



MINUTES

Tuesday, January 11, 2022: 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

Mayor Haney provided some general comments on quasi-judicial 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.

Mayor Haney shared that this hearing was opened on December 14, 2021 and continued to January 11, 2022. She swore in new witnesses who did not testify on December 14.

The applicant's attorney, Nick Robinson, submitted the following exhibits to support the application:

- Exhibit T: amended TIA prepared by Travis Fluitt
- Exhibit U: presentation and revised site plan prepared by Bob Koontz

The following witnesses spoke on behalf of the application:

1. Nick Robinson, attorney for the applicant. Mr. Robinson called the following witnesses to testify on behalf of the application. Mr. Robinson and the witnesses discussed some revisions that were being proposed following the December meeting related to density, buffers, dwelling unit design, and similar.

2. Logan Burnett, Volta Global, LLC
3. Bob Koontz, 150 S. Pate Street, Southern Pines, land planner and landscape architect for the application.
4. Travis Fluitt, Kimley Horn, 421 Fayetteville Street, Raleigh, traffic engineer.

There was general consensus from the Council that they needed time to review the new evidence. Mr. Robinson agreed to suspend witness testimony until the hearing.

Carson Crooms, attorney for the opposition, 305 S. Weymouth Road, requested the hearing be continued to a future date in order to allow time to secure witnesses to provide expert testimony.

Councilmember Petersen motioned to continue the hearing to February 8, 2022 at 6pm, which was seconded by Mayor Pro Tem Murphy. The vote was unanimous.

Mayor Haney directed counsel for both parties that all evidence to be considered must be received in the Town's Planning Office by 5pm on January 26 and copied to opposing counsel.

b. PD-10-21 Pinehurst Surgical Center Site 3N PDP

The applicant has applied for a preliminary development plan (PDP) for the purpose of developing a medical office building as phase 8 of the Morganton Park North. The medical office is a proposed 60,000-68,000 square foot building located on 5.19 acres. The property must be annexed as it is in the Town's ETJ, along S. Carlisle Street on the western side of Patriot Boulevard.

Mayor Haney swore in pending witnesses for the hearing. She asked Councilmembers to disclose the following relative to the application and property: any specialized knowledge; a fixed opinion not subject to change; close relation to the applicant or property owner; and/or a financial interest in the outcome.

Councilmember Pate motioned to open the hearing, which was seconded by Mayor Pro-Tem Murphy. The vote was unanimous.

- Town Planner II Suzy Russell presented the staff report and submitted it as Exhibit A.
- Town Engineer James Michel discussed future evaluations that will be considered when the site connects to the Town's water and sewer system.
- Paul Saathof and Bob Koontz, of Koontz Jones Design, presented the application, confirming that the property will be offered to the Town for annexation prior to site plan approval. The application was submitted as Exhibit B.

Councilmember Pate motioned to close the hearing, seconded by Councilmember

Clement, the vote was unanimous.

Councilmember Pate moved to adopt Attachment "A" of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-10-21, seconded by Mayor Pro Tem Murphy, the vote was unanimous.

c. SU-03-21 Townhomes on S. Bennett St.

This application is for a Special Use Permit to develop 20 single-family attached dwelling units on the southeast side of S. Bennett Street between W. Wisconsin Avenue and W. Morganton Road.

Mayor Haney swore in pending witnesses for the hearing. She asked Councilmembers to disclose the following relative to the application and property: any specialized knowledge; a fixed opinion not subject to change; close relation to the applicant or property owner; and/or a financial interest in the outcome. It was noted by the Council that they had received some e-mails from community members which will be entered into the record.

Councilmember Clement motioned to open the hearing, which was seconded by Councilmember Pate. The vote was unanimous.

- Town Planner II Suzy Russell presented the staff report and submitted it as Exhibit A. She confirmed the Council emails will be Exhibit B.
- Town Engineer James Michel clarified some questions from Council on the existing right-of-way.
- The applicant's representative, Kevin Lindsay of 130 Evergreen Court in Pinehurst, presented the application, which was submitted as Exhibit C.
- The applicant, Colin Webster, addressed some questions on the architecture.
- Resident Leslie Brian of 265 W. Illinois Avenue presented herself as an expert in architecture and submitted some comments on the application.

Councilmember Pate motioned, seconded by Mayor Pro Tem Murphy to adopt Attachment A of the SU-03-21 staff report as Findings of Fact, noting that Finding of Fact 'C' shall be amended to read, "The Town Council finds the subject properties have access to and can be served by TOSP public facilities. The Town shall require as minimal right-of-way as necessary based on review with Town staff." The motion passed 4-1 with Councilmember Petersen casting the dissenting vote.

Motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy to approve SU-03-21. The motion passed 4-1 with Councilmember Petersen casting the dissenting vote.

Motion by Councilmember Clement, seconded by Mayor Pro Tem Murphy to adopt Attachment B of the staff report for Preliminary Plat Application S-47-21 as Findings of Fact. The motion passed 4-1 with Councilmember Petersen casting the dissenting vote.

Motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy to approve Preliminary

Plat Application S-47-21. The motion passed 4-1 with Councilmember Petersen casting the dissenting vote.

d. OA-02-21 Various staff-initiated text amendments to UDO

The Planning Division of the Town of Southern Pines Community Development Department is proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments and are asking for Town Council review per UDO §2.17.

Motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy to open the hearing. The vote was unanimous.

Planning Director BJ Grieve reviewed the proposed changes.

- The following attendees shared concerns about the proposed changes to building heights:
 - Susan Ward, 575 Clark Street
 - Jennifer Williams, 145 W. Maine Avenue
 - John McInerney, Southern Pines, NC
 - Kathleen Simon, 600 W. Rhode Island Avenue

Councilmember Petersen moved to close the hearing. Seconded by Mayor Pro Tem Murphy, the vote was unanimous.

Councilmember Petersen moved to adopt the changes to the language in UDO 2.18, 2.20 and 2.21, respectively, to eliminate evidentiary hearings by the Planning Board and place those hearings with "Preliminary Forums" per UDO 2.5.2. Seconded by Councilmember Pate, the vote was unanimous.

Councilmember Pate moved to adopt amendments to UDO 2.42.7, 4.13.5, 4.13.5, 4.13.6, 5.9.4, 8.18.1 and 8.19.6 to remove criminal penalties for zoning violations per Session Law 2021-138, Part XIII and to clarify that violations shall be subject to a civil penalty in the form of a fine of up to \$50 for each day that the violation continues to exist. Seconded by Mayor Pro Tem Murphy, the vote was unanimous.

Councilmember Pate moved to amend UDO 4.2.1 so that only building height is restricted, rather than restricting both the building height and the maximum number of stories inside any building in the CB, GB, PD and I Districts. Seconded by Mayor Pro Tem Murphy, the motion passed with a vote of 3-2 as follows:

Mayor Haney: aye

Mayor Pro Tem : aye

Councilmember Pate: aye

Councilmember Clement: nay

Councilmember Petersen: nay

Councilmember Pate moved to adopt the amendment to UDO 4.3.13 to remove the term

"DBH" so that only the term "caliper" is used throughout the UDO for the measurement of both existing and required trees with the addition of "or 4.5' above ground height" and to clarify that the caliper of a tree is the diameter of the tree measured at breast height. Seconded by Mayor Pro Tem Murphy, the vote was unanimous.

e. PD-11-21 Waterworks CDP Amendment

Mr. Kevin Lindsay has applied to amend the current approved CDP for the Waterworks development. The proposed project is a mixed-use development with up to 80,000 square feet of retail and/or offices and up to 80 residential units over four phases of development on +28.79 acres. The property is located on the East side of Central Drive/ NC HWY 22 between Warrior Woods Road and Aiken Road.

Councilmember Pate moved to open the public hearing for PD-11-21. Seconded by Mayor Pro Tem Murphy, the vote was unanimous.

- Planning Director Grieve gave an overview of the project and staff report.
- The applicant, Andy Bleggi spoke about the project and answered the Council's questions.
- Bennie Sient of 600 Rhode Island Ave. voiced concerns regarding the traffic volume this project will create.

Councilmember Pate moved to close the public hearing for PD-11-21. Seconded by Mayor Pro Tem Murphy, the vote was unanimous.

Councilmember Pate moved that after reviewing the proposed Conceptual Development Plan and the criteria for consideration of a Conceptual Development Plan, and after considering the comments received at the Town Council's public hearing and the Planning Board's written recommendation, the requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-11-21. Mayor Pro Tem Murphy seconded, the vote was unanimous.

Councilmember Pate motioned to approve PD-11-21 as submitted and as set forth in attachments to the staff report PD-11-21 with the condition that the CDP be modified to change table 1.1 to a maximum of 40 residential units from it's current number of 8. Mayor Pro Tem Murphy seconded. The vote was unanimous.

5. CONSENT AGENDA

Town Manager Reagan Parsons reviewed the Consent Agenda.

Concilmember Pate moved to approve the Consent Agenda. Seconded by Mayor Pro Tem

Murphy, the vote was unanimous.

a. AX-07-21 Morganton Park South: Set Hearing Date

Robert & Julie Van Camp, Trustees, Thomas Van Camp, Trustee, 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. The public hearing will be scheduled for February 8, 2022.

b. AX-08-21 Blue Farm Lots: Set Hearing Date

Mr. Benjamin Stout is requesting voluntary annexation of five parcels totaling +4.10 acres, collectively known as Blue Farm, Section Three and located on NC Hwy 22. The public hearing will be scheduled for February 8, 2022.

c. Appoint Carrie Dugas to the Library Advisory Board with a Term to Expire 12/31/2024

The Library Advisory Board recommends that Council appoint Carrie Dugas. Ms. Dugas' term will be January 1, 2022 through December 31, 2024.

d. Approve Ordinances Amending the FY 21-22 Budget

- 1. \$43,250 insurance reimbursement to Police Dept.**
- 2. \$2,500 donation monies transferred to Fire Department**
- 3. \$8,060 donation monies transferred to Library**
- 4. \$19,528 transfer from Fund Balance to Legislation**

These budget amendments will allocate donations received to the fire department and library, as well as an insurance reimbursement to the police department. Additionally, funds will be transferred from Fund Balance to Legislation to cover the invoice for the primary election.

6. PUBLIC COMMENTS

No public comments were voiced.

7. ADJOURNMENT

Upon motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy and carried unanimously, Council adjourned at 11:43 pm.

Respectfully submitted:
