



MINUTES

Tuesday, February 28, 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 SU-07-22: Southern Pines Country Club

Staff has prepared a formal Written Decision document for the application SU-07-22 Southern Pines Country Club that was approved by the Town Council on February 14, 2023.

Mayor Haney opened the discussion.

Councilmember Petersen questioned Condition #9 and asked for clarification from the other Council members as to the meaning of the word "some" and if that is a clear enough description.

Discussion ensued.

Mayor Pro Tem Murphy feels this should be addressed at the Architectural Review Hearing and that the current verbiage leaves flexibility in the final outcome. Councilmember Petersen disagrees.

Town Attorney McCarley proposed that he and Planning Director Grieve speak to the applicant about the Council's concerns regarding the design characteristics and the Council agreed.

Councilmember Clement moved to accept the written decision for SU-07022 as modified by the Town Council omitting the word "some" from Condition #9; seconded by Mayor Pro Tem Murphy, the vote was unanimous.

Mayor Haney - aye

Mayor Pro Tem Murphy - aye

Councilmember Pate - recused

Councilmember Clement - aye

Councilmember Petersen - aye.

Motion passed.

b. Consider AR-24-22 Fort Bragg Federal Credit Union (continued from 02/14/23 Regular Meeting)

Architectural Compliance Permit on behalf of Fort Bragg Federal Credit Union for development of a retail bank on the west side of Brucewood Road, between Terra Bella senior living facility and

Residence Inn by Marriott.

Senior Planner Alaina Mallette updated the Council on the most recent updates to the application. Paul Saathoff of KoontzJones Design for the applicant presented a sample of the proposed green they want to use for the roof.

Discussion ensued.

Councilmember Clement moved to approve AR-24-22 considering the totality of documentation submitted for staff and Town Council's review, including but not limited to the original documentation and subsequent color renderings and building elevations as seen in Attachments 8, 9, and 11; roofing and awning color as seen in Attachment 12 - Leaf Green SRI 131 on the Dynaquad PVDF color chart; additional information provided in Attachment 10; and as presented by the Applicant to the Town Council at its work session meeting on February 28, 2023, to include any additional materials submitted to the Town Council by the applicant. Mayor Pro Tem Murphy seconded the motion and the vote was unanimous.

Motion passed.

4. STAFF UPDATES

a. Knoll Road Multi-Modal Trail Project

Town Engineer James Michel, along with Design Engineer Kimley-Horn, will provide an update on the project. Community leaders from Longleaf have also been invited to submit feedback on the project.

Town Engineer James Michel introduced Vance Blanton, engineer with KimleyHorne, who is assisting the Town with this project. They presented a PowerPoint presentation to the Council giving an overview of the project and its history.

Discussion ensued.

Mr. Tony Maramarco of 16 Glen Devon Drive, asked who had the right-of-way, the pedestrian or driver, when traveling on Knoll Road and turning onto the side streets and what measures would be taken (signage or other) to address this. Mr. Blanton advised that if a crosswalk was added to those road intersections, then N.C. law states the pedestrian has the right-of-way. This would need to be done in conjunction with D.O.T.

Gary Carroll of 307 Magnolia Circle, spoke to the Council about safety concerns, one of them being the lack of left turn lanes in the current drawings, and also voiced hope for the addition of 4-way stops at Belmont & Steeplechase and Talamore & Clubhouse.

Sandy Carroll of 307 Magnolia Circle, raised concerns regarding the speed along Knoll Road, sight distance and the drivers not respecting the crosswalks.

Jim Simeon of 49 Paddock Lane, voiced concerns regarding speed in the area.

Frank Rail of 20 Talamore Drive and Talamore HOA president asked if any additional lighting was being considered and was assured by Town Engineer Michel that it hadn't but they would consider increasing lighting now that the issue has been raised.

A representative from the US Kids organization spoke to the Council about the amount of traffic and the traffic speed in the area along with the amount of pedestrian traffic raise safety concerns.

b. Naming Recommendation for Local Stream

The U.S. Board of Geographic Names (BGN) is evaluating a proposal submitted by a Southern Pines resident concerning a suggested name for a local stream. The BGN has asked the local governments impacted by the decision to respond with a recommendation of approval, denial, or

some other action. The majority of the stream flows through the Village of Whispering Pines and enters Thagards Lake. The proposed name is Wet Paws Creek, based on animals and wildlife that "must wet their paws to stay alive."

Town Manager Parsons opened the discussion by detailing the request.

After discussion it was agreed that Town Manager Parsons would send a response stating that the Town Council will follow the lead of the Town of Whispering Pines in voting no to the renaming, since a majority of the stream in question resides in the Whispering Pines jurisdiction.

c. Resident Exemption from Curbside Solid Waste Collection

Effective July 1, 2023, GFL will discontinue back door garbage collection and curbside collection will become the standard for both garbage and recycling. GFL will provide back door service to residents who qualify for a medical exemption. Staff has drafted a policy which contains suggested criteria that will make a resident eligible for medical exemption from curbside collection for both garbage and recycling.

Asst Town Manager Jessica Roth reviewed the item for Council, addressing registration, ADA policies and staffing considerations.

Discussion ensued.

5. COUNCIL ROUNDTABLE DISCUSSION

Councilmember Clement has been in touch with Rylee Bowman, who addressed the Council at a meeting last year regarding starting a youth council, and they will be meeting next week to further discuss the possibilities.

Councilmember Petersen raised concerns with UDO 3.5.13.C. Planning Director Grieve addressed the issue that while the Planning Department has been researching the UDO history they have not yet found any clarification on the missing pieces and he cautioned about making any changes without further planning for the consequences, but the issue still remains on the Department's radar for further work.

Councilmember Petersen questioned the lack of demolition on properties off of Yadkin Road. Asst. Town Manager/Fire Chief Cameron responded that the Town has a list of properties to be addressed but is currently looking at changes in the N.C. General Statutes to assure the Town is following all the laws before bringing the issue before Council. Councilmember Petersen was assured that all properties that had been voted on and approved for demolition by the Council had been completed.

Councilmember Pate questioned if ARPA funding would need to be used for future waste management services and advised Town Manager Parsons that he was agreeable.

Town Manager Parsons clarified that the only scheduled holidays for GFL are Thanksgiving, Christmas and New Year's.

Mayor Haney complimented the staff and particularly Rachel Mann on their work with the community on the future Long Range Plan. Citizen feedback has been helpful and positive.

Councilmember Petersen addressed the Council regarding pickleball's new popularity. A local group would like to convert 2 tennis courts at Memorial Park to pickleball courts and have raised 1/2 of the money to pay for the changes with the hope that the Council is agreeable to paying for the other

half. Town Manager Parsons cautioned that all the contractors that had been contacted so far have a wait list so any approved construction would not happen immediately.

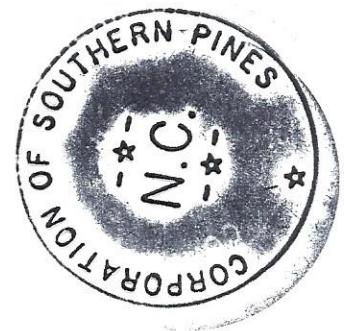
Planning Director Grieve introduced the Town's new Planner 1: Gene Ruiz to the Council. The Council welcomed Mr. Ruiz and heard of his background and new job duties.

6. ADJOURNMENT

Upon motion by Councilmember Pate, seconded by Councilmember Clement and carried unanimously, Council adjourned at 5:09 pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk



TOWN OF SOUTHERN PINES

WORK SESSION MEETING OF THE TOWN COUNCIL

February 28, 2023

3:00 pm

**The C. Michael Haney Community Room
425 West Pennsylvania Avenue, Southern Pines, NC 28387**

DECISION OF THE BOARD

Case Number: SU-07-22

A public hearing regarding the proposed Special Use Permit was held on December 13, 2022 and was continued to the January 10, 2023 Regular Business Meeting. After closing the hearing on January 10, 2023, Town Council discussed the draft findings of fact and proceeded to vote on Finding #1, which was approved by a vote of 4 to 1. Following further discussion, Councilwoman Petersen moved to delay the decision on the proposal until the February 14, 2023 Regular Business Meeting; her motion was approved by unanimous vote. Town Council reconvened on February 14, 2023, discussed the findings of fact in more depth, and proceeded with a vote on the proposal. Four (4) members of Town Council were present at each of the three meetings, with Councilman Bill Pate having been recused. The oath was administered to all witnesses choosing to speak. Pamela Graham, Principal Planner for the Town of Southern Pines presented the staff report and also represented planning staff during the hearing. Mr. Nil Ghosh, attorney for the applicant Mid-Pines Development Group, LLC, presented and brought forth the applicant's witnesses and made closing arguments. During the January 10, 2023 continuation, Mr. Andrew Petesch provided legal representation for opponents to the proposal, brought forth witnesses, cross-examined applicant's witnesses, and made closing arguments.

Matter at Issue:

SU-07-22 Special Use Permit for the Development of Ten Guest Cottages on a +/-9.48 Acre Property Located on the West Side of Country Club Circle Between Spring Road and Ridge Street:

On behalf of Mid-Pines Development Group, LLC, Mr. Bob Koontz with Koontz Jones Design, has submitted an application for a special use permit for the development of ten guest cottages on a +/-9.48 acre property located on the west side of Country Club Circle between Spring Road and Ridge Street. A special use permit is required in the Facilities, Resource and Recreation (FRR) Zoning District for golf course resorts. Golf Course Resorts are classified under the Unified Development Ordinance (UDO) Land Based Classification Standard (LBCS) Code #5353 as being facilities that may include a club house, guest accommodations and/or residences that may be individually owned, but fall within the management of the resort. The subject property is identified in the Moore County Tax Registry as PIN: 858100121842 (PARID: 00048946).

Town Council Hearing Proceedings:

A detailed record of Town Council proceedings on December 13, 2022, January 10, 2023, and February 14, 2023 pertaining to SU-07-22, including all who spoke during the public hearing and exhibits that were entered into the record, may be found in Town Council minutes for each meeting date. Having heard all evidence and after hearing closing arguments by both the applicant's and the opponents' attorneys at the January 10, 2023 meeting, Mayor Haney closed the public hearing. Town Council then proceeded to discuss the draft findings of fact and approved Finding #1 by a vote of 4 to 1. Following discussion on the remaining findings, a motion was made by Councilwoman Petersen to reconvene for further deliberation and a decision on the proposal on the date of the next Regular Meeting, February 14, 2023. The motion was approved by unanimous vote.

Upon reconvening on February 14, 2023, the Town Council discussed the remaining draft findings of fact and proceeded with the necessary votes on the proposal.

Town Council Action on SU-07-22:

At the January 10, 2023 Town Council Regular Meeting, the Town Council voted to approve the following Finding of Fact as required by UDO §2.14.6(F)(11) by a vote of 4 to 0:

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 special use permit approval has fully 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 special use permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

At the February 14, 2023 Town Council Regular Meeting, the Town Council voted to approve the following Findings of Fact and Conclusions of Law as required by UDO §2.14.6(F)(11) by a vote of 3 to 1, with Councilwoman Ann Petersen dissenting, with the exception of Finding of Fact #2-C, which was approved by unanimous vote:

Finding of Fact #2: The Town Council finds that the application complies with UDO §2.21.7 Criteria for a Special Use Permit, Criteria A-F, in that:

A. The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

The Town Council finds that the Special Use Permit application SU-07-22 complies with the regulations of the Facilities, Resource and Recreation (FRR) Zoning District. The proposed use of "lodging" falls into the UDO's Land Based Classification Standard (LBCS) #5353 "Golf Course Resort", "which may include club house, guest accommodations and/or residences that may be individually owned, but fall within the management of the resort". This use requires approval of a special use permit in the FRR District. Section 2.21.1 of the UDO states that special use permits may be issued after ensuring that the use complies with the special use permit approval criteria, and Town Council finds that no qualified evidence has been entered into the record for SU-07-22 that the proposal is in conflict with the regulations of the FRR District.

B. The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

The Town Council finds the ten new guest cottages proposed by the special use permit request are generally consistent with the character of the neighborhood in which they will be located and will not alter the character of the neighborhood in a manner that causes injury to the use and enjoyment of property in the immediate vicinity. This is due, in part, because the applicant has provided evidence on the record that the structures “will reflect a neighborhood character similar to that of the surrounding area” and “will appear as single-family detached residences similar in size and character to that of the surrounding neighborhood”. Additionally, the applicant has committed to and will be required to meet or exceed the setbacks required by the UDO and to provide an undisturbed buffer of no less than 25’ as well as a 10’ planted buffer for a total buffer of 35’ along the project boundary with adjacent properties and/or rights-of-way. Furthermore, there has been no qualified evidence entered into the record for SU-07-22 that the proposal will not conform to the character of the neighborhood or injure the use and enjoyment of property in the immediate vicinity.

C. Adequate public facilities shall be provided as set forth herein;

Town Council finds that the proposed special use does not require inefficient expansion of public facilities due to the fact that site accesses from the public road are existing and will be reduced from four access points to three, and the project will provide an emergency access. Public water and sewer are readily available and the cost of any improvements to those utilities will be borne by the developer.

D. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

Town Council finds that, there being no qualified evidence of potential negative impacts to property values within the neighborhood as a result of the special use, the proposed special use is expected to have no detrimental impact to surrounding properties or property values in the vicinity. Furthermore, the special use is not expected to impede the orderly development and improvement of surrounding property for uses permitted in the zoning district because all proposed improvements related to SU-07-22 will be on-site, will be appropriately screened from neighboring properties, and the traffic design analysis entered into the record for SU-07-22 found no evidence that capacity issues are expected due to the development nor will the proposed development create a roadway safety issue.

E. The establishment, maintenance or operation for the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and

Town Council finds that, there being no qualified evidence entered into the record of potential negative impacts resulting from the proposed lodging use, there is no expected detrimental impact to the public health, safety, comfort or general welfare. Furthermore, the traffic design analysis entered into the record for SU-07-22 found no cause to support a finding that the proposed development will create a roadway safety issue.

F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;

The proposed use of lodging at an existing golf course resort is consistent with the zoning of FRR and with the future land use designation of Residential/Golf as denoted in the

Comprehensive Long-Range Plan's (CLRP) Future Land Use Map. Adjoining property owners may reasonably expect that an existing golf course could be further developed with golf course resort lodging, subject to a Special Use Permit, based on the use being allowed in the FRR District with a Special Use Permit. Town Council finds that no qualified evidence has been entered into the record for SU-07-22 showing that allowing for the ten proposed golf cottages creates an adverse effect to individual interests that is not outweighed by the public interest and welfare. The public interest and welfare support development of low-impact recreation tourism, utilization of existing public infrastructure for that tourism, and for allowing property owners to develop property in a manner that is consistent with a property's zoning. The following excerpts from the CLRP are relevant to this finding:

- *Southern Pines residents recognize the importance and relevance of housing that is diverse, affordable, and compatible with the neighborhood in which it is developed. The Town is committed to promoting these housing goals in all areas of the community. Much of Southern Pines' charm, livability and pride of place comes from its traditional neighborhood layout and quality of housing stock. (Southern Pines' Vision, pg. 2-4)*
- *Southern Pines' residents envision a strong and healthy economy that builds on existing strengths of their community, including the presence of numerous recreational opportunities, the relative affordability of land and housing, and high quality of life factors. (Southern Pines' Vision, pg. 2-4)*
- *Citizens of Southern Pines envision the continued provision of a unique, diverse and active recreation and parks system, supporting uses suitable to all stages of life. Residents of Southern Pines recognize the tremendous value of their parks, recreational opportunities and open space areas, and see them as a cornerstone of what makes Southern Pines special. Such amenities – whether public or private (as in the case of golf or equestrian areas) – are prized. Residents envision having these same essential amenities continue over time, with improvements and expansion following the pace of new growth. Park-related improvements residents envision include more pedestrian paths to help activate and link existing parks resources together; active, specialty parks, and adequate maintenance of existing facilities. Recreational offerings, citizens hope, will grow and evolve with community needs. (Southern Pines' Vision, pg. 2-5)*
- *Southern Pines originated as a resort, intent on drawing visitors from the north to its temperate climate, outdoor spaces and amenities. This resort aspect continues to be an important part of Southern Pines, with visitors coming from far away to enjoy a unique cultural experience. Golf has been a major part of the attraction, in addition to the historic town center and the various arts and cultural offerings. Golf has become a major element of Southern Pines' character and lifestyle, anchoring much of the region's cultural economy. The community's vision integrates golf, heritage, the arts, equestrian tradition and tourism as an indispensable dynamic. The relationship between the five ripples through the community, reinforcing the Town's various social, cultural, recreational and economic components. (Southern Pines' Vision, pg. 2-6)*
- *G-2 – Natural Resources. Protect Southern Pines' natural environment and resources for present and future generations. (Goals, pg. 2-7)*
- *G-4 – Neighborhoods. Protect and enhance the civic vitality, function, stability and character of Southern Pines commercial and residential neighborhoods. (Goals, pg. 2-7)*

- *G-6 – Parks & Open Spaces. Maintain the Town’s public parks, open-space areas and cultural landscapes for their recreational, environmental and economic values. (Goals, pg. 2-7)*
- *G-7 – Golf. Retain golf as an essential part of Southern Pines’ economy, physical character and culture.*
- *G-13 – Growth. Ensure that services, facilities and land resources accommodate anticipated growth while enhancing the quality of life for Southern Pines’ residents. (Goals, pg. 2-7)*
- *G-14 – Community Involvement. Involve the community in public decision-making processes to help achieve the Town’s vision and goals. (Goals, pg. 2-7)*
- *P-2 – Neighborhoods. Ensure that new development and redevelopment are compatible with the overall scale, architectural, transportation and public-space characteristics of the neighborhood in which it occurs. (Policies, pg. 2-8)*
- *P-11 – Economy. Foster a healthy, sustainable and resilient economy by (i.) coordinating with public and private golfing interests to facilitate changes needed to support golf’s role as a recreational and economic asset to the Town. (Policies, pg. 2-10)*
- *Future Land Use Categories – Residential/Golf. The Residential/Golf designation applies to areas that include public or private golf courses and residences. This category may accommodate 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. (pg. 4-2)*
- *Land Use Issues – Establishing Compatible Transitions Between Uses. Mixed-use and infill development at higher intensities can be detrimental to neighborhood integrity unless buildings and sites are designed so that there are compatible transitions between uses. This means that the Town will need to ensure that in mixed-use and on parcels where land uses are transitioning, the scale, orientation and intensity of buildings is compatible with adjacent development and that higher intensity development sites are designed to minimize negative visual, noise and traffic impacts on neighboring properties. (pg. 4-6)*
- *Economic Development Issues – Capitalizing on Tourism. Tourism will continue to be an important element of Southern Pines’ economy. In addition to being a nationally known center for golf and equestrian activities, Southern Pines serves as a regional retail center and has an Historic Downtown that is the envy of many communities hoping to attract tourism. To capitalize on these resources, the Town should support promotional efforts, as well as efforts to retain their integrity. (pg. 6-8)*
- *Economic Development Issues – Sustaining the Quality of Life. Because quality of life and quality of place are critical to what makes Southern Pines attractive to residents and businesses, this Plan’s economic development policies also promote the conservation of Horse Country, golf courses, and the natural open spaces that make Southern Pines unique. It includes policies to preserve natural areas that are environmentally sensitive; to conserve and promote longleaf pine habitat; to incorporate open space, golf courses and greenways into the urban fabric; to preserve the function and cultural landscape of Horse Country that helps define Southern Pines. While economic development is a planning priority, it must balance expansion with the need to conserve the community’s quality of life. (pg. 6-8)*
- *Recreation and Parks Issues – Coordinating with other facility providers. To get the most from the Town’s investments in parks and recreation facilities and*

programs, the Town must coordinate with other public and private service providers and explore opportunities for joint programs, as well as opportunities to help specialized recreational facilities such as golf courses maintain viability as demands change. (pg. 9-3)

Finding of Fact #3: The Town Council finds that with the all the evidence regarding this proposal in the record, the application meets Criteria A through F as set out in 2.21.7 of the Unified Development Ordinance (UDO).

Decision of the Council:

Therefore, by a vote of 3-1, with Councilman Pate being recused and Councilwoman Petersen dissenting, the Town Council voted to approve with the following conditions the Special Use Permit Application SU-07-22 as requested by the applicant and modified by agreement of the applicant.

1. An undisturbed buffer of no less than 25' as well as a 10' planted buffer for a total buffer of 35' along the project boundary with adjacent properties and/or rights-of-way shall be required prior to occupancy of the proposed lodging units.
2. A 65' setback from property boundaries shall be required for all proposed cottage structures.
3. Any needed improvements or extensions of infrastructure shall be made at the cost of the developer.
4. The emergency access point will be designed using grass pavers with an adequate base to meet the requirements of the Fire Department and the Technical Review Committee prior to site plan approval. The access point will be gated and used only for emergency vehicles.
5. Construction traffic will be prohibited from using Ridge Street and instead will use Country Club Circle.
6. Signage will be compliant with UD Section 4.6 and will be subject to the sign permit process.
7. Any fire pits or entertainment areas associated with the cottages will be located on the golf course side of the cottages.
8. Individual rooms within the cottages will be limited to an occupancy of two adults.
9. The applicant will include variation in the architecture of the units to be constructed. Architectural plans will be presented to the Town Council during the Architectural Compliance Permit process. To reflect the materials and design of the neighborhood, these units may vary from the strict commercial requirements of Section 4.10.4 of the UDO for materials and design, to permit the units to be constructed with a residential character.
10. The applicant will work with the Town of Southern Pines Planning and Engineering staff, as well as NCDOT to examine options that may improve conditions at the intersection of Morganton Road, Country Club Circle and Country Club Drive. Solutions may include the addition of wayfinding or directional signage in the area to direct golfers and guests to the Southern Pines Golf Club, or additional regulatory signage in the area.
11. The proposed cottages shall be limited to a maximum number of fifty-two (52) bedrooms.

This is the 28th day of February, 2023.

FOR THE TOWN COUNCIL:



Carol R. Haney, Mayor