



MINUTES

Tuesday, August 27, 2024: 3:00 PM

Town Council Work Session

**C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave**

1. CALL TO ORDER

Mayor Clement called the meeting to order. The following members of Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; Debra Gray; and Brandon Goodman.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda and introduced Greg Thompson, the new Parks and Recreation Director to the Council.

4. ACTION ITEMS

a. Consider PD-03-24: Written Decision for Ace Hardware Phases 2 & 3A PDP

Staff has prepared a draft Written Decision for application PD-03-24, Ace Hardware Phases 2 & 3A PDP, for the Town Council's review and approval.

Mayor Taylor Clement opened the discussion. No comments were made.

Mayor Pro Tem Pate moved to approve the Written Decision for PD-03-24: Ace Hardware Phases 2 & 3A PDP, seconded by Councilmember Goodman; the vote was unanimous.

5. COUNCIL UPDATES AND DISCUSSION

a. Follow Up on Homeless Discussions

Earlier this year, the Town partnered with students in the U.S. Army Civil Affairs qualification course to scope the depth of homelessness in the area and facilitate a set of recommendations for local leaders. Staff has prepared a summary of these recommendations.

Communications Specialist Gerald Ostlund presented a staff report to the Council. Working in conjunction with the US Army, the issue of homelessness in Moore County was analyzed and various suggestions recommended:

- expand the existing working group that Moore County already has in place to include local government and organizations
- organize a charity event to bring resources in and help the homeless (an example would be Homeless Veteran Stand Downs)
- develop a resource guide with available organizations that people could turn to for help.

The study shows a 28% increase in homeless persons located in the pit with the consensus being that the PIT count could be only 1/2 of the actual population.

Councilmember Petersen questioned if the Army offered any support or services and was told that they had simply gathered and complied with statistical information offering the suggestions that was presented in the report. Councilmember Petersen asked if the Army provided resources for

homeless veterans. Communications Specialist Ostlund advised that they did not but the Veteran's Association does offer various resources for veterans needing help.

Councilmember Goodman mentioned that he would like a comprehensive list created of all available resources.

Communications Specialist Ostlund shared that he would like to organize an event and invite all resource options.

Mayor Clement would like to contact Moore County about available resources.

b. New Park Signs

The FY 24-25 budget includes funds to replace the entrance signs at the Town's parks. Before these signs are produced, staff wants to confirm the names that will be used.

Assistant Town Manager Jessica Roth presented the topic and asked for Council agreement on the recommended signage within their staff report. To install new signage at the park entrances is estimated to cost approximately \$25,000.

Discussion ensued.

Councilmember Petersen shared background information on Elizabeth 'Betty' Rounds. Mayor Pro Tem Pate recommended the town create a plaque in her honor and have it installed at the park named in her honor.

Town Manager Parsons advised that some of the park names, Douglass, Rounds and Martin, were all figures with connections with in the Town.

Discussion ensued on park names.

Councilmember Petersen shared that she liked the new parking signs downtown, finding them attractive and visible to all.

c. Facilities Report

At the request of Council, staff has prepared a report summarizing the expenses and needs associated with the buildings maintained by the Town. Staff is prepared to review the report and answer any questions.

Assistant Town Manager Roth presented the staff report to Council.

Discussion ensued.

d. Town Council Rules of Procedure

At the request of Council, Town Attorney Mac McCarley has prepared a draft set of procedural rules for the Town Council. He will discuss the proposed rules and next steps for adopting them, if desired by Council.

Town Attorney Mac McCarley presented the item to Council

Discussion ensued.

Mayor Clement would like a hard copy to be available at Administration

Discussion ensued.

Public comment restrictions were discussed with members disagreeing on the stated limits. The rule will be modified to allow the chair authority to extend the comment period if needed.

The item will be added to the September Work Session Agenda.

e. Annexation Overview

As requested by Council, Town Attorney Mac McCarley and Town Manager Reagan Parsons will provide a brief overview of state annexation law and past local history.

Town Attorney McCarley presented the Council with an overview of Annexation laws.

Discussion ensued.

f. Watershed Credits Discussion

Staff will provide an update regarding requested transfers from Moore County in addition to facilitating general discussion around allocation of credits.

Town Manager Parsons presented an update on the Town's request to Moore County for a watershed credit allocation.

Discussion ensued.

g. Planning Department Update

Staff will update Council on applications advancing from the Planning Board to Council and implementation efforts related to the 2040 Comprehensive Plan.

Mayor Pro Tem Pate exited the meeting.

Planning Director Grieve presented an update on the current projects within the Planning Department and items that might appear on upcoming agendas.

6. COUNCIL ROUNDTABLE

Councilmember Goodman

- attended the Dream Court ribbon cutting and found the broad level of support encouraging.
- attended the ribbon cutting for Caribou Coffee.
- would like to discuss the extension of a one-way street between Illinois and Massachusetts and will the Town be connecting the new section to the old by extending the landscaping, trashcans, street lighting and underground power
 - Mayor Clement informed the Council that the Appearance Commission was working on these issues.
 - feels the East side of Broad Street encourages speeding because it is so wide and would like to discuss perhaps striping it for parking which might result slowing vehicles.

Councilmember Petersen

- spoke with the owners of Gully's who report their business has increased. They are in favor of lowering the speed limit in front of the business
- voiced concerns with the increase in traffic and speeding with new development near Airport Road
- shared concerns regarding sedimentation and would like a lesson on sedimentation and rules.
- is in favor of establishing an ending time for meetings.
 - Mayor Clement would like to reserve the right to extend the meeting if needed.
 - Councilmember Goodman feels that since the Council can control the agenda an item can be moved to a special meeting or continued if needed.

Councilmember Goodman asked if the intersection of E Pennsylvania and Ashe where trees were removed would be replanted.

- Town Engineer James Michel advised that the trees were removed because they were interfering with a sewer line and there are no plans to replant
- Councilmember Petersen added that the area looks like a weed garden and is awful looking.
- Town Engineer Michel will ask right-of-way to go out spray the weeds and will ask the Town Arborist to look at the area and make recommendations.

Town Engineer James Michel provided an update on the Longleaf/Knoll Rd. project. After reviewing the requests for roundabouts to be added to the plans NCDOT engineers informed us that they cannot be built within the same landscape area that is currently present and will add a significant amount of cost (\$1million for each circle). The findings have been explained to the Longleaf HOA group who seemed to

understand but would like to discuss other options to mimic the roundabout's effects such as a chicane. Town Engineer Michel is waiting on the engineers to return with cost estimates the chicanes.

Town Manager Parson advised that the following items would appear on the agenda for the September Business Meeting:

- would include the Broad Street speed ordinance. The street is getting ready to be paved and painting will be done at the same time.
- lots of complaints of speed on Illinois Ave. have been received, and the town is currently working on solutions to be presented at the September meeting.
- advised that past history with NCDOT shows that they historically turned down requests to drop speed limits on roads where the town does not have both sides incorporated, so the request for reduced speeds on Airport Road does not look promising. A suggestion is to prepare a resolution to drop the speed in the area from Knoll Road to the Community Gardens entrance since that stretch of road belongs to the town on both sides.
 - Councilmember Petersen supports the option to ask for the limited reduced speed request.
 - Mayor Clement would like to speak with Pinehurst to make a joint request first.
- Request for dedication of Carolina Parkway.
- Several budget amendments dealing with closing out Capital project funds and one police cruiser that was totaled.

Town Manager Parsons advised that Town Engineer Michel, Utilities Supervisor Ron Istre and Communications Specialist Ostlund have been addressing citizen complaints regarding water quality throughout the day. The staff has been working to answer and test all incoming complaints and, while the water is discolored, all water has tested safe for public consumption. Staff are continuing to map complaints to troubleshoot and find the origin.

7. ADJOURNMENT

Upon motion by Councilmember Goodman, seconded by Councilmember Petersen and carried unanimously, Council adjourned at 6:07 pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk





CASE NUMBER: PD-03-24

**FINDINGS OF FACT, DECISION OF THE BOARD, AND ORDER IN THE MATTER
OF A PRELIMINARY DEVELOPMENT PLAN APPLICATION FOR THE ACE
HARDWARE PLANNED DEVELOPMENT**

DESCRIPTION OF MATTER

Mr. Bob Koontz, on behalf of Southern Pines Ace Land Company, LLC submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance for 32,650 square feet of Retail, Restaurant, Office, and Warehouse space on 13.4 total acres on parcels identified as PIN 857300963887 (PARID 00033603) and PIN 857300974451 (PARID 00033604). Phase 1 of this Planned Development District has already been constructed, and this Preliminary Development Plan, being Phase 2 and 3A, will expand on the District's establishments and uses. Per the Moore County tax record, the subject property is owned by Southern Pines Ace Land Company, LLC.

A public evidentiary hearing regarding a proposed Preliminary Development Plan (PDP) for the Ace Hardware Planned Development was called to order with five members present on August 13, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the August 13, 2024 Staff Report as Exhibit A and staff's August 13, 2024 presentation as Exhibit B. The authorized agent, Bob Koontz of KoontzJones Design, entered their presentation as Exhibit C. Qualified witnesses entered a Traffic Assessment as Exhibit D, an Appraisal Impact Assessment as Exhibit E, and the applicant's alternative conditions proposal as Exhibit F. After closing the hearing, Town Council discussed and voted on the draft findings of fact. Detailed discussion during the evidentiary hearing can be found in the meeting minutes on record in the Town Clerk's office and online.

FINDINGS OF FACT

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan (Criteria 1-4), with the imposition of conditions of approval, in that:

1. The application demonstrates that it will achieve the purposes of the PD district and the UDO.

The Ace Hardware CDP is a Traditional Mixed-Use development that was approved in April 2022. The CDP does not set forth a clear “purpose” for the development but does describe allowable land uses as General Business and Office Services. Prior phases of development have resulted in a hardware store and stormwater pond, and a proposed Greenway Trail that is still undergoing development.

The purposes of a PD district are described in UDO §3.5.14. Based on the planning staff’s review of this section and based on testimony and evidence presented at the evidentiary hearing held on August 13, 2024, the Town Council finds two inconsistencies between the proposed site plan in the Ace Hardware Phases 2 and 3A PDP and the overall purpose and intent of a Planned Development:

1. **Usable Open Space Usage.** The Usable Open Space depicted in Phase 2 leaves too much ambiguity and room for a lessee to deviate from what UDO §3.5.14(A)(9) calls for - *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.* Lessees could employ large portions of the open space for graveled-over seating or leave it as a largely unutilized space.
2. **Parking Volume.** The Phase 2 and 3A parking spaces amount to 130, with the UDO parking standards calling for a minimum of 114. Phase 1 has 176 spaces, with Phase 3B yet to be determined. This will amount to well over 306 spaces for the Ace development. UDO §3.5.14(A)(6) reads *to encourage common or shared parking.* This development should improve its design by anticipating peak hours of customer traffic per business, sharing parking according to those hours, and ultimately eliminating some spaces.

The Town Council finds that the Preliminary Development Plan achieves the purposes of the Planned Development and UDO by including two conditions of approval related to the development of Usable Open Space and parking volume. This is because the conditions of approval will align the PDP with the purposes of a Planned Development as set forth in UDO §3.5.14(A)(6), §3.5.14(A)(9), and §3.5.14(A)(10).

With the inclusion of these conditions, the Town Council finds the Phase 2 and 3A PDP is consistent with the purpose of the Planned Development District and the UDO.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO.

Based on statements made in the revised application materials attached to the Planning Department's staff report dated August 13, 2024, the Town Council finds that with the conditions set forth under Criteria 1 above, the application contains enough information and commitments to be deemed generally consistent with the CDP and UDO. Therefore, the PDP is appropriate given the specific mix of uses and character of the development and achieves an efficient, safe, and economical land use without detracting from the quality of the overall Ace Hardware development or the community as a whole.

3. The proposed Development is located in an area of the Town that is appropriate.

The proposed development is Phase 2 and 3A of the Ace Hardware CDP. The area being developed is designated "Traditional Mixed-Use" in the Comprehensive Long-Range Plan (CLRP), the predecessor of the 2040 Comprehensive Plan, under which this project is vested. The proposed land use will provide additional retail, restaurant, and office services and will further expand a growing retail and service industry job base within walking distance of a large apartment complex, Sandhills Community College, a traditional residential community, restaurants, a grocery store, and the Southern Pines Greenway System. Building heights are restricted to 50'.

The Town Council finds that given the prior phase of Ace Hardware's development, the CLRP designation, and the relative convenience of the location near a variety of existing and planned land uses, the proposed development is located in an appropriate area of town. Furthermore, the development is located in an area of town with existing access to necessary infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes.

4. The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

Town Council finds that the proposed PDP is served by all necessary utilities and transportation infrastructure and the development will bear the cost of all infrastructure modifications and/or extensions. Development of the subject property in the manner proposed is an efficient way to increase jobs and tax base, while providing for a more vibrant community atmosphere.

CONCLUSION AND DECISION

Therefore, by a vote of 5-0, the Town Council voted to approve with conditions the Ace Hardware Preliminary Development Plan PD-03-24 with the following additional conditions as drafted by the applicant and submitted as Exhibit F:

Condition 1 – Phase 2 Usable Open Space Usage.

The Phase 2 Usable Open Space shall include a minimum of these four featured components:

1. A grass lawn, as depicted on the PDP, to be maintained by the Phase 2 lessees, developer, or property owner's association.

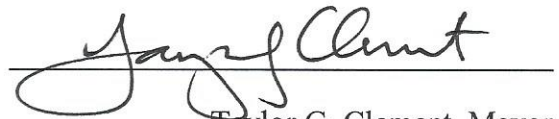
2. Three separate planting beds that encompass at least 30 square feet each OR eight planters at least 3½ feet in diameter, to be maintained by the Phase 2 lessees, developer, or property owner's association.
3. Permanent seating as depicted on the PDP, directly on or adjacent to the lawn. The developer can opt for picnic tables, benches, stand-alone chairs, or a combination of these, all rated for outdoor use.
4. One pergola structure, similar shade structure, or two (2) shade trees, including adjacent landscaping, located within the Open Space. The structure or tree locations will be at the developer's discretion.

Condition 2 – Phase 2 and 3A Parking Volume.

No parking will be permitted with the development of Parcel 3B to encourage shared parking throughout the development. All parking to serve parcel 3B will be shared with all other parcels within the Ace Hardware CDP area. Any uses on parcel 3B will not be required to meet minimum parking standards for their particular use as it is understood that all parking for this parcel will be shared parking.

This is the 27th day of August, 2024.

FOR THE TOWN COUNCIL:


Taylor G. Clement, Mayor