



AGENDA

Monday, November 28, 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

2. TOWN MANAGER'S COMMENTS

3. ACTION ITEMS

a. Consider Written Decision for PD-11-22: Knollwood Phase 2 PDP

Staff has prepared a formal Written Decision document for the application PD-11-22 Knollwood Phase 2 PDP (multi-family residential) that was approved by the Town Council at the November 15th, 2022 Regular Meeting.

4. COUNCIL UPDATES AND DISCUSSION

a. Town of Southern Pines Audit by Forvis, LLP

Staff will present the results of the audit conducted by Forvis, LLP.

b. Consider Town Council Meeting Schedule for 2023

Staff will provide a draft meeting schedule for the Council's approval.

c. Source Water Protection Plan

The Town is required to prepare a Source Water Protection Plan in accordance with 15A NCAC 18C .1305. Council must be advised of the creation and implementation plan prior to certification to NCDEQ.

d. Solid Waste Service Delivery

GFL has provided a proposal to continue providing solid waste collection services after the current contract expires on June 20, 2023. Staff seeks direction from Council to finalize the terms of the proposed contract, so it can be included on the December 13th business meeting agenda for consideration.

5. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's [YouTube channel](https://www.youtube.com/channel/UCvXx2Qk). Video of the Town Council meetings will be live streamed on the channel for viewing either during the meetings or after they have concluded. Please note, the video is provided only for the purposes of viewing the meetings; public comments or questions are not accepted via the live stream. To receive notifications when new content is published, please "subscribe" to the Town's channel at <https://bit.ly/3hXx2Qk>

Work Session Agenda Item

To: Reagan Parsons, Town Manager

From: Pamela Graham, Principal Planner

Subject: Written Decision of the Board for PD-11-22:
Planned Development - Preliminary Development
Plan for Knollwood Multi-Family

Date: November 28, 2022

I. PURPOSE:

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the planning director or town attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Staff has prepared a draft of the written decision of the Town Council’s approval of application PD-11-22 that was heard by the Town Council at the regular meeting on November 15, 2022, and that the Town Council may now wish to adopt. If the Town Council approves the written decision of the board document, the Mayor will sign the document. The original signed version will be delivered to the petitioner, with staff maintaining a copy of the signed document in the file.

II. SUMMARY OF APPLICATION REQUEST:

Mr. Bob Koontz, of Koontz Jones Design on behalf of Hawthorne Residential Partners submitted an application for a Planned Development - Preliminary Development Plan in association with the Knollwood Tract Conceptual Development Plan approved in 2012. The application for this phase of the Knollwood Tract CDP proposes 236 multi-family residential units on a +/- 19.57 acre site that constitutes portions of parcels identified as PARID 00039300701, 00037785, and 00031176. The subject parcels were zoned PD (Planned Development) in accordance with an approved Conceptual Development Plan (CDP) in 2012. Property owners as listed in the Moore County Tax Registry are Knollwood Partners, LLC, Mid-Pines Development Group, LLC, and Kaveri Investment Management Company, LLC, respectively.

III. TOWN COUNCIL PUBLIC HEARING AND ACTION:

A public hearing for this request was held at the November 15, 2022 regular business meeting of the Town Council. All public notice requirements were met for the hearing date. The Town Council opened the quasi-judicial public hearing with four (4)

members present, following the recusal of Councilman Bill Pate, and received evidence from those in attendance regarding preliminary development plan application PD-11-22. Ms. Pamela Graham, Principal Planner, entered the staff report into the record as Exhibit 1, the staff PowerPoint presentation as Exhibit 2, and a letter from Mr. Kelly Miller dated November 14, 2022 as Exhibit 3 before providing an overview of the project and applicable criteria for review.

Ms. Graham provided the Town Council with background information and a summary of the project. She advised Council that the proposed uses are consistent with the Conceptual Development Plan (CDP), that open space has been or is being provided in conformance with the CDP, and briefly summarized components of the CDP approval, including the allocation of ninety acres of the Town's high-density watershed credits that was part of the CDP approval. Additional information regarding utility availability, the findings of the traffic impact analysis, and data made available on endangered species and wildlife corridors was also presented. Ms. Graham advised Council that a single deviation was being requested by the applicant, which was a request for a reduction in the required parking from 439 spaces to 422.

Mr. Nil Grosch with Morningstar Law Group, attorney for the applicant and Mr. Bob Koontz with Koontz Jones Design presented the case for the approval of PDP application PD-11-22. Mr. Gosch asked that all remaining application materials and materials referred to by his witnesses be entered into the record, which constituted the applicant's Powerpoint presentation as Exhibit 4, a letter from Dr. J.H. Carter III & Associates dated November 2, 2022 that provided updates the 2016 Red Cockaded Woodpecker Survey as Exhibit 5, an exhibit illustrating items covered by J.H. Carter III & Associates letter as Exhibit 6, the Traffic Impact Analysis Addendum as Exhibit 7, and a version of the Overall Site Plan that depicts the proposed phasing of spine road as Exhibit 8. Mr. Gosch called on Mr. Travis Fluitt of Kinley Horn and Mr. Tim Shaw with Hagen Engineering to be recognized and to provide evidence on behalf of the application. Mr. Koontz's presentation of the proposal included the status of the overall CDP, a description of the site layout, and touched on expectations for architectural details. He also included the requested deviation regarding parking requirements.

Mr. Gosch invited Mr. Tim Shaw of Hagen Engineering to the podium. Mr. Shaw addressed the topic of the need for the development to avoid burdens to future phases of development, to coordinate the location of the utilities, and how the utilities will be installed. Mr. Shaw spoke specifically to available water and sewer and respecting Southern Pines' efforts to not create new pump stations and for sewer design that could eliminate the existing pump station, stating that a larger sewer pipe size will likely be used in the design to mitigate future development costs for the Town. Mr. Shaw also addressed the stormwater by stating that curb and gutter have been added to the spine road design, and stormwater would be routed to the proposed stormwater pond. He followed up regarding the spine road design by stating that his group had been coordinating with the Town Engineer for approximately two weeks before finalizing the proposal earlier that morning. Mr. Shaw requested that the recent spine road exhibit be displayed on the screen and then described that the red-hatched portion of the exhibit is the Phase 2 portion, and that the first phase would allow for two-way traffic. He followed by adding that the design can meet the Town's requirements.

Mr. Gosch then called up Mr. Travis Fluitt, Traffic Engineer with Kinley Horn who responded to questions related to the traffic impact analysis (TIA) prepared for the project. Mr. Fluitt advised that he prepared the report, both the original TIA and the addendum that was added after the location of the site was adjusted. He added that 240 multi-family units were analyzed by the study, and the intersection of US 1 and Air Tool Drive was studied as well as the two site driveways along the spine road, and that the full build-out condition was analyzed for the year 2032 using a 4% annual growth rate projected until 2024 and 2% annual growth rate to the year 2032. The analysis determined that the current intersection of US 1 and Air Tool Drive operates with long delays on the side street approaches during peak hours and is expected to continue to operate with long delays with or without the proposed project. The project will provide left and right turn lanes from US 1 onto the spine road as required by NCDOT, which is projected to result in short delays for both site driveways at project build-out. He added that the study recommends that the spine road be capable of being expanded to four lanes in the future should it be needed, given the uncertainty of how much background traffic will use the road once the connection to the northern part of the Knollwood development is made. Mr. Fluitt stated that if the full build-out is to a lower density than what is shown on the master plan, the background traffic may not trigger the need for four lanes in this section of the spine road. He also added that the CDP called for a 74-foot cross-section which has now been updated to a 100-foot cross-section with curb and gutter on one side and a raised median at full build-out. Mr. Fluitt also stated that the spine road can operate acceptably based on the current development and does not create a need for a connection to Camp Easter Road. He concluded by addressing some feedback regarding the safety of the connection of the spine road to US 1, stating that they have been in communication with NCDOT on this matter and adding that NCDOT has no issues with a full-movement condition at that intersection, nor does he, based on the adequate sight distance and the crash history at that location involving two minor injuries and some property damage. He offered his professional opinion that the intersection does not create an unsafe condition and that the traffic expected to be generated by the project will be adequately mitigated and does not create the need for inefficient expansions of the public infrastructure. Mr. Fluitt offered his professional opinion that the project's intersection with US Highway 1 would operate safely and efficiently at build-out of the proposed project. Mr. Fluitt responded to a question from Council regarding the proposal for two lanes, possibly being expanded to four at a future date depending on how the specific uses and density of the rest of the project. An additional question was posed regarding the need for the bridge connecting to Camp Easter Road, to which Mr. Fluitt replied that the current project does not trigger the need for this connection. Mr. Fluitt also clarified that curb and gutter would be installed on both sides of the road.

Mr. Gosch concluded testimony on behalf of the application and summarized by stating that it is his belief that the applicant has met all of the requirements for approval and that the Council is respectfully requested to grant approval of the request. Dr. Carter was then provided an opportunity to address Town Council, who was qualified as an expert in the red-cockaded woodpecker and biology related to land development and land management. Dr. Carter confirmed that there are no red-cockaded woodpecker cavity trees on the site, pointed out that the surveys are good for one year, and clarified that his staff performed the field assessment for the report. He also pointed out that the Green Growth Toolbox data that was provided by staff is outdated and does not match the foraging habitat map that Mr. Koontz displayed during his presentation. He also

addressed the RLUAC comments by stating that while habitat corridor loss is a legitimate concern, this area is more likely to impact the white-tailed deer population as opposed to the red-cockaded woodpecker. As a response to questions by Council he also clarified that there is a foraging habitat on part of the development site and that a document would be submitted to the US Fish and Wildlife Service regarding the mature trees that would be preserved. He added that the upland areas of the site are not heavily forested with pines and that US Fish and Wildlife Service addressing the trees will be sufficient to respond to RLIUAC's comments. Mr. Shaw was called back to the podium to respond to a question regarding RLUAC's stormwater comment.

Staff presented their recommended conditions for approval and engaged in a discussion with Mr. Gosch regarding the first recommended condition that states that no additional phases of the CDP shall be approved without a commitment for the bridge construction. Town Manager Reagan Parsons addressed the letter from Mr. Kelly Miller expressing his commitment to explore the future construction of the bridge, and clarified that while it is unrelated to the current application, both the applicant and the Town have an interest in finding a future solution. Mr. Gosch stated that the condition seemed out of line for the current approval being requested and that the additional conditions were being addressed. Following a ten minute break in proceedings, Town Attorney Mac McCarley advised Council that the first condition should be withdrawn, to which Council agreed. Mr. James Michel, Town Engineer, addressed Council by clarifying that, because the site is located within a high-density watershed, the project will be required by the State to meet both quality and quantity standards for stormwater. He added that he is confident that the applicant will be able to meet Town requirements for the spine road and the sewer connection.

Following a motion and vote to close the hearing, the Town Council voted 4-0 to adopt Finding #1 of Attachment A to staff report PD-11-22 as a finding of fact. Finding #1 included findings of fact that the application is complete and that the facts submitted were relevant to the case. The Town Council voted 4-0 to adopt Finding #2 of Attachment A to staff report PD-11-22 as a finding of fact. Finding #2 included findings that the preliminary development plan is consistent with the conceptual development plan and conforms to all applicable provisions of the UDO, that the proposed development is in an area of the Town that is appropriate, and that the proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities, and services.

The Town Council then voted 4-0 to adopt the proposal known as PD-11-22 with additional stated conditions as follows:

1. The project shall mitigate impacts to the adjacent red-cockaded woodpecker foraging habitat as requested by RLUAC, by preserving as many mature pine trees and as much contiguous undisturbed forested land on the site as possible. The project shall also respond appropriately to any recommendations that may be included in the update to the JH Carter III & Associates Red-Cockaded Woodpecker Survey Report dated November 2, 2022.
2. Construction of the "spine road" that will allow access to the development shall not commence until the design has been approved by the Town Engineer.

3. The Town's long term plan for the sewer system is to eliminate as many lift stations as possible due to their increased maintenance cost and risk of failure. The sewer for this project should be designed such that a future extension could eliminate the ARO lift station located on the opposite side of US-1. In accordance with UDO §4.15.6. Utilities to Be Consistent with Internal and External Development, an extension of the onsite sewer shall be designed to the edge of the property and additional sewer easement provided for future construction. The sewer shall also be designed for a future extension to the southwestern portion of the CDP area.

IV. ATTACHMENTS:

1. Written Decision for PD-11-22 (DRAFT)

V. TOWN COUNCIL ACTION:

The Town Council may wish to take one of the following actions:

1. No action;
2. Accept the Written Decision for PD-11-22 as prepared by the Town staff;
3. An action listed above with the following conditions...
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUCIL

November 15, 2022

6:00 pm

The Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: PD-11-22

A public hearing regarding a proposed Planned Development - Preliminary Development Plan for Knollwood Multi-Family, known as PD-11-22, was called to order with four (4) members present on November 15, 2022. Councilman Bill Pate was recused by the remaining members of Council from participation in the hearing. The Mayor administered the oath to all witnesses choosing to speak. Ms. Pamela Graham, Principal Planner, presented the staff report. Messrs. Nil Gosch with Morningstar Law Group, attorney for the applicant, Bob Koontz of KoontzJones Design, Travis Fluitt of Kimley Horn, Tim Shaw with Hagen Engineering, and Dr. J.H. Carter presented on behalf of the petitioner.

Matter at Issue:

PD-11-22: Written Decision of the Board for PD-11-22: Planned Development - Preliminary Development Plan for Knollwood Multi-Family.

Mr. Bob Koontz, on behalf of Hawthorne Residential Partners, 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 Knollwood Multi-Family. The project constitutes a portion of the Knollwood Tract Conceptual Development Plan (CDP), and proposes 236 multi-family residential units on a +/- 19.57 acre site that constitutes portions of parcels identified as ParID 00039300701, 00037785, and 00031176. The subject parcels were zoned PD (Planned Development) in accordance with an approved Conceptual Development Plan (CDP) in 2012.

Ms. Pamela Graham, Principal Planner, entered the staff report into the record as Exhibit 1, staff's Powerpoint presentation as Exhibit 2, and a letter from Mr. Kelly Miller dated November 14, 2022 as Exhibit 3. She then provided an overview of the project and applicable criteria for review.

Mr. Nil Gosch, attorney for the applicant, addressed Town Council regarding the proposal, and introduced other parties as noted below. Mr. Gosch asked that all remaining application materials and materials referred to by his witnesses be entered into the record, which constituted the applicant's Powerpoint presentation as Exhibit 4, a letter from Dr. J.H. Carter III & Associates dated November 2, 2022 that provided updates the 2016 Red Cockaded Woodpecker Survey as Exhibit 5, an exhibit illustrating items covered by the J.H. Carter III & Associates letter as Exhibit 6, the Traffic Impact Analysis Addendum as Exhibit 7, and a version of the Overall Site Plan that depicts the proposed phasing of the spine road as Exhibit 8. Mr. Gosch addressed Town Council on three primary topics: the environmental concerns raised in the RLUAC letter, the proposed cross-section of the spine road, and the future bridge crossing. Mr. Gosch clarified that there are no red-cockaded woodpecker cavity trees on the project site and they recognized that additional permitting will be required, that the applicant has been working with the town engineer on the spine road cross-section, and that bridge connection is not related to the current project.

Mr. Bob Koontz, PLA of Koontz Jones Design was admitted as an expert in landscape architecture and project management, and he presented a Powerpoint slide deck regarding the proposal.

Mr. Tim Shaw and Mr. Bryce Morrison, with Hagen Engineering were admitted as experts in the field of civil engineering. Mr. Shaw testified regarding utilities for the project, including stormwater.

Mr. Travis Fluitt with Kimley Horn was admitted as an expert in the field of traffic engineering, who then addressed the Council regarding the traffic study for the proposal, including the sufficiency of a two-lane spine road for accommodating the current project being proposed.

Dr. J.H. Carter III was admitted as an expert in environmental consulting. Dr. Carter addressed the topics of red-cockaded woodpecker activity on and near the site as well as wildlife corridors.

After presenting details of the development, Mr. Gosch and Mr. Koontz offered to respond to questions from members of the Town Council. Questions were posed by members of Council to several of the expert witnesses as well as to staff.

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-11-22:

Finding of Fact #1: By a vote of 4-0 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 4-0 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 Knollwood Multi-Family implements the purposes of the Planned Development District because the proposed land use, as a component of a CDP that contains a broad mix of 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 assemble 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 at least half 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 Knollwood Tract 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 UDO standards 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 is proposed for an area that is designated as Traditional Mixed Use by the Comprehensive Long Range Plan's Future Land Use Map. Furthermore, the development may be served by existing public utilities or by utilities that will be improved by the developer and is located in an area

of town with existing access to necessary infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes. Additionally, the risk of negative impacts to the environmentally sensitive lands within and adjacent to the project site are being adequately mitigated through the development design.

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 any necessary extensions or improvements will be made by the developer. Furthermore, a portion of the property in which the development is proposed has been annexed by the Town and currently benefits from the public safety services available to properties within the Town's corporate boundary. The remaining portion is required to be annexed prior to site plan approval and will require only moderate extension of these services.

Decision of the Council:

By a vote of 4-0 the Town Council voted to approve the Preliminary Development Plan Application PD-11-22, with the following conditions:

1. The project shall mitigate impacts to the adjacent red-cockaded woodpecker foraging habitat as requested by RLUAC, by preserving as many mature pine trees and as much contiguous undisturbed forested land on the site as possible. The project shall also respond appropriately to any recommendations that may be included in the update to the JH Carter III & Associates Red-Cockaded Woodpecker Survey Report dated November 2, 2022.
2. Construction of the "spine road" that will allow access to the development shall not commence until the design has been approved by the Town Engineer.
3. The Town's long term plan for the sewer system is to eliminate as many lift stations as possible due to their increased maintenance cost and risk of failure. The sewer for this project should be designed such that a future extension could eliminate the ARO lift station located on the opposite side of US-1. In accordance with UDO §4.15.6. Utilities to Be Consistent with Internal and External Development, an extension of the onsite sewer shall be designed to the edge of the property and additional sewer easement provided for future construction. The sewer shall also be designed for a future extension to the southwestern portion of the CDP area.

This is the 28th day of November, 2022.

FOR THE TOWN COUNCIL:

Carol Haney, Mayor

cc: Nil Gosch, Morningstar Law Group

Philip Payonk, Hawthorne Residential Partners
Kelly Miller, Knollwood Partners, LLC; Kaveri Investment Management
Bob Koontz, KoontzJones Design



TOWN COUNCIL MEETING SCHEDULE 2023

	Agenda Meeting	Regular Business Meeting	Work Session
January	1/4/2023	1/10/2023	1/23/2023
February	2/1/2023	2/7/2023	2/27/2023
March	3/1/2023	3/7/2023	3/27/2023
April	4/5/2023	4/11/2023	4/24/2023
May	5/3/2023	5/9/2023	5/22/2023
June	6/7/2023	6/13/2023	6/26/2026
July	7/5/2023	7/11/2023	7/24/2023
August	8/2/2023	8/8/2023	8/21/2023
September	9/6/2023	9/12/2023	9/25/2023
October	10/4/2023	10/10/2023	10/23/2023
November	11/1/2023	11/7/2023	11/27/2023
December	12/5/2023	12/12/2023	No Work Session

MEMORANDUM

To: Reagan Parsons, Town Manager

From: James Michel, PE, MBA, Town Engineer/Assistant Public Works Director

Re: Source Water Protection Plan - Source Water Resiliency and Response Plan (SWRRP)

Date: July 15, 2022

BACKGROUND

In accordance with GS 130A-320 and 15A NCAC 18C .1305 SOURCE WATER PROTECTION PLANNING every supplier of water operating a public water system treating and furnishing water from a surface water source shall create and implement a Source Water Protection Plan by December 31, 2022. The administrative code provided two options to complete the SWRRP with one being the creation of a standalone document. The second option was to utilize the Risk and Resilience Assessment (RRA) and Emergency Response Plan (ERP) that was created to comply with Section 2013 of the Federal America's Water Infrastructure Act of 2018. Staff elected to use the more efficient of the two options and chose to utilize the RRA and ERP since they included the same information that is required of the SWRRP. Prior to certification of the SWRRP, water system's must advise their governing bodies of the creation and implementation of the SWRRP. This memo and presentation to Town Council shall be the record that they have been advised as required by the administrative code. A presentation of the details found in the RRA, ERP, or SWRRP will not occur. These documents include analysis of the potential vulnerabilities and risks associated with the Town's water system and it is not recommended that they be discussed in an open public meeting, and as such this presentation is not intended to provide the details of the reports but to just advise the council of their creation and implementation. If any Council member is interested in the details, then a one on one meeting with staff is recommended to review the documents.

