

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, November 21, 2024, at 6:00 PM

Chair Westbrook called the meeting to order at 6:00 PM.

Chair Diane Westbrook, Vice Chair Kim Wade, Andy Bleggi, Matthew Walden, Jennifer Garner and Monica Harvey were present.

Andy Bleggi made a motion, which was seconded by Monica Harvey, to approve the Minutes of the October 2024 regular meeting with noted corrections. The motion carried.

PUBLIC HEARING:

Z-05-24: Request to Rezone Three Parcels from RS-1 to RS-1 Conditional Zoning District;
Applicant: Tony and Sandra Fairley

Tony and Sandra Fairley submitted a request to rezone three parcels from RS-1 to RS-1 Conditional Zoning District to allow for the development of a duplex on each parcel. The subject parcels are identified as PIN 858200023471 (PARID 00037070); PIN 858200024317 (PARID 00036484); and PIN 858213023794 (PARID 00035309).

Matthew Walden made a motion, which was seconded by Monica Harvey, to open the public hearing. The motion carried.

Planner Alaina Mallette provided an overview of staff report Z-05-24 accompanied by a Power Point presentation and stated that the proposed use and architecture are consistent with the Comprehensive Plan's vision for the area and no inconsistencies or adverse effects were identified. The applicant is proposing 34% impervious surface which requires Town Council approval of a Watershed Protection Permit.

Mr. Fairley stated that each unit will have three bedrooms as opposed to one two-bedroom and one three-bedroom units.

Member Garner asked if the change from two to three-bedroom units required an amendment to the application and Ms. Mallette responded that no action was required.

Matthew Walden made a motion, which was seconded by Andy Bleggi, to close the public hearing. The motion carried by a 6-0 vote.

Kim Wade made a motion, which was seconded by Monica Harvey, that after reviewing the proposed amendments to the Town of Southern Pines Zoning Map and after considering the criteria for approval of map amendments found in UDO §2.17.9, the proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-05-24 and therefore, to recommend approval of Z-05-24 and WPP-05-24 to the Town Council with the following conditions:

1. that the land use shall be limited to: Land-Based Classification Standard (LBCS) 11202: Two-family (double or Duplex),” which may be manufactured and permanently affixed to the ground or built on-site;
2. that the manufactured Duplexes created on lots 9, 10 and 174 shall be built within the setbacks shown on preliminary surveys for Tony Fairley and Wife Sandra Fairly, dated 09/25/2024 and submitted with this application. This shall include a reduction in the minimum lot size requirement to 8,100 square feet for each lot; and
3. that the architecture and design shall be consistent with attachment #5 of staff report Z-05-24.

The motion carried by a 6-0 vote.

PRELIMINARY FORUM:

PD-06-24 Planned Development - Preliminary Development Plan for Phase 4 of Morganton Park South; Applicant: Whataburger Restaurant, LLC

Wesley William of Whataburger Restaurants, LLC submitted a Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance for a ±3,305 square foot restaurant on the parcel identified as PIN 857100478061 (PARID 20230956). Per the Moore County tax record, the subject property is owned by MSP Retail II, LLC.

Matthew Walden made a motion, which was seconded by Andy Bleggi, to open the preliminary forum. The motion carried.

Planner Gene Ruiz provided an overview of staff report PD-06-24 accompanied by a Power Point presentation and stated that the approved Conceptual Development Plan (PD-08-21) authorizes 17 parking spaces for the site and the applicant has requested 42 spaces. The CDP also requires that a 20' foot buffer along the perimeter of the development be preserved and the applicant has proposed a retaining wall within that buffer. Also, a retaining wall that is taller than 6' is considered a structure and is therefore subject to the 25' minimum setback requirement. Planning staff requests that the applicant move the retaining wall to meet the setback standard and also to retain the natural buffer.

Member Harvey requested clarification regarding disturbance of the buffer.

Mr. Ruiz responded the buffer could be undisturbed or planted. The applicant wants to clear cut the existing vegetation and plant trees on the other side of the retaining wall but the Town Arborist recommends that the buffer remain undisturbed to preserve the existing pine trees, hardwoods and other quality vegetation.

Member Bleggi inquired about staff's position regarding the number of parking spaces.

Mr. Ruiz responded that staff felt that 42 parking spaces is excessive, but if the restaurant was located outside of the Morganton Overlay and the Planned Development, the minimum number of spaces would be 33, so staff has proposed a maximum of 33 spaces.

Mr. Bleggi asked if a railing along the top of the retaining wall would be required given the elevation and Mr. Ruiz responded that would be a building code question.

Mr. Ruiz stated that the proposal met the intent of the PD district for the most part, but it is inconsistent with regard to the requested number of parking spaces and placement of the retaining wall within the buffer.

Member Bleggi asked if staff had any issues regarding ingress and egress and the roads matching other roads.

Mr. Ruiz responded that Town Engineer James Michel had asked the applicant to provide a stacking analysis and based on the information that was provided, there would be no issue with stacking in the drive through lane, and there will be two points of ingress and egress.

Lee Bakely with BL Companies stated that the 3,300 SF restaurant will have 58 seats in the dining room and that the general rule of thumb for a restaurant is one parking space for every four seats but they want to make sure the restaurant is sufficiently staffed to accommodate customers during the maximum shift, so they have up to 18 employees on that shift. They would need 34 or 35 spaces with 14 or 15 parking spaces just for the dining room at a ratio of 1:4 seats plus 18 employee spaces and 2 dedicated spaces for delivery drivers. A maximum of 42 spaces would work for the site and the low 40's is the sweet spot for parking spaces they typically see in a development of similar size.

Member Bleggi asked if moving the retaining wall would affect the number of parking spaces.

Mr. Blakely responded that they have done enough grading analysis on the site to know that the retaining wall will likely be in excess of 6' so if that requires the wall to be moved outside of the 25' building setback, they could lose three parking spaces.

Wes Williams, Project Manager for Whataburger, stated that Whataburger would be agreeable to moving the retaining wall outside of the 25' setback, lose the three parking spaces, which takes it down to 38 or 39 spaces. He would want to retain as many of the hardwoods and pine trees, which would be advantageous to Whataburger as well as provide a buffer the adjacent power station.

Chair Westbrook inquired about a railing along the top of the retaining wall.

Mr. Williams responded that building code requires that anything over 3 ft. high have a railing that cannot be climbed.

Member Garner inquired about the hours of operation of a Whataburger.

Mr. Williams responded that the restaurant would be open 24 hours a day, 364 days a year.

Chair Westbrook inquired about the drive through traffic pattern.

Mr. Blakely responded that there would be two drive through lanes that would merge for pick up and Mr. Williams stated that typically only the interior lane operates during non-peak hours.

Mr. Blakely stated that the CDP originally had the use of the 2.2 acre parcel identified as Retail which has a parking ratio is 1 space per 200 SF. They understand and recognize the importance of cross-access shared parking but this parcel is separated from the rest of the development by Southern Road, so 35 to 40 parking spaces will work better for their customers and employees.

Member Garner asked if any improvements were required as a result of the traffic study.

Mr. Ruiz responded that the traffic study that was originally conducted for the development accounted for the retail use. It was reviewed by the Town Engineer and no additional mitigation would be required.

Mr. Blakely stated that the peak traffic numbers for 20,000 of retail that was proposed for the lot are actually slightly higher than what the 3,300 SF restaurant will generate.

James Michel stated that BJ's and Starbucks will also generate less traffic than the TIA estimated. The net overall amount of traffic from what has been approved and what is currently being requested is less than the original report.

Mr. Williams stated that given the length of Southern Road and the size of their parking lot, obviously depending on the approved number of spaces, will help get traffic off the road.

Chair Westbrook asked Mr. Williams how many parking spaces he was proposing.

Mr. Williams responded they were requesting 39 spaces if they move the retaining wall.

Mr. Blakely stated if the 39 spaces were approved they would be willing to add additional vegetation along Southern Road.

Andy Bleggi made a motion, which was seconded by Matthew Walden, to close the preliminary forum. The motion carried.

Monica Harvey made a motion, which was seconded by Matthew Walden, to adopt the following for transmission to the Town Council as a result of the November 23, 2024 Preliminary Forum on application PD-06-24 for Morganton Park South, Phase 4:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a PDP to application PD-06-24:

1. moving the retaining wall;
2. directional signage for drive through traffic so that traffic does not go through the middle lane;
3. retain undisturbed buffer with native trees; and
4. allow up to 42 parking spaces.

In addition, the following concerns were raised during the forum but do not seem to apply in determining whether the PDP criteria are satisfied:

- that the applicant continues to work with staff re: perimeter landscape screening.

The motion carried by a 6-0 vote.

UNFINISHED BUSINESS

Town Engineer James Michel was present to address questions from the Board.

Member Bleggi inquired about the Town's ability to support current and future water and sewer demands and Mr. Michel explained the Town's capital improvement plan, which includes improvements to water and sewer infrastructure over the next 10 to 15 years. The Board discussed the need for better communication with homeowners about water pressure issues and the Town's responsibilities for maintaining infrastructure and agreed to share the information with the community.

Member Bleggi inquired about the Town's plans for expanding water and sewer infrastructure to underserved areas and Mr. Michel clarified that the capital improvement plan is focused on replacing and rehabilitating existing infrastructure - not on expanding it.

The Board discussed the need for better coordination with developers to ensure roads meet Town standards. Mr. Michel stated that many roads in Town do not meet modern standards and improvements are made as funding allows. He said there is not a dedicated fund for curb and gutter improvements, but those improvements are made in conjunction with sidewalk projects and that the Town Council allocates approximately \$200,000.00 annually for sidewalks and road improvements.

Member Wade raised concerns regarding cleared vegetation being discarded on vacant lots and Mr. Michel responded that Duke Energy and the fiber optic companies are responsible for vegetation management. He said the Town has assigned inspectors to monitor those companies but cleanup issues persist.

Traffic studies, including bicycle traffic studies, were discussed. Mr. Michel stated that Morganton Park South was undergoing a new traffic analysis and that a new Safe Street Study was being conducted, focusing on safety rather than comprehensive bike path planning.

NEW BUSINESS

Ms. Mallette stated that the Town Council prioritized five projects from the Comprehensive Plan: parking reform to reduce parking, housing reform, applying for a multi-modal grant through NCDOT for a streetscape project for a section of Pennsylvania Avenue, residential accessory commercial units for small business startups and technical UDO cleanup/updates.

Matthew Walden made a motion, which was seconded by Monica Harvey, to adjourn the meeting. The motion carried.

The meeting adjourned at 7:50 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

An audio recording of the meeting is available upon request.