

MINUTES
Planning Board Special Meeting
C. Michael Haney Community Room, Southern Pines Police Department
Wednesday, May 18, 2022, at 6:00 PM

Chairman Carroll called the meeting to order at 6:00 PM.

Chair Gary Carroll, Vice Chair Diane Westbrook, Cooper Carter and Kim Wade were present.

PUBLIC FORUMS:

- a. **PD-07-22 Planned Development District - Preliminary Development Plan for Phase 2 of Morganton Park South Mixed-Use Development located between West Morganton Road and US 15-501 Hwy; Petitioner: Zimmer Development Company by Koontz Jones Design, Agent**

Cooper Carter made a motion, which was seconded by Diane Westbrook, to open the public forum. The motion carried.

Principal Planner Pamela Graham stated that the request is to develop 269 multi-family residential units on 13.18 acres as Phase 2 of the Morganton Park South Planned Development. The connector road that is to be constructed in Phase 1 will provide direct access to the site. The Town Engineer has reviewed the Traffic Impact Analysis, which includes Phases 1 and 2, and makes recommendations for improvements and provides a summary of the levels of service and expected delays at the access points. A network of open space and proposed connections between Phases 1 and 2 are proposed.

The CDP calls for a maximum of 650 dwelling units and a density of 16 dwelling units per acre. The applicant has requested a deviation from the CDP to develop 269 units on 13.18 acres, which calculates to 20.4 dwelling units per acre, in Phase 2. This does not affect the total number of allowable dwelling units - it just reduces the number of dwelling units that can be developed in future phases. The applicant has also requested a deviation from the required number of parking spaces to allow a decrease from 507 to 434 spaces.

If approved, a total of 269 multi-family units in three buildings, a leasing office and clubhouse in one building, 434 associated parking spaces and other associated amenities will be developed in Phase 2.

It is noteworthy that a waiver was granted in the CDP approval which states as follows: "Due to the type of development proposed and the site constraints (dimensions and topography), buildings will be oriented towards the street, however, they will not be

required to be close to the street frontage.” This waiver grants relief from UDO §3.6.6(C)(3): *Except where approved by Council within Large Scale Retail Development, buildings shall be oriented to and located close to the street frontage with parking lots on the side or rear.* The multi-family buildings as proposed are not oriented toward the street or located close to the street. There is parking and some greenspace between the public street and the buildings.

The Traffic Impact Analysis has been updated to account for 269 dwelling units. The Town Engineer has reviewed the trip generation memorandum and verified that the increase of nine (9) units does not warrant a concern. NCDOT and RLUAC responded to the request for agency comments and neither had any comments.

Cooper Carter stated that it seemed from the staff report that the buffer is a deviation.

Ms. Graham responded that the linear park is required to be a certain width in total, i.e., it could be 20 ft. wide on one side and 60 ft. on the other or an even split. In this case, the width of the linear park has been reduced somewhat and will have to be made up on the other side but it will still meet the requirements of the CDP.

Chairman Carroll asked how many units would be permitted based on the UDO.

Ms. Graham responded that the CDP allows up to 16 dwelling units per acre and 20.4 units per acre are being proposed. The narrative that was submitted with the CDP stated that a total of 650 units, which could be single-family detached, multi-family or townhomes, at a maximum density of 16 dwelling units per acre could be developed.

Attorney Tom Johnson of Williams Mullen in Raleigh, present on behalf of the applicant, introduced Adam Tucker of Zimmer Development.

Mr. Tucker provided an overview of Zimmer Development and stated that his firm had developed Eagle Landing Apartments, which consists of 288 units.

Bob Koontz stated that the connector road will be constructed as part of Phase 1 and provided an overview of the site and the proposed development and stated that they want to orient the buildings toward the shopping center and have the large buildings serve as a backdrop to the shopping center. They want to make sure there are some trees between the buildings and the parkway and if the buildings were oriented toward the street it would push the buildings up to the power line easement, which cannot be landscaped.

They are requesting a deviation from the required number of parking spaces. The UDO requires 1.88 spaces per unit. Generally, they find that 1.65 or 1.7 spaces is a good

number. The same amount of parking that has been provided for Eagle Landing is being requested and they are not having any parking issues in that development. Reducing the number of parking spaces allows for more open space.

Mr. Koontz provided renderings of the proposed architectural elements of the project.

Cooper Carter asked if there would be access to the soccer fields and Mr. Koontz that they do not have a direct connection to the soccer fields but that is something that could definitely be considered.

Mr. Tucker stated that they would work with their engineers to figure out how to make that connection and potentially work with the power company to create a natural trail to the soccer fields.

Chairman Carroll asked if the buildings will be three stories and Mr. Koontz responded that some of the units will be four stories due to the grade of the property.

Diane Westbrook inquired about the requested deviation to add additional dwelling units and Mr. Koontz responded that the UDO standard is 16 dwelling units per acre, which would allow for 211 units, and they are requesting 269 units.

Ms. Westbrook stated that they are also requesting a reduction in the number of parking spaces.

Mr. Koontz stated that either way they would be requesting a reduction in the number of parking spaces. He thinks the Southern Pines standard is one of the highest they see for multi-family developments.

Ms. Westbrook asked if they would have room for the additional parking spaces if the number of units was decreased and Mr. Koontz responded that they can provide more parking but they don't really want to do that.

Mr. Tucker stated that 650 dwelling units are approved for the entire area. In his opinion, it makes more sense to have a higher density near the shopping center for walkability. Economics also play a part in the number of units.

Kim Wade asked how the traffic on Morganton Road will be impacted and Mr. Koontz responded that 260 units were included in the TIA for the CDP. The level of service will not change with the additional nine (9) units.

Ms. Wade inquired about the number of entrances and Mr. Koontz responded that there will be two access points – one from Morganton Road and the other from the parkway connector.

Travis Fluitt, Traffic Engineer with Kimley-Horn, stated that they analyzed the buildout and the required 10 year projection of the shopping center and these apartments, and then of everything within Morganton Park South and the levels of service were still acceptable.

Cooper Carter asked if the same had been done for Morganton Park North and Mr. Fluitt responded that they have studied everything that is currently planned for Morganton Park North.

Mr. Cooper asked when the Morganton Road intersection would be created and who would be responsible for the cost.

Mr. Koontz responded the intersection is part of the Phase 1 plan for the Target shopping center. The sidewalks and the trail are also part of Phase 1 and the linear park that is part of the Target shopping center on both sides of the road will be constructed as part of Phase 1 as well.

Mr. Carter asked how stormwater from the ball fields will be managed and Mr. Koontz responded that has all been included in the calculations for the drainage basin for this project as well as the Target shopping center.

Ms. Wade asked if there will be a right in/right out on Henley Street and Mr. Fluitt responded that Henley Street may become a right in/right out in the future but not in the near future.

Chairman Carroll inquired about the status of annexation of the remaining parcels in the CDP and Mr. Grieve stated that the property was annexed into Town in February 2022.

Ms. Graham stated that what was submitted for the CDP included a statement in the application that units may be multi-family, townhomes and single-family detached up to a density of 16 dwelling units per acre as defined in the Morganton Road Overlay §3.6.6(K)(1) which states that the maximum residential density shall be 16 dwelling units per acre for any development.

Mr. Koontz stated that when they calculated the 650 units, it was based on the actual multi-family residential square footage and mixed-use square footage.

Ms. Graham stated with regard to density, in her conversations with Mr. Koontz he agreed that the request to go to the 20.4 dwelling units per acre was a deviation.

Diane Westbrook made a motion, which was seconded by Kim Wade, to close the public hearing. The motion carried.

Discussion ensued among the Board members.

Diane Westbrook made a motion, which was seconded by Cooper Carter, to adopt the following for transmission to the Town Council as a result of the May 18, 2022 public forum on application PD-07-22 Morganton Park South Phase 2 PDP:

The information presented at the forum indicated that the following concerns rather than issues be considered in applying the criteria for a PDP to application PD-07-22:

1. The deviations to the CDP that were requested by the developer were the orientation of the buildings, the increase in the number of units in this phase, and the decrease in the number of parking spaces.
2. That access paths to the soccer fields be included in this proposal; and
3. That as a general comment, future development proposals in Morganton Park South and Morganton Park North the impacts of traffic on Morganton Road and surrounding neighborhoods always be a consideration in approving those proposals.

The motion carried unanimously.

b. SU-03-22: Special Use Permit for a multi-family residential development on the northeast side of Long Street between Short Street and Haley Street; Petitioner: Davis Park Leasing by Koontz Jones Design, Agent

Mr. Bob Koontz, on behalf of Davis Park Leasing, has submitted a Special Use Permit application to develop 149 multi-family residential units on 17.04 acres currently zoned RM-1 (Residential Multi-Family). Pursuant to the Moore County tax records, the subject parcels are identified as PIN 857100555776 (PARID 00050398) and PIN 857100653945 (PARID 00049517) and are owned by CLS Holdings, LLC.

Cooper Carter made a motion, which was seconded by Diane Westbrook, to open the public hearing. The motion carried.

Jennifer Hunt provided an overview of the proposal and stated that the zoning allows for up to 203 dwelling units but 149 single-family homes are proposed. No outside agency comments were received.

Chairman Carroll asked if the Town has any oversight with regard to the architecture of these units.

Ms. Hunt responded that pursuant to state statute, one to two single family dwellings units are not subject to architectural approval by a local jurisdiction.

Diane Westbrook asked what prohibits the development from becoming condominiums.

B.J. Grieve responded that the ownership arrangement – whether rented or sold – would not be regulated by the UDO because the UDO focuses more on the impacts of 149 residential units. The footprints of the properties could not be conveyed as townhomes without undergoing subdivision review. Condominiums do not constitute a subdivision in North Carolina.

Bob Koontz stated that the permitted land use would allow up to 203 dwelling units and they are requesting 149 units, which is 8.74 dwelling units per acre – roughly a 25% reduction in the number of units. Multiple types of units are proposed with a maximum height of forty (40) feet. Some will have garages and driveways similar to traditional single-family homes, some will be single-family detached-style units that have service parking and some will be duplexes which will also have service parking. There will be pedestrian connections to all of the open spaces. Most of the units back up to some type of greenspace and parks and recreation areas. Approximately 55.2% impervious surface is proposed. There are no wetlands or red cockaded woodpecker habitat on the property.

Cooper Carter inquired about the rationale behind the sidewalk at the rear the homes.

Mr. Koontz responded that the purpose of the sidewalk is to avoid conflict with the residents who are parking in their garages. All of the units will have rear access and the sidewalk will provide the ability to make a connection to the Target shopping center. There will also be a sidewalk on the opposite side of the street.

Mr. Carter asked if some of the existing trees would be retained and Mr. Koontz responded that they have not gotten into a detailed grading plan but it would be great to save some of the existing trees within the open spaces.

Mr. Carter inquired about the length of time the units would be rentals and Mr. Koontz responded that these will be typical multi-family style leases.

Mr. Grieve stated that tourist homes (less than 30-day rentals) are not allowed in the RM zoning district.

Mr. Koontz stated that during the neighborhood meeting some of the residents of Cox Street and Haley Street mentioned that through the years they have had people walking around the fence and through their yards so they requested that the fence be extended to Haley Street in that location, which is being proposed as part of the application. The applicant will repair the damaged portion the fence and extend the fence to Haley Street.

The applicant has worked with Midland Atlantic, the developer of the Target shopping center, and there is an agreement in place for expanding the sewer and providing a sanitary sewer easement across their property. The improvements that the Target developers will be making to the development will be able to handle the capacity.

The applicant has requested a reduction in the number of required parking spaces. They are providing 76 garage and driveway spaces and 187 off-street spaces, for a total of 1.77 spaces per unit, or 263 spaces. Based on experience of the applicant, 1.77 spaces per unit is appropriate for this type of development.

A total of 10% overall open space is required and 3.1 acres – about 18.2% - is being provided with approximately 15.3% of that being usable open space. There will be a lot of open space with the courtyards and pedestrian connections throughout the development. The front porches will orient toward the street with large areas of greenspace for trees to be planted which will reduce the size of the parking areas. There will be pedestrian connections along Long Street and connecting back to Short Street.

Ms. Hunt stated that the Town Engineer had received updated documents but had not had an opportunity to review them but he did provide comments stating that the primary entrance to the proposed development will be off of Murray Hill Road and that an improved cross-section from the development should be extended from the development to the intersection of Murray Hill to mitigate the impacts of the increased traffic and that a pedestrian connection to the existing sidewalks on Murray Hill Road should be considered.

Diane Westbrook asked how the applicant would proceed if the deviation was not granted.

Mr. Koontz responded that there would be more parking and less trees if the deviation is not granted. There is plenty of room on the site to accommodate the required parking but it would reduce the amount of greenspace.

Chairman Carroll asked Mr. Koontz what they could do to make everyone more comfortable about the architecture.

Mr. Greg Jonczyk stated that there will be no vinyl siding.

Cooper Carter asked Mr. Koontz if they could show the pedestrian access to Morganton Park South when they present to the Town Council.

Attorney Nick Robinson stated that the single-family for rent concept came into being after the real estate recession in 2008 and people wanting a house but not a mortgage. It fits right in between the traditional multi-family and the traditional single-family concept. Planning staff, in general, tends to agree that all of the findings for the Special Use Permit have been met except with regard to the adequacy of facilities that were mentioned and the pedestrian connection, which will be worked out. Sewer service has been worked out with the adjoining property owner. The applicant will use the time between now and when they get to the Town Council to sit down with the Town Engineer and figure out what the requested improvements to Short Street look like and get that worked out.

Ms. Westbrook asked in what other areas this concept had been implemented.

Laura Helminski of SGA architectural firm responded that they have developed approximately 13 of these projects all over the southeast in the last two years so this project is not unique.

Diane Westbrook made a motion, which was seconded by Cooper Carter to close the public forum. The motion carried.

Discussion among the members of the Board ensued.

Diane Westbrook made a motion, which was seconded by Kim Wade, to adopt the following for transmission to the Town Council as a result of the May 18, 2022 preliminary forum on application SU-03-22 Murray Hill Pines Special Use Permit. The information presented at the forum indicated that the following were issues with application SU-03-22:

1. Improve Short Street with an approved cross-section from the development extended from the development to the intersection of Murray Hill Road in order to mitigate the impacts of increased traffic also to meet the Town of Southern Pines standards accommodating the number of vehicular trips per day.
2. Consider providing pedestrian connection with sidewalks to Murray Hill Road
3. Upgrade the existing downstream sewer system to accommodate the additional flow or provide the agreement from the adjacent commercial development showing they will direct the sewer through their site.

4. Confirm and obtain commitments from the developer on parking, street landscaping and sidewalk including those at the rear of the units as presented during the public forum.

The motion carried.

PUBLIC HEARING:

OA-02-22: Text Amendments to the Unified Development Ordinance; Petitioner: Town of Southern Pines Administration Department

The proposed amendments will require that apartment or condominium developments with ten (10) or more Dwelling Units be developed as part of an approved PD (Planned Development). The sections of the UDO that will be affected by the proposed amendments include §3.7.1 *Table of Authorized Uses Established – (F) Multi-Family Structures and Townhomes*, subsections (1) and (3); and §4.10.8 *Multi-Family Development Standards – (A) Applicability*, subsections (2) and (3).

Cooper Carter made a motion, which was seconded by Diane Westbrook, to open the public hearing. The motion carried.

B.J. Grieve stated that the proposed amendments to the UDO would require that multi-family developments of ten (10) or more dwelling units be developed as part of an approved Planned Development as opposed to a Special Use Permit. The legislative process for a Planned Development allows for broader public participation and broader contemplation of potential impacts by the Town Council than the quasi-judicial process that is required for a Special use Permit.

Following the work session at which the amendment was discussed, there was some email correspondence with Ms. Suzanne Coleman regarding her concerns and Mr. Grieve asked Ms. Coleman to share her concerns with the Planning Board and/or the Town Council through that usual process. Mr. Adam Kiker of LKC Engineering also expressed some concerns regarding restrictions on multi-family development.

Mr. Grieve distributed copies of what had been presented by Ms. Coleman at the May 10, 2022 Town Council regular meeting to the Board members and stated that Ms. Coleman had expressed concern regarding some language in the UDO regarding Conceptual Development Plans, and specifically UDO §2.18.4(B), which reads “*A Conceptual Development Plan shall be required when an applicant is planning to develop less than the entire, contiguous land area held in common ownership in a single phase or subdivision plat. The Conceptual Development Plan shall illustrate future Development of the entire area under common ownership.*” Mr. Grieve stated that he believed her concern was that this section may be a workaround to the text amendment for an applicant planning to develop an entire contiguous land area without a CDP. He sees the language she referenced as a bit awkward but he did not see it as a

potential loophole because if the property is not currently zoned PD, the only way to be rezoned to PD is to go through the PD process, which starts with a CDP. A CDP would also be required for a property that is already zoned PD but does not have a CDP. Mr. Grieve stated that he was going to bring the language of §2.18.4(B) to the Council's attention but he did not see it as a fatal flaw in need of immediate action.

Cooper Carter made a motion, which was seconded by Diane Westbrook, to close the public hearing. The motion carried.

Cooper Carter made a motion, which was seconded by Diane Westbrook, that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments to the UDO that the proposed amendments are consistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment A to the staff report for OA-02-22 and therefore recommended approval of OA-02-22 to the Town Council. The motion carried.

UNFINISHED BUSINESS

No unfinished business was discussed.

NEW BUSINESS

No new business was discussed.

ADJOURNMENT

The meeting adjourned at 8:45 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board