



MINUTES

Tuesday, December 14, 2021: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Haney called the meeting to order. The following members of Town Council were present: Mayor Carol Haney; Taylor Clement; Paul Murphy; Bill Pate; and Ann Petersen.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

4. PUBLIC HEARINGS

a. SU-01-21 Patrick's Pointe

On behalf of Francis Maser, Mr. Bob Koontz, of Koontz Jones Design, has submitted an application for a Special Use Permit for the new construction of a multi-family residential and office development. The applicant is proposing to develop 13 apartment buildings with 276 multi-family residential units and one (1) office outparcel. The subject property is located along US Highway 1 North between West Connecticut Avenue and Midland Road and is comprised of three (3) parcels for a total of 25.4 acres of presently undeveloped, wooded land.

The Mayor swore in all attendees who would be providing testimony.

Councilmember Clement motioned to open the Public Hearing for SU-01-21, Mayor Pro Tem Murphy seconded and the motion passed 5-0.

The following attendees presented testimony and/or submitted exhibits for evidence:

- Planning Director B.J. Grieve spoke regarding the quasi-judicial hearing and the staff's role in it.

- Town Planner Suzy Russell presented the staff report and PowerPoint (Exhibit A). Ms. Russell entered into evidence emails received regarding the application as Exhibit B.
- Town Engineer James Michel spoke to the Council regarding sidewalks.
- Nick Robinson, the applicant's attorney, of Bradshaw, Robinson, Slawter, LLP located at 128 Hillsboro St., Pittsboro gave opening remarks and introduced into evidence the original application as Exhibit C.
- Logan Burnett of 229 E. New York Ave., Southern Pines spoke on behalf of the application, including project details.
- Mr. Robinson introduced Bob Koontz, landscape architect and land planner of Koontz Jones Design located at 150 S. Page St., Southern Pines. Mr. Koontz listed his background, education and licensing as evidence for his status as an expert witness, which was agreed to by the Council. Mr. Koontz then gave evidence in the form of a PowerPoint presentation (Exhibit D) to the Council regarding the application and answered the Council's questions.
- Mr. Robinson introduced Tim Carpenter, a Project Manager and Owner at LKC Engineering located at 140 Aqua Shed Court, Aberdeen. Mr. Carpenter listed his background, education and licensing as evidence for his status as an expert witness, which was agreed to by the Council.
- Travis Fluitt, Senior Transportation Engineer at Kimley Horn located at 421 Fayetteville Street, Raleigh, listed his background, education and licensing as evidence of his status as an expert witness, which was agreed to by the Council. Mr. Fluitt then gave evidence regarding the Traffic Impact Analysis entered as Exhibit E. Email correspondence was entered as Exhibit F, Exhibit G, Exhibit H and Exhibit I.
- Tad Hardy, Traffic Engineer at Kimley Horn located at 200 S Tryon St., Charlotte, listed his background, education and licensing as evidence to his status as an expert witness specializing in noise analysis, which was agreed to by the Council. Mr. Hardy then gave evidence regarding a Noise Analysis Report entered as Exhibit J
- Franklin Dean, Real Estate Appraiser at Village Appraisals, LLC located at 270 McCaskill Road, Pinehurst, listed his background, education and licensing as evidence as to his status as an expert witness, which was agreed to by the Council and entered Real Estate Analysis of Property Value Impact entered as Exhibit K
- Kyle Winters Real Estate Appraiser at Integra Reality Resources located at 214 W. Tremont Ave. Suite 200, Charlotte, NC, listed his background, education and licensing as evidence as to his status as an expert witness, which was agreed to by the Council. He entered a Market Demand Study of Proposed Multifamily Apartment Site Report as Exhibit L and an e-mail update dated 11/23/21 as Exhibit M.
- David Sullivan, president of Village Green Homeowners Association, entered a file folder of materials into evidence as Exhibit N and spoke against the project being approved.

- Dave Baysek of 46 Village Green Circle, Southern Pines spoke against the project being approved, focusing on the traffic analysis report.
- Nancy Andrews of 32 Village Green Circle, Southern Pines spoke against the project's approval.
- Mary Bradbury of 31 Village Green Circle, Southern Pines spoke against the project's approval.
- Margarite Ricker of 34 Village Green Circle, Southern Pines spoke against the project's approval.
- Jennifer Williams of 145 W. Maine Ave., Southern Pines spoke against the project's approval.
- Kate Shinkwin of 510 E. Rhode Island Ave., Southern Pines is employed locally as a real estate broker with 4 years' experience. She submitted concerns about the project's potential to lower the property values in the area due to increased traffic.
- Kat Sineath of 600 W. Rhode Island Ave., Southern Pines spoke against the project's approval.
- Suzanne Coleman, 225 N May Street, Southern Pines, spoke against the approval of the project and entered into evidence past Town Council Minutes as Exhibit P.
- Chris Smithson of 920 N. Saylor St. Southern Pines, spoke against the project's approval.

Mr. Robinson presented his rebuttal to the Council asking that testimony by those who were not deemed as expert witnesses be disregarded as hearsay. Mr. Robinson then entered a document titled Case Law on Degree of Opponent Proof Necessary to Deny SUP as Exhibit Q and a document named Applicant's Findings of Fact as Exhibit R.

Discussion ensued between the Council and the applicant's representatives.

Councilmember Petersen moved to continue the hearing to the January 11, 2022 Town Council Meeting at 6pm. Seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the motion was passed.

5. ACTION ITEMS

a. Consider AR-07-21 Pinnacle Storage (Phase 1)

Cothran Harris, on behalf of Longleaf Pines Storage, LLC, is requesting approval of an Architectural Compliance Permit for a 49,600 square foot commercial self-storage, two story building. The building is Phase I of a self-storage development. The address is 240 Bell Avenue which is located in the General Business (GB) zone. The surrounding streets are US 1 HWY S, Shaw Avenue and S Bennett St.

Planning Director Grieve presented the request to the Council.

Councilmember Pate moved to approve AR-07-21 with the deviations as requested by the applicant and as specifically set for in the staff report and with the additional condition

that the mechanical equipment is screened by parapets. The motion was seconded by Mayor Pro Tem Murphy and the vote was unanimous.

b. Consider AR-08-21 Rec Room, LLC

Mr. Dean King, on behalf of Rec Room, LLC., is requesting approval of an architectural compliance permit for exterior modifications to an existing 13,471 square foot building within the central business zoning district. The building will be used as a commercial arcade and is located at 750 SW Broad Street. The renovations include the addition of a patio pergola, adding brick and metal columns to the front entrance and garage door openings for the bartop tables on the front elevation.

Planning Director Grieve presented the staff report to the Council.

Councilmember Pate moved to approve AR-08-21 with the deviations as requested by the applicant and as specifically set forth in the staff report with the addition of a required cover for the dumpster area. Seconded by Mayor Pro Tem Murphy, the vote was unanimous.

c. Consider AR-09-21 Freddy's Frozen Custard & Steakburgers

Mr. William Moseley of MREA Southern Pines, LLC., is requesting approval of an architectural compliance permit for Freddy's Frozen Custard & Steakburger, a 3,200 square foot building within the general business zoning district, for a retail development located at the corner of Murray Hill Road and US Highway 15-501.

Planning Director Grieve reviewed the request for the Council.

Councilmember Pate moved to approve AR-09-21, seconded by Councilmember Petersen. The motion passed and the vote was unanimous.

d. Consider Proposed Lease of Park Property from the Southern Pines Land and Housing Trust

Staff has drafted a proposed lease agreement with the Southern Pines Land & Housing Trust for park property on the campus of the former Southern Pines Primary School.

Town Manager Parsons gave an overview of the request.

Councilmember Petersen moved to approve the proposed lease agreement with the Southern Pines Land & Trust for park property. Seconded by Mayor Pro Tem Murphy, the motion passed with a unanimous vote.

e. Consider Adoption of 2022-2032 CIP

Staff has prepared a draft Capital Improvement Program based on the projects that have been presented at the October and November Council work sessions.

Town Manager Parsons gave an overview of the request.

Councilmember Pate moved to approve the 2022-2032 Capital Improvement Program. Seconded by Mayor Pro Tem Murphy, the motion passed with a unanimous vote.

6. CONSENT AGENDA

a. Re-Appoint Diane Westbrook to the Planning Board

Ms. Westbrook's second term will be through 12/4/2024.

Mayor Haney reviewed the item.

Councilmember Pate moved to approve the Consent Agenda, seconded by Councilmember Clement. The motion passed with a unanimous vote.

b. Appoint Robert Brown to the Historic District Commission

Mr. Brown's term will be through 12/13/2025.

Mayor Haney reviewed the item.

Councilmember Pate moved to approve the Consent Agenda, seconded by Councilmember Clement. The motion passed with a unanimous vote.

c. Appoint Lane West to the Historic District Commission

Mr. West's term will be through 12/13/2025.

Mayor Haney reviewed the item.

Councilmember Pate moved to approve the Consent Agenda, seconded by Councilmember Clement. The motion passed with a unanimous vote.

d. Authorize Execution of Agreement with NCDOT and Town of Aberdeen for Relocation of US-1 Water Transmission Main

NCDOT is currently preparing for the roadway project along US-1 (North Sandhills Boulevard) from Roseland Road to Old US-1. The project scope requires NCDOT to relocate the Town of Southern Pines 18" water transmission main along US-1 to Poplar Street.

Town Manager Parsons reviewed the item.

Councilmember Pate moved to approve the Consent Agenda, seconded by Councilmember Clement. The motion passed with a unanimous vote.

e. Direct the Clerk to Investigate the Sufficiency of AX-07-21 Voluntary Annexation Petition

Robert & Julie Van Camp and Morganton Road Enterprises, LLC have petitioned the Town for a voluntary annexation of a parcel totaling +54.94 acres. The parcels are identified as PIN 857100575720 and 857100572972 and are located between US 15-501 and W. Morganton Rd. State law requires that Council direct the Town Clerk to investigate the sufficiency of the petition before proceeding further.

Town Manager Parsons reviewed the item.

Councilmember Pate moved to approve the Consent Agenda, seconded by

Councilmember Clement. The motion passed with a unanimous vote.

f. Direct the Clerk to Investigate the Sufficiency of AX-08-21 Voluntary Annexation Petition

Benjamin Stout of Benjamin Stout Real Estate Services Inc. has petitioned the Town for a voluntary annexation of a parcel totaling 4.10 acres. The parcels are identified as PIN 857400849276, PIN 857400940142, PIN 857404931919, PIN 857404932803 and PIN 857404932694. The parcels are located between NC Highway 22 and Sullivan Drive.

State law requires the Council to direct the Town Clerk to investigate the sufficiency of the petition before proceeding further.

Town Manager Parsons reviewed the item.

Councilmember Pate moved to approve the Consent Agenda, seconded by Councilmember Clement. The motion passed with a unanimous vote.

7. PUBLIC COMMENTS

Laura Douglas from The Pilot Newspaper thanked the Council for their service and said her farewell as she leaves her position of covering the town council meetings for a promotional opportunity.

8. ADJOURNMENT

Councilmember Clement motioned, seconded by Mayor Pro Tem Murphy, to adjourn the meeting. The vote was unanimous.

The meeting adjourned at 1:13 am on Wednesday, December 15.

Respectfully submitted:
