

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, December 19, 2024, at 6:00 PM

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

Chair Diane Westbrook, Matthew Walden, Jennifer Garner, Monica Harvey and Enrique Herrera were present.

Matthew Walden made a motion, which was seconded by Monica Harvey, to approve the Minutes of the November 2024 regular meeting. The motion carried.

PRELIMINARY FORUM:

MAPP-04-24: Major Subdivision Preliminary Plat for Phase 4 of the Morganton Park South Planned Development

Robert Koontz of Koontz Jones Design, PLLC, on behalf of Midland Atlantic Properties, has submitted a Major Subdivision Preliminary Plat application pursuant to UDO §2.20 to create four (4) outparcels on ±9.01 acres and extend Old Morganton Road to connect to Carolina Green Parkway. The subject parcel is identified as PIN 857100588078 (PARID 98000749). Per the Moore County tax record, the property owners are listed as Morganton Road Enterprises LLC, Thomas M. Van Camp, Trustee, and others.

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

Planner James Broadwell provided an overview of the staff report for MAPP-04-24 accompanied by a Power Point presentation, stating that the preliminary plat will create a 20-acre parcel to the south of the parent tract, four commercial outparcels on the north side, and extend Old Morganton Road to connect to Carolina Green Parkway.

Mr. Broadwell stated that staff recommended approval of the application with the conditions that the 40' Highway Corridor Overlay buffer remain undisturbed and the 40' linear park buffer remain undisturbed until after PDP review. The TIA requires right turns only onto Carolina Green Parkway so hard a median and barrier of some sort will be required to prevent left turns.

John Silverman of Midland Atlantic Properties stated connecting Old Morganton Road to Carolina Green Parkway is a requirement and the appropriate location of the Old Morganton Road extension has now been determined. He stated that there will be left turns in but right turns out as recommended by the TIA.

Robin Greenwood, 400 Old Mail Road, expressed concerns regarding the number of trees being removed.

Mr. Broadwell responded that the UDO requires a minimum 40' buffer from the property line along Morganton Road will be required.

Peter Doubleday, 3722 Youngs Road, asked why the Town continues to expand.

Member Garner responded the development was approved prior to the current Board.

Tom McCabe, 235 N. Page Street, stated the development was created with automobiles in mind and the buffers also prevent pedestrians along Morganton Road from accessing the buildings close to Morganton Road. He encouraged pedestrian and bicycle friendly development going forward.

Jose Cangas, 120 St. Joseph Road, stated he owns 704 W. Morganton Road and Midland Atlantic trespassed on his property and installed utility poles without his knowledge. They asked the developer to halt all activity on their property but the request was ignored and contractors continued to dig foundations. He supports the development but the foundations he asked to be removed still exist. He stated that he was in support of the request but encouraged the Board to delay approval until the issue has been resolved.

Mr. Silverman responded Dr. Cangas was correct that the poles were placed four feet from where they were supposed to be due to the surveyor's error. The plan was approved by NCDOT and the Town of Southern Pines. The poles have been moved to the correct location and they have reached out to Dr. Cangas to request permission to remove the foundations without success.

Monica Harvey 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 December 19, 2024 preliminary forum on application MAPP-04-24:

1. Approval of the request will result in the creation of five (5) commercial parcels within the Morganton Park South Planned Development and the extension of Old Morganton Road to Carolina Green Parkway. The extension will also include a traffic circle. Approval of this request will also delineate buffer requirements for the required 40' highway buffer, 40' linear park buffer and 20' western side buffer. Site design requirements will be determined during the Preliminary Development Plan review process.

The information presented at the forum indicated that the following issues be considered in applying the criteria for a Major Subdivision Preliminary Plat to application MAPP-04-24:

1. pedestrian accessibility and buffer density; and
2. approval of the access easement.

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

1. The question of why the development; and
2. concerns and violations at 704 Morganton Road and any other affected properties.

The motion carried by a 5-0 vote.

PRELIMINARY FORUM:

PD-07-24: Planned Development - Preliminary Development Plan for New York Place Planned Development located on the west side of South Bennett Street between New York Avenue and Pennsylvania Avenue; Applicant: Grosvenor Land, LLC

Colin Webster, on behalf of Grosvenor Land, LLC, has submitted a Planned Development District – Preliminary Development Plan application for a mixed-use development to include 40 residential condominiums and 9,100 square feet of retail, restaurant and office space. The subject parcels are identified as PIN 858105282734 (PARID 00032263) and PIN 858105281747 (PARID 00031983) and are owned by Grosvenor Land, LLC.

Monica Harvey made a motion, which was seconded by Jennifer Garner, to open the preliminary forum. The motion carried.

Senior Planner Alaina Mallette provided a brief overview of the staff report for PD-07-24 accompanied by a Power Point presentation and stated that staff had identified the following issues:

1. A Watershed Protection Permit has been approved for the site which grants the right to develop up to 70% built-upon area. The applicant has proposed close to 78% of built upon area and has stated that permeable technology will be utilized in the parking area. The locations of permeable material and calculations have not been provided.
2. The list of allowable uses should be confirmed.
3. A traffic generation letter was submitted with the master plan, but not knowing what the land uses will be that can potentially generate a higher traffic volume than what was originally anticipated. Staff recommends a condition that future proposed land uses shall remain within the original trip generation estimates and any combination of land uses in the future that exceed the maximum must be reviewed and may require a modification to the original estimates.

4. Commercial loading and unloading areas will be on the street, but it is unclear whether on S. Bennett Street or W. New York Avenue. Staff proposes a condition that commercial loading and unloading areas shall be on W. New York Avenue and the developer shall establish a proper loading and unloading zone and include a time element that prohibits these activities during peak traffic areas.

Member Herrera expressed concerns regarding water runoff affecting neighboring properties.

Ms. Mallette responded the Town requires that post-construction stormwater calculations be the same as the pre-development calculations.

John Spurrell, representing Grosvenor Land, LLC offered to answer any questions.

Member Herrera asked Mr. Spurrell if the entire first floor will be occupied by commercial uses.

Mr. Spurrell responded different uses have different parking considerations. Their goal is to secure low impact businesses, such as boutique businesses that are in keeping with downtown. This is the type of development that encourages walkability and the convenience of working and living close to downtown. Parking will be outside and under the building.

Tom McCabe stated the number of vehicular trips may not be as high as calculations based on what a use would require given on-street parking and walkability and expressed his support for the development.

Monica Harvey 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 transmit the following list of issues stated in the December 19, 2024 staff report to the Town Council as a result of the December 19, 2024 preliminary forum on application PD-07-24 for New York Place:

1. The applicant is in excess of permitted 70% built-upon area maximum permitted under their watershed protection permit. Permeable pavement and/or similar permeable technology must be used to bring the built-upon area from 77.9% of total acreage to 70%.
2. The PDP section 3.0.3 Allowable Uses should be limited to the Land-Based Classification Standard codes mentioned in the December 19, 2024 staff report.
3. An additional section of the narrative and/or a standard trip generation letter is needed to confirm whether the proposed scope of development and mix of land uses is within the scope of the original traffic design analysis.
4. Commercial loading and unloading areas.

And that the following additional criteria be considered:

1. Restricting businesses based on assumption that everyone will need to park. Based on allowable uses, the automobile trip generation may not be what was predicted in the traffic estimate.

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

1. all easements should be confirmed and shown on the submitted plan;
2. labels should be cleared up as described in the December 19, 2024 staff report;
3. parking density and potential for overflow into public parking areas;
4. reduced speed on S. Bennett Street; and
5. extending parking on S. Bennett Street southwest of Pennsylvania Avenue.

The motion carried by a 5-0 vote.

PRELIMINARY FORUM:

PD-08-24: Preliminary Development Plan for Phase 2 of the Southern Pines Ace Hardware Planned Development; Applicant: Rhetson Companies, Inc.; Koontz Jones Design, Authorized Agent

Robert Koontz, on behalf of Rhetson Companies, Inc., has submitted a revised Planned Development District – Preliminary Development Plan application to develop ±14,500 square feet of mixed-use space on 1.87 acres. The subject parcels are identified as PIN 857300974451 (PARID 00033604) and PIN 857300963887 (PARID 00033603) and are owned by Southern Pines Ace Land Company, LLC.

Monica Harvey made a motion, which was seconded by Jennifer Garner, to open the preliminary forum. The motion carried.

Planner James Broadwell provided an overview of staff report PD-08-24 accompanied by a Power Point presentation and stated the uses that were previously approved are being expanded to include Medical Offices, Person Services, Gym, Health and Human Services and Personal Services, and larger buildings are proposed. Mr. Broadwell stated that staff recommended approval with the conditions stated in the staff report.

Paul Saathoff of Koontz Jones Design reiterated the proposal and stated that 1,850 SF of additional space was proposed. Building B will be one story and Building A will gain the additional square footage. Parking has been reduced by two (2) spaces. Any uses must be consistent with the approved CDP. Open space remains unchanged. The applicant is agreeable to the open space condition and the parking condition. Mr. Saathoff stated that no tenants had been confirmed to date.

Monica Harvey made a motion, which was seconded by Jennifer Garner 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 December 19, 2024 preliminary forum on application PD-08-24 for Southern Pines Ace Hardware:

- The recommendation highlighted by planning staff in the staff report, being that the conditions of approval from the previously approved Ace Phase 2 (under PD-03-24) should transfer to this PDP with the exact same wording. Staff highlighted that applying the exact same conditions would prevent any ambiguity in their ties to this development approval. As for the purpose of these conditions of approval, they ensure this phase of development complies with multiple purposes of the Planned Development, pursuant to UDO §3.5.14.

The motion carried by a 5-0 vote.

PUBLIC HEARING:

Z-06-24: Request to rezone several parcels located on SW Broad Street from General Business (GB) to General Business Conditional Zoning District (GB-CD); Applicant: RCPESP, LLC

Rachel Jurgens, on behalf of B & R Holding Company, and Scott Bertrand, on behalf of RCPESP, LLC, have submitted a request to rezone five (5) properties from GB to GB Conditional Zoning District to develop a mixed-use food truck campus to include a cafeteria, bar, mobile food services, catering, multi-purpose facility, temporary/special event uses and several accessory uses with off-street parking and open space.

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

Senior Planner Alaina Mallette provided an overview of staff report Z-06-24 accompanied by a Power Point presentation. Ms. Mallette stated that Planning staff recommended approval of the application with proposed conditions, but felt that a plan for increased parking demand, the lack of street trees along Morganton Road, stormwater management with the proposed increase in impervious surface, traffic generation, and the outstanding fire code violations were worthy of discussion. Better pedestrian connectivity and walkability in the area should also be considered.

Ms. Mallette distributed a copy of Fire Marshal Ken Skipper's December 19, 2024 email to the applicant, the Notice of Violation from the Town of Southern Pines Fire Department dated December 19, 2024 and images related to the violation to the Board members.

Chair Westbrook asked if there is a maximum occupancy requirement for the food truck campus.

Mike Rakowski responded as far as the Fire Department is concerned, there is no maximum occupancy for an outdoor space.

Scott Bertrand said parking agreements was one of the recommendations and they would like to work on those agreements and when they are needed. Parking is only an issue on some days.

Member Herrera asked Mr. Bertrand if he was opposed to adding a crosswalk across Hwy 1.

Ms. Mallette responded Morganton Road and Old US Hwy 1 are NCDOT roads. She spoke with the Town Engineer, who said a crosswalk in that area had been discussed in the past, but it was determined that the distance is too long and the angles would make it unsafe. If the traffic generation letter states that the expansion is outside of the purview of the original study and the new study came up with suggested improvements, they tend to include improvements.

Mr. Bertrand said with the efforts that are being made to promote pedestrian traffic in the Pinedene area. Everything in that area is going to be built with the idea of promoting more pedestrian traffic. They request that the requirement for a shared parking agreement with Bank of America be reduced to a temporary parking agreement for special events. The adjacent property owners have agreed that Red's Corner customers can park on their properties when they are not there.

Mr. Rakowski stated with regard to stormwater, when they put in the new row of shrubs and the greenspace is sodded, the entire pond will be sodded. Nothing has changed with regard to runoff into the pond than what was originally calculated. Gravel is being added where gravel previously existing but has been compacted due to use.

Mr. Bertrand stated that Thyme & Place Restaurant was required to have a walk-in cooler. It had been removed but there was existing electrical service for the cooler. The cooler is currently unplugged and they will talk with the Fire Marshal about the requirement to install sprinklers in the walk-in cooler or in the overhang.

Member Garner stated she did not understand why they did not pull permits at the beginning.

Mr. Bertrand responded there was a walk-in cooler there previously.

Mr. Bertrand stated with regard to sidewalks along Morganton Road, that is a busy road and the shoulder dips down into Red's. That is NCDOT's property. They do not object to a sidewalk in that location, but that would be up to NCDOT. From a practical standpoint, the sidewalk would run up to the bridge but the bridge has a very narrow shoulder. From Old US Hwy 1 and Broad Street, the site was developed a few years ago with sidewalks so they are not sure what other sidewalk improvements would be on SW Broad and there is also the issue of the future of that road. Hall Avenue is a private road that dead ends and land that they do not control. Regarding connectivity with public parking, they do not know where public parking is located.

Tom McCabe, 235 N. Page Street, recommended building a path from Morganton Road to the food truck campus instead of blocking pedestrian access with vegetation.

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

Monica Harvey made a motion, which was seconded by Matthew Walden, that after reviewing the proposed amendment 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 amendment is consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-06-24 as revised by the Planning Board and therefore, to recommend approval of Z-06-24 to the Town Council with the 18 conditions on the General Business Conditional Zoning District as submitted by the applicant with additional information submitted before the Town Council public hearing regarding the six (6) additional considerations identified in the December 19, 2024 staff report.

The motion carried by a 5-0 vote.

UNFINISHED BUSINESS:

No unfinished business was discussed.

NEW BUSINESS:

Ms. Mallette stated that the Town Council had reappointed Jennifer Garner for a second term on the Board.

The Board agreed to hold the January agenda meeting.

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

The meeting adjourned at 9:25 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

An audio recording of the meeting is available upon request.