



MINUTES

Monday, September 26, 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.

Councilmember Pate exited the meeting at 5:30 pm.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. PUBLIC HEARINGS

a. Continued Public Hearing for 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 has been continued multiple times at the request of both the applicant and neighbors.

Planning Director Grieve gave an update on the application.

Andy Pettish, attorney for the opposition, reviewed their requested amendments to the CDP.

Mr. Pete Bogle, attorney for the applicant, reviewed the revised CDP application for the Council with changes and concessions made.

Councilmember Pate moved that after reviewing the proposed Conceptual Development Plan and the criteria for consideration of a Conceptual Development Plan, and after considering the comments received at the Town Council's public hearing and the Planning Board's written recommendation, the requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning for the following reasons:

- the plan adheres to the community's well-being for the production of education that will allow for growth of educational options for the community
- attempts to protect natural resources through setbacks and natural borders
- allows for future growth in the area
- attempts to have as minimal of impact as possible to the neighbors based on the compromises

made to the plan.

- suitably designed with the other existing PD's and use in the area

Seconded by Mayor Pro Tem Murphy, the vote was unanimous.

Motion passed.

Councilmember Pate then moved to approve PD-04-22 as submitted and modified by the applicant in response to concerns raised by the Planning Board, the community neighbors and the Council, with the following further modifications as discussed in review of the 5 page attachment submitted by Attorney Pettish and amended at the Work Session meeting on September 26, 2022. Seconded by Mayor Pro Tem Murphy, the vote was unanimous

Motion passed.

4. ACTION ITEMS

a. Consider Written Decision for PD-10-22: Morganton Park North Phase 9

Staff has prepared a formal Written Decision document for the application PD-10-22 Morganton Park North that was approved by the Town Council at the September 13th, 2022 Regular Meeting.

Councilmember Pate motioned to approve the written decision for PD-10-22: Morganton Park North Phase 9; seconded by Mayor Pro Tem Murphy; the vote was 4-1 as follows:

Mayor Haney - yay

Mayor Pro Tem Murphy - yay

Councilmember Pate - yay

Councilmember Clement - yay

Councilmember Petersen - nay

Motion passed.

b. Consider Lease Agreement with Go Pines, LLC for Electric Vehicle Charging Stations

Staff has worked with local business Go Pines, LLC, to develop a lease agreement to provide the infrastructure for electric vehicle charging stations at Reservoir Park as well as in the downtown district (Bennett St. parking lot). Notice of the proposed lease has been provided in accordance with NCGS §160A-272.

Councilmember Pate motioned to approve a lease agreement with GoPines, LLC for Electrical Vehicle Charging Stations, seconded Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

5. COUNCIL UPDATES AND DISCUSSION

a. Discussion Regarding Planning Department Protocol

Update regarding Planning Recommendations on applications and possible Council action

Town Manager Parsons reviewed the item for Council.

Discussion ensued.

Councilmember Petersen moved that from this day forward the Council start receiving a formal recommendation from the Planning Department on all completed applications that come before the Council and, pursuant to §160A-148.7 that the manager be asked to oversee providing that information. Seconded by Mayor Pro Tem Murphy, the vote was unanimous.

Motion passed.

Town Manager Parsons then addressed the Council regarding developing a protocol or pre-application process for those who wish to "float" a project idea before the Council. Discussion ensued.

b. Code of Ordinances Administrative Updates: Library Fee Schedule

As part of the administrative updates to the Town's Code of Ordinances, staff has reviewed the Library's fee schedule, located in Chapter 98. Staff will review the recommended revisions. Asst. Town Manager Roth and Library Director Amanda Brown presented the proposed fee adjustments to the Council. Discussion ensued.

Asst. Town Manager Roth informed the Council that the Library was awarded the "Best Storytime in the Pines". Congratulations were given.

c. Code of Ordinances Administrative Updates: Public Works Fee Schedule

As part of the administrative updates to the Town's Code of Ordinances, staff has reviewed the Public Works fee schedule, located in Chapter 50. This is not a schedule that is generally assessed to the general public, but rather when the department has to perform billable work and the Town's expenses should be recouped. Staff will share some approaches with how an update could be addressed for this schedule. Asst. Town Manager Roth and Asst. Public Works Director Albers presented the proposed updates to the Code of Ordinances Public Works Fee Schedule. Discussion ensued.

d. Solid Waste Contract

Staff released an RFP for solid waste services, as the current contract with GFL expires on June 30, 2023. GFL submitted a proposal and Republic submitted a "no bid," stating they were uncomfortable with the volume of yard debris that must be collected and disposed through this contract. After reviewing GFL's submittal, staff recommends entering into negotiations with GFL to finalize a five-year contract to begin July 1, 2023. Staff will share details of GFL's proposal, including pricing and some anticipated changes to service. Asst. Town Manager Roth and Asst. Public Works Director Cory Albers updated and shared their recommendation with the Council on procuring a new solid waste vendor. The pros and cons of each option offered were discussed in detail. The option of handling the solid waste on our own was raised and staff advised that there would be a high startup cost as well as the continued cost of maintaining the staff and equipment required. Discussion ensued. Staff will get clarification from GFL on some of the Council questions and return with the information at the next meeting.

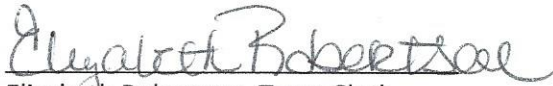
e. Revenue Replacement Projects

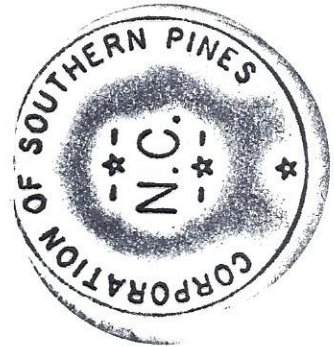
During the Town Council's retreat for the FY 22-23, it was agreed that Council would revisit a number of capital projects this fall for possible funding from the ARPA revenue replacement. Staff will provide the most recent updates and recommendations. Town Manager Parsons presented several revenue replacement project options for the Council's consideration. Cost, feasibility and long term benefits were discussed.

6. ADJOURNMENT

Upon motion by Councilmember Clement, seconded by Councilmember Petersen and carried unanimously, Council adjourned at 7:05 pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk



TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUCIL

September 13, 2022

6:00 pm

The Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: PD-10-22

A public hearing regarding a proposed Planned Development - Preliminary Development Plan for Morganton Park North Phase 9, known as PD-10-22, was called to order with five (5) members present on September 13, 2022. The Mayor administered the oath to all witnesses choosing to speak. Ms. Pamela Graham, Principal Planner, presented the staff report. Messrs. Nick Robinson of Bradshaw Robinson Slawter, LLP, Bob Koontz of KoontzJones Design, Travis Fluitt of Kimley Horn, and Tim Carpenter of LKC Engineering presented on behalf of the petitioner.

Matter at Issue:

PD-10-22: Written Decision of the Board for PD-10-22: Planned Development - Preliminary Development Plan for Morganton Park North Phase 9.

Mr. Bob Koontz, on behalf of Zimmer Development Company, has submitted a Planned Development District – Preliminary Development Plan (PDP) application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for Morganton Park North – Phase 9. The project constitutes Phase 9 of the Morganton Park North Conceptual Development Plan (CDP), and proposes 300 multi-family residential units and +/- 20,000 square feet of mixed-use retail, restaurant, and/or office space on a +/- 25.5 acre site that constitutes parcels identified as ParID 20190270 and a portion of 20150046. The subject parcels were zoned PD (Planned Development) in accordance with an approved Conceptual Development Plan (CDP) in May of 2018.

Ms. Pamela Graham, Principal Planner, entered the staff report into the record as Exhibit 2, and staff's Powerpoint presentation as Exhibit 7. She then provided an overview of the project and applicable criteria for review.

Mr. Nick Robinson, Attorney with Bradshaw Robinson Slawter, LLP, addressed Town Council regarding the proposal, and introduced other parties as noted below. Mr. Robinson entered the Preliminary Development Plan application packet as Exhibit 1, the Traffic Impact Analysis (TIA) from Kimley Horn dated June 29, 2022 as Exhibit 4, the TIA Executive Summary as Exhibit 4A, the Illustrative Level of Service Exhibit as Exhibit 5, and an email dated August 9, 2022 from NCDOT giving approval of the TIA as Exhibit 6.

Mr. Bob Koontz of Koontz Jones Design was admitted as an expert in site plan design and planning, and he presented a Powerpoint slide deck that was entered into the record as Exhibit 3.

Mr. Travis Fluitt, with Kimley Horn was admitted as an expert in the field of traffic engineering, who then addressed the Council regarding the TIA for the proposal.

Mr. Tim Carpenter, with LKC Engineering was admitted as an expert in the field of utility engineering, and who testified regarding utilities for the site.

After presenting details of the development, Mr. Robinson offered to respond to questions from members of the Town Council. Councilwoman Clement clarified with Ms. Graham a request to formalize improvements to the existing path as part of the approval.

No additional testimony was provided by the applicant or members of the public.

Town Council Action:

Having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing and discussing the application and information presented at the hearing, the Town Council made the following findings of fact on the application:

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO Section 2.18.5(H) and as presented in Attachment A in staff report PD-10-22:

Finding of Fact #1: By a vote of 5-0 the Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2: By a vote of 4-1 with Councilwoman Peterson dissenting, the Town Council finds that the application complies with Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

- 1. The application demonstrates that it will achieve the purposes of the PDD and this section;**

The Town Council finds that the Preliminary Development Plan (PDP) for Morganton Park North Phase 9 implements the purposes of the Planned Development District because the proposed mix of land uses is supported by the stated purpose of the district as being to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5 of the UDO. Furthermore, the design of the PDP is consistent with the majority of the fourteen stated intentions of the Planned Development District regulations as set forth in Chapter 3 of the UDO.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

The Town Council finds that the PDP is consistent with the Morganton Park North Conceptual Development Plan (CDP) with the exception of the deviations specifically requested by the applicant as part of the PDP application. Furthermore, deviations that vary from standards that are contained in the UDO are allowed, to provide for the application of unique conditions and standards during the process of rezoning to a Planned Development District, and that the Town Council deems the requested deviations to satisfy the following provisions for the PD District found in UDO §3.5.14(F)(3):

- meets or exceeds the general intent of the UDO standards for the base district;
- is appropriate given the specific mix of uses and character of the development; and
- achieves a more efficient, safe, or economical land use without detracting from the quality of the development or the community as a whole.

3. The proposed Development is located in an area of the Town that is appropriate;

Town Council finds that the proposed PDP is located in an appropriate area of town because the proposed multi-phased, mixed-use development may be served by existing public utilities and is providing desirable and needed uses along a significant roadway (West Morganton Road). Additionally, the project is located in an area of town with existing access to necessary utility infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes.

4. The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed development and the Town Engineer has determined that the systems have the capacity to serve the proposed development. Furthermore, the development will include the development of a roadway extension (S. Carlisle Street) that provides an alternate means of accessing the current and existing phases, providing an additional option to drivers that is likely to assist with the dispersal of traffic.

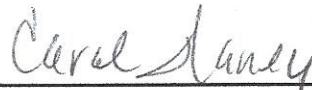
Decision of the Council:

By a vote of 4-1 with Councilwoman Peterson dissenting, the Town Council voted to approve the Preliminary Development Plan Application PD-10-22, with the following conditions:

1. That the change in right-of-way width from 80' to 60' for a portion of S. Carlisle Street as shown on plans is approved.
2. That the change in maximum allowable building height from 40' to 45' is approved.
3. That the parking count will include flexibility with a cap of no more than 120 spaces for the commercial uses being applied.
4. That the multi-use path that follows the southern edge of the wetlands will be improved to asphalt or compacted stone condition per Town specifications.

This is the 26th day of September, 2022.

FOR THE TOWN COUNCIL:



Carol Haney, Mayor

cc: Elam Hall, DHIC, LLC
Nick Robinson, Bradshaw Robinson Slawter, LLP
Bob Koontz, KoontzJones Design