

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, March 23, 2023 at 6:00 PM

Chairman Carroll called the meeting to order at 6:00 PM.

Chair Gary Carroll, Vice Chair Diane Westbrook, Kim Wade, Cooper Carter, Matthew Walden and Monica Harvey were present

Diane Westbrook made a motion, which was seconded by Kim Wade, to approve the Minutes of the December 15, 2022 regular meeting. The motion carried.

The oath of office was administered to new Board member Monica Harvey.

Kim Wade made a motion, which was seconded by Cooper Carter, to elect Diane Westbrook to serve as Chairman of the Board. The motion carried unanimously.

PUBLIC HEARINGS:

- 1. Z-01-23: Request to zone a currently un-zoned 1.25 acre parcel Office/Service (OS); PIN: 857100988668 (PARID 20160148) Office/Service (OS); Property Owner: Tiara Properties, LLC**

Senior Planner Alaina Mallette stated that the subject parcel is located on SE Service Road and was formerly owned by NCDOT and provided an overview of the application, the staff report and the PowerPoint presentation.

Marsh Smith, a resident of Southern Pines, expressed concern that residents in the vicinity of the subject property had not been notified of the public hearing and Ms. Mallette responded that the Public Hearing Notice was mailed to all property owners within 200 ft. of the subject property.

Chair Carroll asked if the Town had received any feedback from adjacent property owners and Ms. Mallette responded that she had not been contacted by any of the neighbors.

Janet McSwain, 1150 W. Lowe Avenue, stated that she had not received notice of any potential development projects.

Ms. Wallace, a resident of West Southern Pines, questioned whether residents receive notification of proposed development projects in a timely manner and inquired about the process for notifying the public and how receipt is verified.

Planning Director B.J. Grieve provided the minimum requirements under both local regulations and NC General Statute for notifying property owners of a public hearing. Because the notices are sent by first-class mail, the Town does not receive receipt confirmation. Notices are also published in the local newspaper and posted on the Town's website and a sign is posted on the property.

Ms. Mallette stated that she had confirmed that the residents Mr. Smith inquired about are situated outside of the 200 ft. boundary.

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

Suzanne Coleman asked if the intended use of the property was residential and Chair Carroll responded that the use was stated in the staff report but was not being considered with regard to the rezoning application.

Ms. Coleman expressed concern regarding possible uses of the property if the rezoning was approved.

Chair Carroll stated that if the zoning was approved, any of the uses that are permitted in the OS zoning district would be allowed.

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

ACTION OF THE BOARD:

Diane Westbrook made a motion, which was seconded by Cooper Carter, 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 §2.17.9 the proposed amendments are consistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment 9 of staff report Z-01-23; and therefore, to recommend approval of Z-01-23 to the Town Council. The motion carried unanimously.

2. **PD-01-23 Planned Development – Conceptual Development Plan for a Mixed-Use Development on parcels identified as PIN 857100682968 (PARID 00991985), PIN 857107782687 (PARID 00991984) owned by Town of Southern Pines; PIN 857107790157 (PARID 00039154) owned by Southern Pines Housing Authority; and PIN 857107686501 (PARID 98000748) owned by Rental Derby, LLC**

Cooper Carter made a motion, which was seconded by Matthew Walden, to open the public hearing. The motion carried unanimously.

Senior Planner Alaina Mallette provided an overview of the project accompanied by a detailed Power Point presentation, which included an update to the staff report regarding an updated Environmental Site Assessment from Modulus, PLLC dated June 2021 which indicated that the site was part of a sand mine in the 1950's and 1960's but it was never a city dump.

Community Development Specialist Rachel Mann commented that several residents had welcomed Ms. Mallette and her into their homes during their community outreach efforts resulting in several very good conversations.

Kim Wade requested clarification regarding the proposed uses in each area of the development, which Ms. Mallette provided.

Ms. Wade asked if the low income housing will be public or subsidized housing and what market will be targeted.

BJ Grieve responded that the section Ms. Wade was inquiring about would be LIHTC housing. The Town would find a development partner to develop housing that would bring in a 50% AMI price point for those rentals.

Discussion continued regarding the affordable housing and whether the residents of West Southern Pines would have the ability to take advantage of the amenities within the development.

Mr. Grieve responded that a lot of privately-initiated developments that have come before the Planning Board in recent years will bring high rents and sale prices. The 64 LIHTC units would be restricted to only those who qualified and they would be significantly more affordable than the 1,400 to 1,800 multi-family units that have been approved in recent years.

Ms. Wade stated that the packet it is stated in several paragraphs that this is the proposal that both DFI and the citizens of West Southern Pines came together and agreed upon so she wanted to know how the residents were going to benefit.

Mr. Grieve stated that Ms. Mallette participated in all of the community conversations and meetings and as she worked on this project she was receiving feedback from different entities and trying to balance something that was feasible. If that balance is not adequately achieved that is okay. All of your feedback is welcome, for sure.

Ms. Mallette stated that the guiding public interests that DFI established when they started in 2020 were for the planned development to serve as a distinct entry point to the West Southern Pines neighborhood and Morganton Road area to allow for greater density of commercial uses along Morganton Road and transition to lower density uses that align with the residential character of West Southern Pines; to align with the West Southern Pines Neighborhood Revitalization goal to increase economic and physical vitality, while preserving the neighborhood's culture and character; include publicly accessible recreational uses that are currently not available in the area; provide pedestrian and bike access to and around the site, including improved connectivity from the West Southern Pines neighborhood to Morganton Road without substantially increasing non-resident traffic; and minimize public investment and maximum private investment.

Ms. Wade responded that the residents of West Southern Pines would like to know how they will benefit from the development and want to make sure that it is walkable and people can navigate whether they ride a bike, drive a car or walk the greenway and they are concerned about gentrification.

Ms. Mallette responded that Ms. Wade's point was very well received and if she believed that recommending denial as a way to keep from displacing people, that is up to the Board to decide.

Chair Carroll stated that the tax increase is county wide. Real property assessments have increased for virtually everyone and whether this project exists or not, it will have no bearing on property taxes. It would be nice to know that the residents of West Southern Pines would be given first consideration for available senior living properties but he did not know if that was possible.

Mr. Grieve responded that would not be possible with zoning and based on his working familiarity with low income housing programs, he cannot see a specific geographical area being given first priority.

Ms. Wade asked what they are asking the community to buy into other than the proposed design of the project.

Mr. Grieve responded that if the rezoning is approved, the next step would be for DFI to go out and find development partners and the developers will have to coordinate with regard to infrastructure for the various phases.

Matt Walden stated that the land is going to be developed at some point so it probably behooves the community to provide as much input right now in order to control what is actually developed.

Ms. Mallette responded that LIHTC is very competitive, so if a developer gets that tax credit there will be minimum age requirements.

Ms. Wade expressed concern that there had not been enough time for the community to provide feedback.

Janet McSwain, 1150 W. Lowe Avenue, stated that she sees no benefit for the West Southern Pines community and that the development will continue to squeeze out the existing residents and increase their taxes.

Chair Carroll asked Ms. McSwain what she would like to see on the property.

Ms. McSwain responded that she would like to see retail businesses that are affordable for black business owners and she does not want anything that will be detrimental to the current residents.

Iris Kewalis, 1395 W. Michigan Avenue, expressed concerns regarding the traffic impact the development will have on the neighborhood.

Cooper Carter asked if it would behoove the town to look at Morganton Park South, this project and Morganton Park North with regard to traffic at this juncture given the number of vehicles that are going to be on Morganton Road.

A discussion regarding traffic ensued.

Mary Roka, 782 W. Pennsylvania Avenue, stated that she thinks the Town has a sincere interest in the revitalization of West Southern Pines but that the Town also has an economic interest in selling or developing the property. When she asked how the project would benefit West Southern Pines, the only answer she heard was that would be determined by the development partners but no guarantees were made.

Ms. Roka asked for clarification regarding the retail/office deviations, there was a bullet point about outdoor storage.

Ms. Mallette responded that outdoor storage would be prohibited in the retail zone. Displays, such as sandwich boards that are up to 20 SF in size and under 5 ft. tall would be allowed within the sidewalk frontage zone but not in the sidewalk zone where pedestrians would be walking and they would have to be removed when the business closes at the end of the day.

Ms. Roka asked if supermarkets would be permitted.

Ms. Mallette responded that what they had heard from the community was that something like a bodega or a farmers market would be really good to have locally but people seemed to be resistant to a big box store.

Ms. Roka asked if a smaller market would be allowed and Ms. Mallette responded that a fruit and vegetable store, specialty food store, convenience store, a bodega that does not have fuel pumps, a grocery store or bakery which includes meats and seafood markets and excludes supermarkets. Markets for farm produce or crafts would also be permitted.

Ms. Roka asked about the cut through on Stephens Street.

Ms. Mallette responded that there are two possible designs that would be permitted depending on the developer. One is a full greenway and the other is a partial greenway that includes only a one-way street that goes towards West Southern Pines but would not cut through West Southern Pines to get to Morganton Road. Engineers do not like the idea of having a one-way coming off of a roundabout so that design is unlikely to come forward but it could be a condition that the Planning Board includes in its recommendation that it be exclusively a full greenway without an option for a one-way street.

Ms. Roka said based on what she had heard from the residents, a full greenway would be preferable.

Ms. Dorothy Brower, 102 Eastman Road, stated that DFI has done what they were paid to do and it is the residents' responsibility to monitor what the Council does. There has been too much gentrification in the past year or two with houses that do not match the character of their neighborhood. The residents feel like they are not being heard. It is not that they do not appreciate this effort, but the more input they can have now, the better.

Tyler Reese, 875 S. Hardin Street, stated that he does not want the cut through street because their neighborhood is already being impacted by traffic.

Ms. Nina Walker, Sandhills Community Action's Executive Director, stated that the organization operates a LIHTC project in Carthage and it is for low income seniors that are 62 years of age and older. The housing is highly regulated so West Southern Pines would not be given preference. With regard to the LIHTC (Low-Income Housing Tax Credit) program, rents will be restricted to home program rents or HUD's fair market rent so they will be lower but at the same time, the rates are based on rents in the area. Ms. Walker suggested that private developers be required or incentivized to provide a percentage of low-income housing.

Ms. Felicia Winfield, 1760 W. New York Avenue, stated that she does not believe the project will benefit W. Southern Pines. It will result in increased traffic and noise. She suggested that the project not go forward. It will hurt more than help.

Mr. Horace Ross, 1000 S. Hardin Street, stated that the development area is a small area and encouraged the Town to take another look at the plans and increase the development area.

Suzanne Coleman, 225 N. May Street, stated that when she heard about the connector street from Pennsylvania Avenue to Morganton Road she was concerned. She was involved in the project when it began three years ago when it was supposed to benefit West Southern Pines and she did not find that to be the case. She felt that a lot of the concerns the residents of WSP have had not been addressed. Regarding the federal grant program for low income housing, there was some conversation at one time about the Town approaching Habitat for Humanity about possibly doing a tiny house community which would have been a model community for NC and residents would own them and they could give preference to the senior community of West Southern Pines.

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

Discussion among the Board members ensued.

ACTION OF THE BOARD:

Kim Wade made a motion, which was seconded by Matthew Walden, that after reviewing the proposed Conceptual Development Plan and considering the criteria for approval of a Conceptual Development Plan found in UDO 2.18.4, the requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment A of staff report PD-01-23;

And therefore, to recommend a continuance for 120 days to July 20, 2023 for the purpose of redesigning the project so that it will more closely match the social economic environment in the immediate area and provide continuing benefit to West Southern Pines, possibly reduce larger commercial sections to a more small town appearance and increase housing options, meet with organizations and stakeholders and small businesses to create business opportunities and to redesign the traffic flow to discourage traffic through West Southern Pines.

The motion carried unanimously.

3. PD-02-23 Planned Development - Conceptual Development Plan to allow a mixed-use development on parcels identified as PIN: 858105282734 (PARID: 00032263) and PIN: 858105281747 (PARID: 00031983); Property Owner: The Cottages at Legacy Lakes, LLC.

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

Principal Planner Pamela Graham entered staff report PD-02-23, related attachments and her Power Point presentation into the record and stated that the request was to rezone the subject parcels that are currently zoned Central Business (CB) and within the Downtown Transition Overlay (DTO) to Planned Development (PD) to allow residential condominiums and single-family townhomes as well as retail, office and restaurant uses on approximately .75 acres located at the corner of South Bennett Street and West New York Avenue.

A few deviations from the standards of the UDO have been requested. With regard to building height, four stories and an upper floor ceiling height of 44 ft are proposed and the current UDO calls for a maximum of three stories and a ceiling of the top story not to exceed 38 feet. A total of 64 off-street parking spaces are proposed; however, the applicant is proposing to add 23 new parking spaces along South Bennett Street at his expense, which would bring the total number to 87 spaces. The number of required spaces calculated was 92 spaces. A deviation from the maximum front setback of five (5) feet in the CB zoning district to allow a ten (10) foot maximum setback has been requested.

Colin Webster shared the proposed exterior elevation of the project and stated that he felt it was the right product for the property and that it meets the live/work/play concept.

Diane Westbrook asked if the units will be leased or purchased and Mr. Webster responded that they will be for purchase.

Chair Carroll asked if that was something Mr. Webster was agreeable to that as a condition and Mr. Webster responded yes.

Chair Carroll asked Mr. Webster if he was aware that the UDO allows a maximum of three (3) stories and Mr. Webster confirmed.

Chair Carroll stated that a four story building is a hard sell.

Mr. Webster responded that preparation of the site will cost approximately \$2.5M. They brought the total number of units down to 39. They cannot make the project work with less than four (4) stories.

Chair Carroll asked what will be on the rooftop and Mr. Webster responded that there will be a rooftop terrace for certain penthouse apartments.

Cooper Carter asked if Building B will be the same height as Building A and Mr. Webster responded not entirely. Building B will be lower than Building A because there will not be retail underneath.

Cindy Huntley, 145 S. Page Street, stated that the building will tower over her home and a five story building does not fit in. Parking on New York Avenue is already a concern and she requested that some quick growing cedar trees be planted on her property.

Mr. Carter asked Ms. Graham if a buffer is required and Ms. Graham responded that the UDO is unclear as to what would be required with a PD but there is no minimum rear setback in the UDO for a PD.

Mr. Grieve responded that normally in the CB district, buildings are packed in a little tighter and that buffers in a PD need to be established during the approval process.

Chair Carroll asked how far the buildings will be from the property lines.

Ms. Graham responded that there does appear to be a buffer between building B and Mr. Marsh's property on the landscape plan.

Mr. Webster responded that it appears to be 15 ft. He offered to plan some fast-growing trees in the area facing Mr. Marsh's property.

Marsh Smith stated that building A has five stories and if there is a viewing loft on building B, it has four stories. He urged the Planning Board to deny the request based on inadequate parking, the blatant violation of building height and the affect the development would have on neighboring properties.

Tom Giesler, a Southern Pines business owner, stated that he is not opposed to the project. It is a beautiful building but he does not think it fits in Southern Pines. Parking on Bennett Street and the five stories were concerns and he urged the Board to deny the request.

Blake Webb, realtor representing the applicant, spoke in favor of the project.

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

ACTION OF THE BOARD:

Gary Carroll made a motion, which was seconded by Diane Westbrook, that after reviewing the proposed Conceptual Development Plan and considering the criteria for approval of a Planned Development District found in UDO §2.18.4(H) the requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment "A" of the staff report for PD-02-23; the requested Conceptual Development Plan does not satisfy additional UDO criteria for zoning map amendments as set forth in Attachment "A" of the staff report for PD-02-23 due to requested deviations; and therefore, to recommended denial of PD-02-23 to the Town Council for the following reasons:

- a. the diagonal parking will cause potential safety issues on South Bennett Street;
- b. the building will actually be five (5) stories and the current standard of the UDO is three (3) stories;
- c. the total building height will be near or over 50 ft and current zoning limits the height to 45 feet, and the top floor ceiling height is 44 feet and the current zoning limits ceiling height to 38 ft.

The motion carried by a vote of 5 to 1 with Cooper Carter being opposed.

UNFINISHED BUSINESS:

No unfinished business was discussed.

NEW BUSINESS:

No new business was discussed.

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

The meeting adjourned at 12:56 AM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board