



MINUTES

Tuesday, July 12, 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.

Mayor Haney advised the public that the Town now has a Facebook Page.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Assistant Town Manager Jessica Roth reviewed the agenda.

4. PUBLIC COMMENTS

a. The Town Council encourages public input and participation in its Council meetings. This part of the meeting is reserved for individuals who would like to bring issues to the attention of the Council that are NOT part of a Public Hearing. Each speaker is allotted three minutes during this portion of the meeting.

- Dorothy Brower of 102 E Monroe, Southern Pines addressed the Council regarding the West Southern Pines Connectors and complimented the work and effort of Planning & Community Development Specialist Rachel Mann.

- Susan Coleman of 223 May Street, Southern Pines spoke to the Council about the Town Council public comment periods and the code of ethics adopted by the Town; advising the Council that she intends to file a formal complaint regarding what she considers a breach of ethics involving a Council member.

5. PUBLIC HEARINGS

a. PD-04-22: St. John Paul CDP

Mr. Pete Bogle of Bogle Firm Architecture has submitted an application for a Planned Development District – Conceptual Development Plan to allow a private school, athletic fields, cemetery, rectory and religious institution. The subject parcels are currently zoned RE (Rural Estate). This is a continuation of a public hearing that was originally

opened on April 12, 2022 and continued several times to July 12, 2022. The Town understands both parties intend to request another continuance of this hearing to a future meeting.

The applicant has requested the hearing be continued to the Town Council Regular Business Meeting on August 9, 2022.

Councilmember Pate motioned to continue the public hearing for PD-04-22 to the August 9, 2022 Council meeting, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

b. PD-07-22: Morganton Park South Phase II PDP

Mr. Bob Koontz of Koontz Jones Design has submitted an application for 269 multi-family residential units on 13.18 acres for Phase 2 of the Morganton Park South Planned Development. This public hearing was opened and held on June 14, 2022 and continued upon request of the applicants to July 12, 2022.

This hearing is a continuance from the June 14, 2022 Regular Town Council Business meeting.

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.

Tom Johnson, attorney with Williams Mullin, is present to represent the applicant.

Principal Planner Pam Graham gave a brief review of the application and staff report. Nothing new was submitted to town staff by the applicant.

Staff drafted 2 findings of fact statements and accompanying motions depending on the Council's decision.

Mr. Johnson briefly reviewed the previous presentation and asked John Silverman to speak regarding density and its effects.

John Silverman of Mid Atlantic Development Company addressed the Council and reviewed the history of the project and the origins of the number 650 total units on the original CDP which was approved back in the 1990's by the original applicant.

The traffic analysis included with the current plan assumes 260 units for the current parcel.

Mr. Silverman explained to the Council the impact of reducing density at this site.

The connector road is a joint effort and the financials assumed the current proposed density, so if density is reduced, then that would reduce the tax received towards the MSD and result in a deficit.

Mr. Silverman acknowledges the conflict between the number of units and number of acres on the CDP, but feels that it is important that the first phase included 260 units.

Councilmember Petersen questioned the applicants regarding mathematical error of units per acre. Mr. Silverman replied that the original zoning prior to MidAtlantic in the density chart in the CDP contradicts 16/acre and 650 and they acknowledge the mathematical error.

Councilmember Petersen asked if the applicant had a proposed resolution to the

discrepancy? John Silverman replied that they didn't but it could be a moot point if the limit is not reached by the final phase..

Councilmember Clement questioned what part of the original assumption was based on the number of dwelling units? Mr. Silverman advised that the first phase of tax revenue was based on the property valuation based on improvements by MidAtlantic. Councilmember Clement would like to see the original Davenport application and the analysis.

Mr. Johnson advised that the TIA and CDP were based on 260 units for this phase and included the Target buildout and 1st phase improvements. Overall density can be adjusted later in the project.

Councilmember Pate questioned the land use plan that shows acreage showing a deficit of 10 acres to meet the density model and wants to ensure that future phases are not built to high density. Mr. Johnson reiterated that future phase could have density reduced but they feel it's important to have the higher density closer to the shopping center and to meet the MSD tax revenue assumptions.

Councilmember Pate questioned Planning Director Grieve if there was a way to condition the mixed use zoning in future phases with approval of this application.

Planning Director Grieve advised that it is not advisable to condition a PDP on a restriction in the CDP.

Councilmember Petersen questioned setting a precedent.

Councilmember Clement questioned using acreage from future planned phases to meet current density requirements.

Mr. Silverman reiterated that for the financial model to work, the tax basis for the MSD to current requested density numbers are required. Mr. Silverman questioned the Council whether adding a clarification to the current approval that the CDP is based on the lessor number of 16/acre or 650 units overall would alleviate the Council's concern.

Planning Director Grieve advised that granting the current deviation doesn't affect the overall density of the CDP shouldn't be considered as part of this hearing.

Councilmember Petersen questioned Mr. Johnson and Mr. Silverman on the MSD calculations.

Mayor Pro Tem Murphy asked if an extension of Stevens Street into the community would affect the current discussion? Mr. Silverman advised that increased development would increase the tax base and create a clear benefit.

Mr. Silverman reiterated that Davenport based the financial viability of the MSD on the current proposed numbers and by not approving the deviation the result would put a financial strain on both the applicant and the Town to meet future debt payments.

Councilmember Pate expressed concern at the ability to enforce the reduction of density in future phases.

Mayor Haney feels the numbers for the MSD need to be corrected and recalculated.

Planning Director Grieve advised that his professional opinion is that putting 60 additional units on this project as proposed makes sense.

Mayor Pro Tem Murphy feels that if density is increased, then the Town should strategically and intentionally place it to our advantage.

Councilmember Clement questioned the amount of parking planned. Mr. Silverman

advised that parking on the Target side has since been reduced and Mr. Johnson advised that the current parking standards being proposed are the same as those used at the Eagle Landing Development and adequate for their needs.

Councilmember Petersen shared her concern regarding social infrastructure and that for every multi-family dwelling built the Town loses money in regards to social infrastructure, ie. schools and police, which is based on county taxes.

Mr. Silverman agrees on the record to a cap of 483 units for the entire project.

Asst. Town Manager Roth questioned if the Town could adopt an amended written decision to the CDP to correct the original miscalculation of the total allowed units?

Town Attorney Doug Gill advised that legally the way to restrict the number is to enforce the overall number for the entire project.

Planning Director Grieve advised that a CDP is a legislative matter adopted by ordinance and a written decision is a product of a quasi-judicial process and he is unable to come up with a mechanism at this time. Planning Director Grieve agrees with Mr. Gill's proposed solution.

Councilmember Pate would be more comfortable if the cap was included in the approval.

Mr. Grieve advised that the applicants must agree to any conditions put into a PDP and would be relevant in future proceedings.

Mr. Johnson believes that if the Council wrote in their approval stating that the deviation is being granted with the condition that the total number of units for the project be 483 units. This would state their intention while not setting a precedent. are granting the deviation with the condition that approved with the

Councilmember Petersen asked if Mr. Silverman is overseeing all phases of the project and if he could include a cap of 483 units? Mr. Silverman agreed to submit a letter to the file stating that the unit number will cap at 483 and make that a condition of approval.

Councilmember Clement questioned if there was a way to bring the average number of units per acre to 16. Mr. Silverman stated that the overall project number could but not the individual phase.

Mr. Johnson entered into the record a traffic study (Exhibit D)

Mayor Haney asked for any public comments. None were voiced.

Councilmember Clement moved to close the Hearing for PD-07-22: Morganton Park South Phase II PDP, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

Councilmember Pate moved to adopt Attachment A of the staff report as drafted as Finding of Fact regarding the proposed Preliminary Development Plan PD-07-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Councilmember Pate moved to approve the Preliminary Development Plan for PD-07-22 with the following conditions: that the approval is on the basis that the maximum number of multi-family dwelling units for the entire CDP be capped at 483 units. Seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed

6. ACTION ITEMS

a. Consider Proclamation Declaring July as Parks and Recreation Month

The U.S. House of Representatives has designated July as Parks and Recreation Month across the country. The Town's recreation and parks staff has a number of activities planned to highlight the role and benefits of parks and recreation in the community and has requested that Council issue a proclamation designating July as Parks and Recreation Month in Southern Pines.

Mayor Haney reviewed and presented a proclamation declaring July as Parks and Recreation Month to Recreation and Parks Director Cindi King.

b. Consider AR-16-22: Ace Hardware

Sheri Halpin with LMHT & Associates is requesting approval of an Architectural Compliance Permit for "Ace Hardware," a 55,000 square-foot retail development at Airport Road, just east of Sandhills Community College.

Planning Director Grieve gave an overview of the item and advised the Council that the applicant had provided new calculations for the percentage of brick used with the requested adjustments for windows and doors.

Discussion ensued.

Councilmember Pate moved to approve AR-16-22: Ace Hardware, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

c. Consider AR-18-22: Discount Tire, Inc.

Donaville Group, Inc. of Duluth, GA is applying for an Architectural Compliance Permit to build a 7,680 square-foot commercial service building (Discount Tire, Inc.) at 10935 US Highway 15-501 (former location of Sandhills Urgent Care).

Mayor Haney advised staff that there were no deviations requested.

Councilmember Pate moved to approve AR-18-22: Ace Hardware, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

d. Consider AR-17-22: Old Morganton Park South Outparcel 1

Ubuntu Developer, LLC has applied for an Architectural Compliance Permit for a 7,000 square-foot multi-unit retail building on the southeast corner of West Morganton Road and Brucewood Road.

Planning Director Grieve provided the Council with a brief overview of the request. Discussion ensued.

Councilmember Pate moved to approve AR-17-22: Old Morganton Park South Outparcel 1, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

7. CONSENT AGENDA

Assistant Town Manager Roth reviewed the Consent Agenda.

Councilmember Pate moved to approve the Consent Agenda, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

a. Set August 9th Hearing for AX-02-22 Pinehurst Surgical Clinic Site 3B

Charles Gregg, on behalf of Morganton Park Realty, LLC, is requesting voluntary annexation of a 5.19-acre contiguous parcel on the southwest corner of South Carlisle Street and Patriot Boulevard. The Town Council directed the Town Clerk to investigate the sufficiency of the petition for annexation at the June 27, 2022 Work Session. The public hearing will be set for August 9, 2022.

b. Approve Town Council Meeting Minutes for June 2022

Approve Town Council Meeting Minutes for June 2022

- June 8, 2022 Agenda Meeting
- June 15, 2022 Business Meeting
- June 27, 2022 Work Session

8. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Clement and carried unanimously, Council adjourned at 7:43 pm.

Motion passed.

Respectfully submitted:
