

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, November 17, 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, Kim Wade and Matthew Walden were present.

Diane Westbrook made a motion, which was seconded by Kim Wade, to approve the Minutes of the October 20, 2022 regular meeting. The motion carried.

The oath of testimony was administered to new member Matthew Walden.

PUBLIC HEARING:

Z-02-22 Rezoning of 13.81 Acres on Equestrian Road from FRR to RE

Brandon Goodman, on behalf of RJ Property Holding, LLC, has submitted a request to rezone a 13.81-acre portion of a 16.84 acres parcel on the south side of Equestrian Road from FRR (Facilities, Resource and Recreation) to RE (Rural Estate).

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

Senior Planner Alaina Mallette provided a PowerPoint presentation regarding the application and stated that the property is designated as Parks and Open Space on the CLRP Future Land Use Map, which is not necessarily consistent with residential land uses. However, low density residential is consistent with the character of the area. There is a boundary line discrepancy that is being investigated but it does not affect the rezoning and also that there is an access easement through the property to the equine center.

RLUAC has commented that if the cumulative loss of red-cockaded woodpecker habitat outside of Fort Bragg causes a significant impact on the viability of the species in the region, the use of critical training land on Fort Bragg may be restricted to ensure that the installation fulfills its environmental protection obligations.

Brandon Goodman stated that the equine center has been sold but will continue to operate as an equine center and it was his understanding that a single-family residence and a horse farm will be located on the 13.81 acre portion of the property. The access easement that is shown on the survey will be closed and a new access to the equine center off of S.R. 2124 will be created.

His surveyor believes that the boundary line discrepancy is due to a taking by NCDOT at the time US Hwy 1 was expanded.

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

ACTION OF THE BOARD:

Cooper Carter made a motion that after reviewing the proposed map amendments to the Town of Southern Pines Zoning Map and after considering the criteria for approval of map amendments found in UDO §2.17.19, the proposed amendment is consistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment 1 to staff report Z-02-22 and therefore to recommend approval of Z-02-22 to the Town Council. The motion was seconded by Diane Westbrook and carried unanimously.

PUBLIC FORUM:

SU-06-22 Special Use Permit and Major Subdivision Preliminary Plat for Mid South

Jeremy Sparrow of Koontz Jones Design, on behalf of Plantation Investors, LLC, submitted applications for a Special Use Permit and Major Subdivision Preliminary Plat.

Principal Planner Pamela Graham provided a PowerPoint presentation of the request which consisted of the following: 1) a subdivision of land resulting in three (3) lots intended to be developed as single-family dwellings with .88± of an acre of open space; 2) a subdivision of a .969 acre parcel that is a portion of the Mid South private road system and is the current location of the Knoll Road gatehouse; 3) an amendment to the Mid South master plan that was approved in 1988 in conjunction with CU-08-88 to remove a 9.26± acre portion that is located in Pinehurst's jurisdiction; and 4) an amendment to CU-08-88 to allow the three lots to be smaller than the 19,200 square foot minimum specified for non-fairway fronting lots. Staff is concerned with the possible impact removing the 9.26± acres from the master plan may have on the 28.16 acres of required open space.

Cooper Carter asked if amending the CUP would decrease the minimum lot size for all future development within Mid South.

Ms. Graham responded that the language of the final approval document could specify that the amendment only applies to the three lots.

Jeremy Sparrow of Koontz Jones Design, representing the applicant, stated that the 1988 approval was for 647 units and 118 units would remain to be developed if the three (3) new lots are approved. The lots will range in size from 13,000 to 17,500 SF, which is consistent with the Birkdale Village lots. The existing gatehouse area, which is approximately .97 acres, will be

subdivided out and conveyed to Mid-Tal. Water and sewer are available and stormwater will be managed within the community.

Mr. Carter commented that if the size of the Birkdale Village lots was not consistent with the CUP then the Town Council should know if it was approved for that section or if the minimum lot size requirement was overlooked at the time because the applicant is basically saying that the three new lots will be consistent with the size of the Birkdale Village lots.

Ms. Graham agreed that it will be important to confirm whether the Birkdale Village lots were the result of a deviation so as not to set a precedent for future development approvals.

Mr. Carter asked Mr. Sparrow what they intended to do with the gatehouse parcel and Bob Levy responded that they created an island with the gatehouse that could be conveyed as a separate parcel.

Mr. Carter asked Mr. Levy why they wanted to eliminate the entrance off of Midland Road from the master plan and Mr. Levy responded that they plan to develop that area.

Mr. Grieve stated that the Pinehurst parcel was included in the total acreage of Mid South and was intended to be open space when the development was originally approved.

Discussion regarding the amount and location of open space ensued.

Mr. Carter asked Mr. Levy if this was the first time they were requesting a smaller minimum lot size and Mr. Levy responded that the minimum lot size has been lowered numerous times over the years and Birkdale Village was the first example. The minimum lot size does not appear on the master plan, but was stated in a letter from Bart Nuchols.

Ms. Graham responded that it was in the written document that accompanied the CUP and it was iterated in an approval letter from Mr. Nuchols.

Mr. Grieve stated that the letter written in 1988 was a clarifying letter from Bart Nuchols, the Planning Director at the time, basically stating that Pinehurst Plantation received a Conditional Use Permit under the Planned Residential Development requirements of the Southern Pines Zoning Ordinance. The PRD allows for a variance in minimum lot area requirements if approved by the Planning Board and Town Council.

John Malach, a member of the Mid South POA Board, read a statement on behalf of the Board, which was admitted into the record.

Gary Podlogar, 10 Plantation Drive, stated that the proposed subdivision is not consistent with the other lots in that vicinity and expressed concern regarding the loss of Lingleaf pine trees and the effect the smaller lots will have on property values.

Bob Levy distributed a copy of an Interim Turnover Agreement and an Amendment to the Interim Turnover Agreement that were created in 2017 between the developer, the owner of the golf course and the POA to the members of the Board and called out several sections of the Agreement including an acknowledgement that the gatehouse is owned by the founder who may convey the gatehouse to a successor subject to the then existing lease. It also states that the area located on either side of the entrance road on the master plan that will be developed will not be within the Mid South gated community so those property owners will pay discounted POA dues based on a percentage of the POA budget for all expenses with the exception of security. The Interim Turnover Agreement states that all roads will be dedicated to the POA. Those roads will be dedicated to the POA but will be within the gatehouse parcel.

Mr. Carter asked why they were requesting to subdivide three lots instead of two.

Mr. Levy responded that the lots themselves would be smaller but the size of the homes will not be that much different from the homes across the street.

Ms. Westbrook asked Mr. Levy if it was his intention to include the roads around the gatehouse in the subdivided parcel and asked why they would take just that much road when all of the other roads have been conveyed to the POA.

Mr. Levy responded that the intent was to have a defined parcel and then provide an easement through that parcel to the regular road system.

Attorney John May, stated that a decision regarding the roads did not have to be made at the time Agreement was negotiated because nothing about the roads was changing at that time. All of the roads in Mid South are still owned by Plantation Investors.

Ms. Westbrook asked if the granting of an easement is required.

Mr. May responded that there are recorded maps that show that the property owners have access through the gate to their homes, whether there is an easement or not. It is implicit because there are recorded plats that show that access.

Mike Hanlin, 6 Plantation Drive, stated that the setback requirements in Mid South are greater than what are required by Southern Pines and they have tried to maintain them but the developer can bring a production builder into the subdivision and do whatever they want and the ARB has no control over it. A lot of greenspace that is shown on the original master plan no

longer exists. Traffic safety on Knoll Road is a concern and adding more houses at the front entrance will decrease the sight distances even further.

Chair Carroll asked how the three new homes will impact the sight distances because they will be inside the fence.

Mr. Hanlin responded that the POA will have no control over the owners of those lots landscaping near their property line.

Debbie McGahey, 8 Plantation Drive, stated that she and her husband were told at the time they moved in that the three proposed lots are small and the homes that will be built on them will cause their homes to decrease in value.

David Near, 103 Old Clubhouse Lane, stated that he was involved in the negotiations regarding the Turnover Agreement that was signed in 2017 and a lot of what Mr. Levy referenced in the Turnover Agreement was not negotiable based on the way the Covenants were written. They were told that the three lots would be created and that the outside portion that is in Pinehurst's jurisdiction would be developed.

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

Discussion among the Board members ensued.

PLANNING BOARD ACTION:

Cooper Carter made a motion, which was seconded by Kim Wade, to adopt the following for transmission to the Town Council as a result of the November 17, 2022 Preliminary Forum on application SU-06-22 and the associated Preliminary Plat:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a Special use Permit to application SU-06-22 as well as the criteria for a Preliminary Plat:

1. Mid South POA representatives and an adjacent property owner share their concerns about the smaller lot sizes being inconsistent with the estate lot section of the community, and the potential impact to their home values.
2. The Mid South POA representative also expressed concern regarding the gatehouse parcel ownership between structure (owned by applicant) and roads (Mid South POA). The applicant is willing to explore a resolution that would address these concerns.

3. Both the Mid South POA representative and resident shared safety concerns about the entrance onto Knoll Road, particularly visibility and potential parking reduction in the vicinity of the gatehouse.
4. Town Council should be made aware of the impact of removing Area B 9.26 acre portion from the master plan and its impact on agreed open spaces. During the planning board meeting, the applicant stated their intention to develop this future portion of property, and that they would still meet the open space requirement following the removal of Area B from the Master Plan.

The motion carried unanimously.

PRELIMINARY FORUM:

SU-07-22 Special Use Permit for the Development of Ten Guest Cottages on an Existing Private Golf Course

Mr. Bob Koontz with Koontz Jones Design, on behalf of Mid-Pines Development Group, LLC, submitted an application for a Special Use Permit to develop ten (10) guest cottages with a total of 56 guest rooms and associated parking and amenities, such as a putting green and practice tee, on 9.48 acres of the property that formerly served as the Southern Pines Elks Club facilities, also known as the Southern Pines Country Club. No subdivision of property is proposed for the site, which constitutes a portion of the 292.11± total acres. The subject property is identified as PIN: 858100121842 (PARID: 00048946).

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

Principal Planner Pamela Graham provided an overview of the application accompanied by a PowerPoint presentation. The addition of guest accommodations to an existing private golf course requires a Special Use Permit in the FRR zoning district. The applicant has stated that approximately 5,200 SF of additional built upon area will be added and that no building will be located within 65' of adjoining properties, there will be a minimum 25' undisturbed buffer along the property boundary and no parking areas will be closer to the property boundary than those which currently exist and they will be screened in accordance with UDO standards. The entrance will be off of Country Club Circle and a gated emergency access from Ridge Street is proposed. The applicant has submitted a trip generation analysis and the Town Engineer has determined that the project does not trigger thresholds for further study based on the analysis.

Chair Carroll asked how many guests each bedroom will accommodate and Bob Koontz responded that the rooms will be king bedroom suites.

Attorney Neil Gosch, present on behalf of the applicant, stated that the project is essentially a hotel. There will be ten (10) units with a total of 56 guest rooms and the units will look like houses. The owners operate a few golf courses in the area so this will be part of their program.

Bob Koontz of Koontz Jones Design, representing the applicant, stated that the request is for ten (10) individual guest cottages. Mid Pines and Pine Needles golf courses have similar accommodations within residential neighborhoods. Development is proposed on 9.48 acres of the overall tract along Country Club Drive and Ridge Street. Construction traffic will be prohibited from using Ridge Street. The cottages will have a 60' setback from the property boundary and they have also included a 25' undisturbed buffer along the property boundary which will allow the existing trees to remain with the exception of a few that may need to be removed for the emergency access. The current plan calls for 48 rooms but the applicant wants to have the ability to have up to 56 bedrooms in the event they are able to add a walkout basement. The cottages will range from 1,800 to 3,500 sq. ft.

Mr. Carter asked if guests will have to rent out an entire cottage and how guests will obtain access.

Mr. Koontz said the cottage will be rented as one unit. There will be a common area but no cooking facilities other than possibly a full-size refrigerator. Check in could be at Mid Pines and Pine Needles but that has not been finalized. The plan maintains 280 acres of open space and there are no intentions to develop other areas. The maximum building height will be 35'. A total of 56 parking spaces will be added and that calculation is based on the hotel standard of one (1) space per room.

Chair Carroll asked if there will be a swimming pool and Mr. Koontz responded that the original swimming pool has been removed.

Chair Carroll asked if there will be a night manager on site and Mr. Koontz responded that he is not sure if the owners have figured out how to manage the cottages but there may end up being a manager on site.

Diane Westbrook asked if there will be a restaurant on site and Mr. Koontz responded that the existing clubhouse has a restaurant.

Several residents from the surrounding neighborhood were in attendance and many spoke in opposition to the proposed project and its potential impacts on their neighborhood. A list of those who spoke is available in the application file.

Travis Fluitt, Traffic Engineer with Kimley-Horn & Associates, stated that he did a trip generation analysis based on a timeshare use, which is a fairly comparable idea to how these units are going to operate, and 10 units would generate approximately 100 daily trips and only about 10 to 15

peak hour trips, which is less than half of the threshold for doing any sort of traffic analysis in Southern Pines. A 56-room resort hotel would generate 230 daily trips over the course of 24 hours, which is 115 trips in and 115 out, which they think that is probably the worst case. Realistically, the estimate is between 100 and 230 trips and he is not concerned about the traffic impacts. He expects that they will be doing a TDA and while there might not be a capacity analysis required it is probably worth looking at the safety of the intersection.

Diane Westbrook made a motion, which was seconded by Matthew Walden, to close the preliminary forum. The motion carried.

PLANNING BOARD ACTION:

Cooper Carter made a motion, which was seconded by Kim Wade, to adopt the following for transmission to the Town Council as a result of the November 17, 2022 Preliminary Forum on application SU-07-22:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a Special use Permit to application SU-07-22:

1. Approximately thirty (30) neighbors attending the planning board meeting voiced their opposition to the proposed Special Use Permit.
2. Neighbors raised concerns about the consistency of the proposed Special Use Permit with the CLRP and in particular, the proposed development would provide short term rentals in a location that would not be permissible if the property was zoned differently. The land use does not appear to be consistent with the components of the CLRP. Residents highlighted tension in the CLRP between encouraging golf tourism and preserving the character of residential neighborhoods.
3. Neighbors raised their significant concerns particularly the understanding of the definition of "limited guest accommodation" in the CLRP, and debating whether a hotel, cluster of short-term rentals, or golf guest cottages is consistent with the FRR authorized land uses and the character of the community and surrounding neighborhood.
4. Residents expressed concern about future development of Southern Pines Golf Club vacant parcels and the "Little 9." They questioned the public welfare benefit of the proposed use and also expressed concerns regarding maintenance of the structures over time.
6. Residents raised concerns about noise, trash, safety of the neighborhood and traffic safety, particularly at the intersection of Morganton Road and Country Club Circle. A question was also raised about on-site management. The Town Council should be very focused on traffic safety on neighborhood streets.

The motion carried unanimously.

UNFINISHED BUSINESS:

Diane Westbrook asked what the Town Council decided with regard to the spine road and the bridge within The Knollwood Tract.

BJ Grieve responded that NC General Statute is very clear that when it comes to roadway improvements you can only require those which are reasonably attributable to the impacts of the development and based on the TIA, the traffic generated by the apartment complex only requires construction of the two-lane spine road.

NEW BUSINESS:

BJ Grieve stated that a Special Meeting would be held in December.

Diane Westbrook made a motion, which was seconded by Kim Wade, to adjourn the meeting. The motion carried.

The meeting adjourned at 11:15 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board