



MINUTES

Tuesday, January 24, 2023: 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.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. Consider Written Decision for PD-12-22: Caropines Phases 3B & 4 PDP

Staff has prepared a formal Written Decision document for the application PD-12-22 Caropines Phases 3B & 4 PDP that was approved by the Town Council at the January 10, 2023 Regular Meeting.

Councilmember Petersen questioned the clarity of Findings of Fact #2 (2) and (3) within the Written Decision and after discussion with Planning Director Grieve, the Town staff feels the language is adequate as is.

Mayor Pro Tem Murphy moved to adopt the Written Decision for PD-12-22: Caropines Phases 3B & 4 PDP, seconded by Councilmember Clement; the vote was as follows:

Mayor Haney

Mayor Pro Tem Murphy - aye

Councilmember Pate - recused

Councilmember Clement - aye

Councilmember Petersen - aye

Motion passed.

4. COUNCIL UPDATES AND DISCUSSION

a. Review Draft Resolution Condemning Hatred and Discrimination

As requested by Mayor Haney during the January 10 business meeting and in response to

recent displays in Southern Pines and Moore County, staff has prepared a draft resolution condemning hatred and discrimination.

Mayor Haney reviewed the proposed resolution with the Council.

Councilmember Clement asked that on item #4 the word 'has' be replaced with the word 'have' so that it is grammatically correct and Councilmember Petersen agreed.

Councilmember Clement then stated that she felt that the wording in item #3 'to advance equality and equity' is too vague.

Discussion ensued.

'The Town of Southern Pines supports efforts to advance equality, equity, and justice.' was the wording agreed to by the Council. Staff will make the changes prior to the January 10th meeting.

b. Solid Waste Assessment Update

Consultants from DavenportLawrence will provide a status update on the assessment that is currently underway to evaluate the Town's solid waste collection services. This is not the final recommendation, but rather an update on the initial work that has been completed.

Asst. Town Manager and Fire Chief Mike Cameron introduced Mr. Dave Harvale of DavenportLawrence and then they both proceeded to speak to the Council and shared a PowerPoint presentation that included an assessment of our current service, the Town's needs and the options for solid waste disposal in the future.

Discussion ensued.

The Council approved Mr. Harvale to negotiate an 18-month contract starting July 1, 2023. Mr. Harvale will return with more information in March.

c. Historic District Commission Annual Report

Planning staff will present a brief history of the downtown Historic District Overlay and a summary of work by the Historic District Commission (HDC) in 2022. Planning staff will also present a summary of the HDC's "to-do" list for 2023.

Principal Planner Pam Graham presented the Historic District Commission's annual report to the Council.

Discussion ensued.

Councilmember Clement proposed having updates done throughout the year by all the Town committees.

d. Confirm Date for Council Budget Retreat

Review Council availability to schedule the annual budget retreat for early/mid April.

Town Manager Parsons reviewed proposed dates for the Annual Town Council Budget Retreat.

Discussion ensued.

The Council chose April 13, 2023, and will meet at 8:00 am at Fire Station #2.

5. ADJOURNMENT

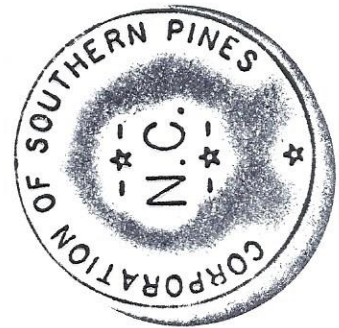
Councilmember Petersen asked about the process for citizens requesting a speed limit sign referencing a citizen as a meeting last year who asked for a speed limit sign on S. Ridge Street. Town Manager Parsons explained the Town's procedures.

Councilmember Petersen cited UDO 4.11.11 which states that a cul-de-sac should be built on all dead end streets on S. Ridge Street, and questioned why the Town hadn't installed one on S. Ridge St.? Town Manager Parson's and Planning Director Grieve explained that that pertains to new development and wouldn't cause the Town to install one after the fact.

Upon motion by Mayor Pro Tem Murphy, seconded by Councilmember Clement, and carried unanimously, Council adjourned at 5:32 pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk



TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUNCIL

January 10, 2023

6:00 pm

The E.S. Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: PD-12-22

A public hearing regarding a proposed Planned Development - Preliminary Development Plan for Caropines Phases 3B & 4, known as PD-12-22, was called to order with four (4) members present on January 10, 2023. 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. Mr. BJ Grieve, Planning Director, presented the staff report. Messrs. John Scarbrough, attorney for the applicant, and Paul Saathoff of KoontzJones Design, presented on behalf of the petitioner.

Matter at Issue:

PD-12-22: Written Decision of the Board for PD-12-22: Planned Development - Preliminary Development Plan for Caropines Phases 3B & 4.

Mr. Paul Saathoff of KoontzJones Design, PLLC submitted an application for a Planned Development - Preliminary Development Plan and Major Subdivision Preliminary Plat pursuant to Sections 2.18.5, and Section 2.20.4, respectively, of the Town of Southern Pines Unified Development Ordinance (UDO). The applications included 75 total dwelling units within Phases 3B and 4 of the Caropines development. Caropines is located on the south side of Airport Road between NC Highway 22 and Hardee Lane. The 75 units consist of 12 detached single-family lots with 8,000 square-foot minimum lot sizes and 11 smaller "cottage lots" with 5,000 square-foot minimum lot sizes in Phase 3B and 52 attached single-family (townhome) lots with 2,000 square-foot per unit minimum lot sizes in Phase 4. All phases are zoned PD (Planned Development). Pursuant to the Moore County tax records, the development is to occur on portions of parcels identified as PIN: 858300789195 (PARID: 00031457) and PIN: 858400613908 (PARID: 20050760) owned by Caropines Ventures, LLC; PIN: 858419511440 (PARID: 96000281); PIN: 858419508871 (PARID: 96000280); and PIN: 858300592330 (PARID: 96000278) owned by 71st Partners, LLC.

Mr. BJ Grieve, Planning Director, entered the staff report into the record as Exhibit A and a staff PowerPoint presentation as Exhibit B. Mr. Grieve provided the Town Council with background information and a brief summary of the recent history of the Caropines project. Mr. Grieve reviewed the Planned Development process, the phasing study for Phases 3B & 4

submitted by the applicants, issues related to the timing of completion of the internal roads, utility plans and work with the Town Engineer to develop workable water and sewer arrangements, issues related to Red Cockaded Woodpecker habitat and concluded with a description of issues related to amenities.

Mr. John Scarbrough, with Scarbrough & Scarbrough Law Firm, spoke briefly to introduce himself and the project on behalf of applicant Mr. Perry Shelly.

Mr. Paul Saathoff, with KoontzJones Design presented Powerpoint slides (entered into the record as Exhibit C) covering the Planned Development process, the history of Caropines, the phasing plan for Caropines, the reduction of Phase 3B from 44 lots to 23 lots and the reasons the reduction was made, details of the Phase 3B lot layout, details of the Phase 4 lot layout, and concluded with a review of staff-drafted conditions of approval and acknowledgement that the applicants accept the conditions as presented by staff.

After presenting details of the development, Messrs. Scarbrough and Saathoff responded to questions from members of the Town Council. Questions were posed by members of Council to the applicants as well as to staff.

Ms. Linda Holmes spoke on behalf of the Caropines Homeowner's Association. Ms. Holes raised concerns with roads and stormwater management, but was not an expert on either topic and did not introduce any factual evidence or testimony into the record.

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 first 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-12-22:

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 Caropines Phases 3B and 4 implements the purposes of the Planned Development District because the proposed land use, as a component of a CDP that contains a mix of residential and recreational 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 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 Caropines Conceptual Development Plan (CDP), with the imposition of conditions of approval to highlight commitments made by the developer in the application materials. Avenue of the Carolinas will be completed with the first of either phase of development authorized under PD-12-22 now that a specific location and alignment of the road may be determined based on the layout of Phases 3B and 4. Off-site improvements as required by NCDOT will be in place prior to approval of final plats, a gravity-only sewer system will be developed to serve the lots, potential impacts to Red Cockaded Woodpecker habitat will be adequately reviewed prior to tree clearing, and amenities for future residents that the developer has developed and has committed to developing will be in place prior to final plat approval.

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 development is located in an area designated as Residential/Golf by the Comprehensive Long-Range Plan’s Future Land Use Map. Furthermore, the development may be served by existing public utilities and public facilities or by utilities and facilities that will be improved by the developer. 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, 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 our corporate boundary.

Decision of the Council:

By a vote of 4-0 the Town Council voted to approve the Preliminary Development Plan Application PD-12-22, with the following conditions, to which the applicant has agreed:

1. Transportation improvements as specified in the November 17, 2022 NCDOT letter shall be completed prior to the approval of any final plat associated with PD-12-22 in which the total number of platted lots exceeds the number of lots referenced in NCDOT's letter.
2. That the first phase developed pursuant to this PDP approval, either Phase 3B or Phase 4, include engineering plans for paving and completion of the entirety of Avenue of the Carolinas and that no final plat be approved for either Phase 3B or Phase 4 until the entirety of Avenue of the Carolinas is paved and completed and approved by the Town Engineer. Paving and completion of the entirety of Avenue of the Carolinas shall not be allowed to be further delayed per a Subdivision Performance Guarantee because it was already required to have been completed in March of 2022 per the black and white language of Section 10 of the CDP.
3. No site plan will be approved without an acceptable gravity sewer system design as approved by the Town Engineer.
4. The applicants have committed in the PDP application to securing letters from USF&WS authorizing the clearing of land in Phases 3B and 4 so copies of the letters approving the clearing based on impacts to RCW habitat shall be provided to the Town of Southern Pines prior to approval of erosion control permits.
5. Per Sections 2.2 and 5.5.11 of the CDP, the developers shall have completed either the splashpad addition to the clubhouse pool or the community garden area prior to final plat approval of the *second* phase of development authorized under PD-12-22.

The Council then voted on the following Findings of Fact and Conclusions of Law as required by UDO Section 2.20.4(G) and as presented in Attachment B in staff report PD-12-22:

Finding of Fact #1: The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices 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 2.20.4(G) Criteria for a Preliminary Plat, Criteria 1-6, in that:

1. **The application is consistent with the approved Sketch Plat, if applicable;**
This is not applicable.
2. **The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;**
The Town Council finds that the proposed Preliminary Plat is generally consistent with the standards set forth in the CLRP because the property is designated as Residential/ Golf on the Future Land Use Map. The designation accommodates "a single family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited commercial services intended to serve residents of and visitors to the development."

3. The proposed subdivision complies with the UDO and applicable state and federal regulations;

The Town Council finds that the proposed subdivision generally complies with the UDO. The project will not be granted Site Plan approval per UDO §2.48 without necessary approvals from applicable state and federal agencies. The burden of demonstrating compliance with applicable state and federal regulations rests with the applicant per UDO §2.5.6.

4. The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and / or permissible zoning and future land use of adjacent property;

The Town Council finds the proposed subdivision is compatible with the existing zoning because a conditional PDP approval for Phases 3B and 4 has been granted and because the lot type and lot layout of Phases 3B and 4 have been deemed to be consistent with the approved Caropines CDP.

5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

The Town Council finds that the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties because Phases 3B and 4 are located within an area of the Caropines development that is not adjacent to properties outside Caropines and traffic impacts to Airport Road are being monitored and mitigated by NCDOT.

6. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development;

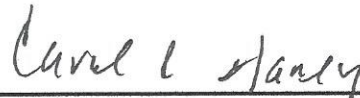
The Town Council finds that public water and sewer utilities are available to serve the project. Adequate stormwater facilities will be verified prior to approval of site plans for the proposed subdivision. Emergency services are available within a reasonable distance of the Caropines development. Commercial services to serve the Caropines development are rapidly developing at the nearby intersection of Airport Road and NC Highway 22.

Decision of the Council:

By a vote of 4-0 the Town Council voted to approve the Preliminary Plat application PD-12-22, with no further conditions of approval.

This is the 24th day of January, 2023.

FOR THE TOWN COUNCIL:



Carol R. Haney, Mayor

cc: Perry Shelley, C&S Management, LLC
John Scarbrough, ScarBrough, Scarbrough & Trilling, PLLC
Paul Saathoff, KoontzJones Design, PLLC