, but since it is under the previous UDO and an approved CUP, it is not treated the same as a current PD property. If this project were to come in today, it would have not have been required to apply for a Conditional Use Permit. It would have come in under the PD as a conceptual plan, then a preliminary development plan for a particular phase based on a concept of the larger area of the entirety of the development, and then final development plan approval. Under the previous UDO, the PD did not have such a process so the project was approved under the CUP process for a PRD. A developer does not have to come back for approval of a PD project. Presuming this application is approved, the petitioner will proceed with the project as long as nothing changes, just as would be the case for a GB project. The developer can move forward with staff review of engineered drawings.

Mr. Kennedy stated that any GB use would be permitted except for those specifically prohibited without consent from the Board.

Mr. Curlee stated that is all the more reason to require a traffic study.

Mr. Kennedy stated that if that is a major concern, the Board can request a modified study.

Ms. Obst expressed concern about traffic turning left out of the development, but she is not opposed to the daycare center.

Mr. Kennedy stated that if any of the uses had required a deceleration lane, it would have likely already been installed as part of the development and required from the initial CUP.

Mr. Nuckols reiterated what Mr. Kennedy had stated.

Ms. Paschal asked Mr. O'Malley for the square footage of Ace Hardware.

Mr. O'Malley responded that the Ace Hardware building is 20,000 square feet with a 10,000 square foot garden center outside.

Mr. O'Malley stated since he has purchased the additional three (3) acre parcel he may be creating an additional access point. He could potentially have up to seventeen (17) acres to develop, which will require a traffic study.

Chairman McLaughlin asked Mr. Melton about the timeline for completion of the daycare facility.

Mr. Melton responded that in the childcare industry, it is best to open in July or December. Typically, they open in July and are ready to operate in late August.

Chairman McLaughlin asked if there were any other questions, and there were none.

#### **ACTION OF THE BOARD/RECOMMENDATION TO THE TOWN COUNCIL:**

##### **FINDINGS OF FACT**

##### **FINDING OF FACT #1**

Brittany Paschal made a **motion**, which was seconded by Jim Curlee, to recommend that as a finding of fact the application is complete and that the facts submitted are relevant to the case in that 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, 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 Larry Harward, 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 it meets all of the criteria as presented.

**The motion passed unanimously.**

**Compatibility with the Comprehensive Land Use Plan & Other Applicable Plans:**

Brittany Paschal made a **motion**, which was seconded by Jim Curlee, that 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 it is compatible with the CLRP Map designation.

**The motion passed unanimously.**

**Recommendation:**

Brittany Paschal made a **motion**, which was seconded by Jim Curlee, to recommend to the Town Council the approval of CU-06-16 with the following conditions:

1. The petitioner shall provide written verification that the subject properties lie outside of the Moore County Airport Clear Zone. The written verification can be submitted to staff prior to the Town Council public hearing or to the Town Clerk if submitted at the Town Council Public Hearing for CU-06-16.
2. All applicable previous conditions applied to the approval of CU-01-11 remain in place with any approval of CU-06-16.

The Planning Board also wished to extend a comment to the Town Council that the Planning Board's recommendation on the proposed Major Modification presumes that the subject properties (Tyler's Ridge Lots 3-5) are to be considered separate from the previously approved Tyler's Ridge Commercial Area allocations with respect to allowable impervious surface, parking space maximums, and commercial space square footage.

The **motion passed unanimously.**

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**Z-03-16 Request to Rezone Property from PD to GB; 195 Short Street; 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 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 is listed as Culture Club, LLC.

**STAFF REPORT – Bart Nuckols, Planning Director:**

Mr. Nuckols provided an overview of the petition, stating that the property is currently identified as Residential on the CLRP Future Land Use Map. Typically, development in a PD goes through a series of steps for approval of the development plan. PD is traditionally associated with much larger tracts of land. He said the only reason he could recall that this tract was designated PD was

that the Town was looking at properties to the north which were part of the Morganton Road Development Plan. The access to Short Street seemed to have some common connection in making sure that Short Street would not be compromised by some sort of development that would be in conflict with PD type uses, which would typically be higher density retail or commercial uses. If the Board were to recommend the proposed GB zoning, it probably would not compromise the policy that was put into place fifteen to twenty years ago.

Mr. Curlee asked if the property to the north is zoned PD and if that property is part of the Morganton Road Development Plan.

Mr. Nuckols responded yes, that particular piece of property is within the original area that was set aside for the Morganton Road Development area.

Mr. Nuckols stated that the proposed GB zoning classification is a district that accommodates shopping, retail, office, and other uses. Short Street is on the west side of the property.

Mr. Nuckols reiterated that this is a legislative hearing so the Planning Board needs to be aware of the criteria in its consideration of this application.

Kristen Obst asked for confirmation of her understanding that the rezoning from PD to GB affects the development approval process.

Mr. Nuckols responded that would be one of the primary differences. If the rezoning to GB is approved, development plans become a staff review and move through the process at the staff level. If the property remains a PD, development plans must be reviewed by the Planning Board and Town Council. There would be differences in the way the property could be developed. Those differences could either be greater, such as setbacks, or lesser depending on the type of development that would be proposed. GB could have greater requirements than the PD.

Staff would recommend that the Planning Board make a recommendation that the CLRP Future Land Use Map be amended as well if the rezoning is recommended for approval. The property is designated as Residential on the Comprehensive Long Range Plan so the current land use designation does not match existing or proposed zoning.

Tammy Lyne, the petitioner and also a partner in Culture Club, LLC, addressed the Board and introduced her associate, Blake Webb.

Mr. Webb addressed the Board, stating that the size of the tract limits the options for development within the PD. The petitioner recognizes that the guidelines in a GB district are more restrictive than in a PD. In looking at the expansion of Morganton Road, there is an abundance of parcels contiguous to the Morganton Park Development that are zoned PD. Forward thinking, Short Street could potentially serve as a connector street to help alleviate congestion on US 501. The petitioner feels that GB district is more realistic zoning given the size of the parcel. There is a thirty (30) foot buffer requirement in GB district if the adjoining property is zoned RM-1.

Ms. Paschal inquired about the buffering guidelines.

Mr. Kennedy responded that the typical thirty (30) foot buffer would require a large tree every four-hundred (400) square feet of buffer, a small tree every four-hundred (400) square feet of buffer area, and a shrub every seventy-five (75) square feet of buffer area. The plantings must be equally distributed throughout the buffer. If there is existing vegetation, it is the intention that it remain in its vegetated state and that all pine trees must remain. A driveway that runs through a buffer area must do so at a ninety (90) degree angle to minimize impact to the buffer.

Ms. Paschal stated that there is a fence existing on the adjoining properties and asked if that is a privacy fence or a chain link fence.

Ms. Lyne responded that the fence is a two-board rail fence.

Chairman McLaughlin asked the petitioner the motive behind the change in zoning.

Ms. Lyne referenced the second parcel that is also seeking rezoning, and stated given the size of that parcel, the PD zoning makes it extremely difficult for a small business to construct something that makes sense and is affordable. The property owner feels that if it is zoned GB specifically, it is more conducive to a local business instead of a large retail facility. The owners do not want to combine the parcels. They prefer to have the ability to develop the parcels for small businesses that stand alone and not have to make one large development.

Mr. Kennedy stated that a mixture of land uses is required within a PD district. The mixture of land uses requirement can have a more dramatic impact on a smaller parcel. I think that is what Ms. Lyne is eluding to here, is that the size of the tract is a predominant factor in her making the rezoning request. Certainly the differences between the two application procedures and the level of detail required is not insignificant, but given the size of the tract and the requirement that it must have multiple land uses may impact what ultimately goes there. It is up to the Board to decide if the PD zoning is appropriate or if it is more beneficial for the public health, safety and welfare of the general public to rezone the property to GB. When you look at that criteria, including the size of the tracts, think about what PD zoning requires versus GB zoning.

Mr. Nuckols stated that a PD zoning can capture every use within the Land Use Code, whereas the GB zoning has a very specific limited number of uses.

Chairman McLaughlin asked the Board if there were any further questions, and there were none.

Chairman McLaughlin entertained a **motion** to close the public hearing. Brittany Paschal made the **motion**, which was seconded by Jim Curlee. **The motion passed unanimously.**

#### **ACTION OF THE BOARD/RECOMMENDATION TO THE TOWN COUNCIL:**

Bill Pate made a **motion**, which was seconded by Brittany Paschal, that the proposed amendment is not consistent with the Comprehensive Long Range Plan Future Land Use Map but it is consistent with the goals and objectives of those documents that constitute the officially adopted land development plan and other applicable plans.

**The motion passed unanimously.**

Bill Pate made a **motion**, which was seconded by Jim Curlee, to recommend to the Town Council the approval of Z-03-16. **The motion passed unanimously.**

Bill Pate made a **motion**, which was seconded by Brittany Paschal:

In conjunction with this approval of the rezoning request, to avoid inconsistencies in the *Comprehensive Long Range Plan Future Land Use Map*, Bill Pate made a **motion**, which was seconded by Brittany Paschal, to recommend to the Town Council an amendment of the CLRP to change the Comprehensive Long Range Plan Map Designation for the subject property from Residential to Commercial.

The **motion passed unanimously.**

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

On behalf of property owner, petitioner 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 is listed as Douglas W. Donnell.

**STAFF REPORT – Bart Nuckols, Planning Director:**

Mr. Nuckols stated this parcel is located to the south of the property that is the subject of the previous request.

Ms. Lyne stated that the properties on two sides are already zoned GB. The properties across the street that are the same size as this parcel are also zoned GB. We feel like these parcels were overlooked at the time the Zoning Map and the Future Land Use Map were created because these parcels are not conducive to PD zoning requirements given their size.

Chairman McLaughlin asked if the Board had any other questions, and there were none.

Chairman McLaughlin entertained a **motion** to close the public hearing. Brittany Paschal made the **motion**, which was seconded by Jim Curlee. **The motion passed unanimously.**

**ACTION OF THE BOARD/RECOMMENDATION TO THE TOWN COUNCIL:**

Brittany Paschal made a **motion**, which was seconded by Larry Harward, that the proposed amendment is not consistent with the *Comprehensive Long Range Plan Future Land Use Map* but it is consistent with the goals and objectives of those documents that constitute the officially adopted land development plan and other applicable plans.

**The motion passed unanimously.**

Brittany Paschal made a **motion**, which was seconded by Kristen Obst, to recommend to the Town Council the approval of Z-04-16. **The motion passed unanimously.**

Brittany Paschal made a **motion**, which was seconded by Kristen Obst:

In conjunction with this approval of the rezoning request, to avoid inconsistencies in the *Comprehensive Long Range Plan Future Land Use Map*, Brittany Paschal made a **motion**, which was seconded by Bill Pate, to recommend to the Town Council an amendment of the CLRP to change the Comprehensive Long Range Plan Map Designation for the subject property from Residential to Commercial.

The **motion passed unanimously.**

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**NEW BUSINESS:**

Chris Kennedy reported that there will most likely be two items on the October Planning Board agenda.

**OTHER BUSINESS:**

Bill Pate recognized Chris Kennedy for all of the assistance and support he has provided to the Planning Board in his role as Senior Planner.

The meeting adjourned at 9:15 p.m.

Respectfully submitted:

Cindy Williams  
Secretary to the Planning Board