



MINUTES

Monday, February 28, 2022: 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 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. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. Consider SU-01-21 Patrick's Pointe SUP

Council has conducted and closed a quasi-judicial hearing on a Special Use Permit for a multi-family residential and office development. 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 gave a brief overview of the quasi-judicial process.

Planning Director BJ Grieve explained what was needed from the council to produce a written decision.

Attorney Gill shared what he felt was the best way to address the voting procedure and clarified exactly what the Council was voting on.

Finding of Fact #1: Councilmember Clement motioned to approve; seconded by Mayor Pro Tem Murphy, Attachment "A" Findings of Fact #1 of the 2nd draft Town Council Findings of Fact found in the Staff Report dated February 28, 2022 as follows: The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Motion Passed. The vote was unanimous.

Findings of Fact #2A: The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations.

Mayor Pro Tem Murphy moved to accept 2A as follows: The Town Council finds that the application SU-02-21 complies with all regulations of the OS, RM-2 and UTHCO (including those set forth in UDO Exhibit 3-13) zoning district development standards as well as all applicable supplemental use regulations, including the Multi-Family Development Standards set forth in Udo Section 4.10.8. The applicant is allowed 521 parking spaces and granted the watershed protection permitted for 65% impervious coverage. The motion was seconded by Councilmember Pate.

- Councilmember Pate commented that while he might not agree with the current zoning regulations, the applicant has met the current requirements.
- Councilmember Clement stated that she wants more clarity on the issue of density.
- Councilmember Petersen has an issue with the variance asked for in regards to density.
- Councilmember Pate questioned the definition of density. Planning Director Grieve defined the current zoning and the density allowed under the UDO.
- The applicant stated that they are unwilling to reduce the density of the current application.

Motion Passed. The Council voted 4-1 as follows:

- Mayor Haney - aye
- Mayor Pro Tem Murphy - aye
- Councilmember Pate - aye
- Councilmember Clement - aye
- Councilmember Petersen - nay

Findings of Fact 2B: The proposed special 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.

Councilmember Clement moved to approve Findings of Fact 2B as follows: The Town Council finds that the proposed special use permit will conform to the character and density of the neighborhood in which it is located and, with lack of material evidence to the contrary, will not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted with the addition that 30 feet of the 50 foot buffer remain undisturbed buffer remaining undisturbed along the Village Green boundary. The motion was seconded by Councilmember Pate.

- Councilmember Clement notes that while the density conforms with the current UDO requirements, in her opinion, it does not appear to be compatible with current housing in that area.
- Councilmember Pate is unhappy with the current answers on the 80 ft buffering zone being undisturbed.
- Mr. Koontz stated that it's not possible in their current plans to guarantee an 80 foot buffering zone. The applicant states that they will make every effort but cannot guarantee it. The current plan submitted has a proposed 80 foot setback with a 50 foot buffer, 30 feet of which is undisturbed.
- Mr. Koontz guarantees that 30 feet of the 80 foot buffer will remain undisturbed between the project and Village Green.

- Councilmember Petersen confirmed that the rest of the buffers around the project are only 50 feet.
- Councilmember Pate is unhappy with the current density regulations.

Motion Passed. The Council voted 4-1 as follows:

- Mayor Haney - aye
- Mayor Pro Tem Murphy - aye
- Councilmember Pate - aye
- Councilmember Clement - aye
- Councilmember Petersen - nay

Findings of Fact 2C: Adequate public facilities shall be provided as set forth herein.

Councilmember Clement moved to approve Findings of Fact 2C as follows: The Town Council finds the subject properties have access to and can be served by TOSP public facilities, seconded by Councilmember Petersen.

Motion Passed. The vote was unanimous.

Findings of Fact 2D: The proposed use shall not impede the orderly development and improvement of surrounding property for use permitted within the zoning district or substantially diminish or impair the property values within the neighborhood.

Councilmember Clement moved, seconded by Mayor Pro Tem Murphy to approve Findings of Fact 2D as follows: The Town Council finds that the proposed development is consistent with the existing zoning standards. The mixed use residential and professional office development is located along the highway corridor and proved for compatibility by being a transition within the Office Services zoning district and multi-family residential zoning district.

- Councilmember Clement stated that without material evidence from the opposition, she feels that she has to go with the evidence presented by the applicant.
- Councilmember Petersen feels that the applicants' acknowledgment of the fact that the cars entering US 1 from a dead stop and the addition of 500 extra drivers was not included in their TIA has presented some contrary evidence.
- Councilmember Pate feels that the applicant is doing everything allowed by DOT.

Motion Passed. The vote was unanimous.

Findings of Fact 2E: The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare.

- Councilmember Clement questioned the applicant regarding the ability to alter the service road leading onto US1. The applicant stated that DOT doesn't want improvements past the entrance/exit of the facility to discourage travel in that direction.
- Mayor Haney questioned if the town could petition DOT at a later date to improve the service road. Discussion ensued and the consensus was yes.
- Councilmember Petersen feels it's important to note that an extra 2,100 vehicle trips are estimated for that area with the implementation of this project as well as the lack

of an acceleration lane onto US 1.

Councilmember Clement moved that with lack of material evidence to the contrary that the application does meet the criteria set forth in Findings of Fact #2E, seconded by Councilmember Pate.

Motion Passed. The Council voted 4-1 as follows:

- Mayor Haney - aye
- Mayor Pro Tem Murphy - aye
- Councilmember Pate - aye
- Councilmember Clement - aye
- Councilmember Petersen - nay

Findings of Fact 2F: The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

- Councilmember Clement stated that, based on the current UDO guidelines, that she feels the applicant has met the requirement.
- Mayor Haney stated that without contrary evidence from the opposition, the applicants' reports must be used.

Councilmember Clement moved that, based on the current UDO guidelines, she feels that the application does meet the criteria set forth in Findings of Fact #2F, seconded by Mayor Pro Tem Murphy.

Motion Passed. The vote was unanimous.

Councilmember Pate moved to approve the application for Special Use Permit SU-02-21, having met the criteria set forth in the Finding of Facts, seconded by Mayor Pro Tem Murphy with the following conditions:

1. The sidewalk plan will be prepared in conjunction with staff during future site plan reviews and inspections to facilitate the safe movement of pedestrians back and forth across the street.
2. The 50-foot buffer includes 30 feet of undisturbed vegetation.

The applicants agreed on record to accept the conditions.

Motion Passed. The Council voted 4-1 as follows:

- Mayor Haney - aye
- Mayor Pro Tem Murphy - aye
- Councilmember Pate - aye
- Councilmember Clement - aye
- Councilmember Petersen - nay

b. Consider Written Decision for PD-12-21 Waterworks Phase 1 PDP

Staff has prepared a draft of the written decision of the board document for the application PD-12-21 that was heard by the Town Council at the regular meeting on February 8, 2022 and that the Town Council may now wish to adopt.

Mayor Haney presented the item. Councilmember Petersen asked for the inclusion of the agreement between Mr. Smith and Mr. Bledgie on a conservation easement. Planning

Director Grieve stated that he doesn't believe this was ever a legal requirement that the Town could enforce. Discussion ensued.

Councilmember Pate motioned, seconded by Mayor Pro Tem Murphy, to adopt the written decision for PD-12-21 Waterworks Phase 2 PDP as written by Town staff.

Motion passed. The vote was unanimous.

c. Consider Written Decision for PD-13-21 Old Morganton Park South Parcel 1 PDP

Staff has prepared a draft of the written decision of the board document for the application PD-13-21 that was heard by the Town Council at the regular meeting on February 8, 2022 and that the Town Council may now wish to adopt.

Planning Director Grieve gave an overview of the written decision. Discussion ensued.

Councilmember Pate motioned, seconded by Mayor Pro Tem Murphy, to adopt the written decision for PD-13-21 Old Morganton Park South Parcel 1 PDP.

Motion passed. The vote was unanimous.

4. COUNCIL UPDATES AND DISCUSSION

a. Street Resurfacing Contract

The Town has received bids for the FY 21-22 street resurfacing projects. Staff is seeking direction from Council on the total contract amount to authorize, as a budget amendment will be required since the low bid exceeds this year's budget allocation of \$275,000.

Town Manager Parsons gave a report on the current proposed contract to pave the area planned. A proposed budget amendment is requested to include Knoll Road in the scope as the pricing received was favorable and this project will only continue to increase as the road condition declines.

Town Engineer James Michel answered some general questions about the Town's paving projects and prioritization.

There was consensus from Council to complete the full scope recommended by staff and to add a budget amendment reflecting this to the March 8th agenda for approval.

b. Skate Park Update

Staff will provide a brief status update on the skate park project for Memorial Park.

Assistant Town Manager Jessica Roth gave an update on the progress of the proposed skate park.

Discussion ensued.

5. CLOSED SESSION

Councilmember Pate thanked the staff, other councilmembers, and the public for their patience over the last 3 months of hearings.

Councilmember Clement spoke in favor of changing the timing of the public comment period to place it toward the beginning of the agenda. Discussion ensued and there was consensus from Council to try this change, announcing the update at the March 8th meeting and proceeding with it at the April business meeting.

a. Council Closed Session

Council will hold a closed session as authorized in N.C.G.S. §143-318.11(a)(6) to discuss a personnel matter.

Councilmember Pate moved, seconded by Mayor Pro Tem Murphy, to enter closed session as authorized in N.C.G.S. §143-318.11(a)(6) to discuss a personnel matter. The vote was unanimous and the Council entered into closed session at 5:41 pm.

There was no action taken during or following the closed session. Council exited closed session at 6:13 pm.

6. ADJOURNMENT

Upon motion by Mayor Pro-Tem Murphy and seconded by Councilmember Clement, the Council unanimously adjourned at 6:13 pm.

Respectfully submitted:
