

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, September 21, 2023, at 6:00 PM

Chair Westbrook called the meeting to order at 6:00 PM.

Members Diane Westbrook, Andy Bleggi, John Earp and Jennifer Garner were present.

Andy Bleggi made a motion, which was seconded by John Earp, to approve the Minutes of the August 24, 2023 regular meeting. The motion carried.

PUBLIC HEARING:

OA-04-23 Amendments to the Unified Development Ordinance

The Town of Southern Pines Planning Department proposes to delete an incomplete sentence at the end of UDO §3.5.13(C), amend and reorganize portions of UDO §8.18 and §8.19 regarding the code enforcement process and amend the Major Subdivision Final Plat Application Checklist and the Minor Subdivision Application Checklist in UDO Appendix A.

John Earp made a motion, which was seconded by Andy Bleggi, to open the public hearing. The motion carried.

Senior Planner Alaina Mallette provided an overview of the proposed text amendments.

There were no questions or comments from the Board or members of the public.

Jennifer Garner made a motion, which was seconded by Andy Bleggi, to close the public hearing. The motion carried by a 4-0 vote.

John Earp made a motion, which was seconded by Andy Bleggi, that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments to the UDO found in UDO §2.17.10, the proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-04-23; and therefore recommend approval of OA-04-23 to the Town Council. The motion carried by a 4-0 vote.

PRELIMINARY FORUM:

SU-01-23 Special Use Permit to Expand Authorized Land Uses in the Mill Creek Mixed-Use Development

Bob Koontz of Koontz Jones Design, on behalf of Mill Creek Partners, LLC, submitted a Special Use Permit application to expand the authorized land uses in the General Business Conditional Zoning District (GBCD) portion of Mill Creek.

John Earp made a motion, which was seconded by Andy Bleggi, to open the preliminary forum. The motion carried.

Senior Planner Alaina Mallette stated that the purpose of the Special Use Permit application was to amend the GBCD zoned portion of the Mill Creek master plan approved in 1998 with Conditional Use Permit CU-02-98. The applicant is proposing to change the areas designated as Office Condominium and Shopping to General Business to clarify what uses are permitted in those two areas. The applicant's list of proposed uses increases the number from 14 to 121 uses.

Ms. Mallette stated that the Town Engineer Michel stressed that the applicant should be required to provide additional projections for pedestrian and multimodal trips and that the TIA needs to look at the surrounding greenway/sidewalk networks and analyze if connections can be made between the adjacent areas and the General Business site. Mr. Michel also commented that the TIA was based on general assumptions of a shopping plaza and the trip generation for that use, but the list of proposed land uses includes some uses that are not typically found in a shopping plaza so he has requested that the consultant include some additional information regarding the individual uses and how they may impact trip generation.

Planning staff comments included the following:

1. Mini- or self- storage included despite not being a by-right use in the GB district and therefore the use should not be included in applicant's Exhibit A.
2. No analysis has been completed regarding the potential impact of the expanded permitted uses on property values within the neighborhood; other potential positive or negative impacts to orderly development (such as trip generation, sewer and water demand, noise generation, parking, etc.); or whether the public interests outweigh the adverse impacts on individual interests.
3. The applicant has not responded adequately to the Town Engineer's TIA comments.
4. The formatting of applicant's Exhibit A should be improved to provide clarity.
5. Natural or other recreation areas were excluded from the applicant's Exhibit A.

Bob Klug, representing Mill Creek, stated that they wanted to get the property owned by Mill Creek Partners II next to the fuel center changed from Condominium Office in order to expand

the permitted uses. The applicant wants to develop three 1.5 acre lots instead of the Condominium Office space that was originally planned.

Paul Saathoff, present on behalf of the applicant, stated that the purpose of the application was to clarify the uses that are allowed in the GBCD area. Some of the current uses in Mill Creek are not included in the original list of authorized uses, i.e. grocery, fuel station, hair salon/barber, nail salon and dry cleaner. The application proposes to remove the original list of uses and include a list of uses that are permitted in the GB zoning district, including restaurants, bars, retail sales, personal services, offices and recreational establishments. Storage facilities will be removed from this list as that use is no longer permitted in GB. Approximately 70 uses that are permitted in the GB district but that do not fit the character of area or are less desirable have been excluded from the list. The goal of the application is to remove the vagueness from the original document and align the uses with the current UDO. The original 1998 approval included 210,556 SF of condominium office space to be developed, 66,200 SF of which has been developed, plus 4.5 acres of outparcels.

Jennifer Garner asked if the applicant was proposing to rezone any of the existing open space and Mr. Saathoff responded that the open space that was required with the original approval will not change.

Andy Bleggi inquired about plans for the area near the fuel station and Mr. Saathoff responded that they have received a few inquiries from potential businesses but nothing specific has been confirmed.

Mr. Bleggi asked if the existing retention pond is for the entire site or if it would have to be expanded and Jack Kramer responded that each lot will be required to have its own stormwater retention area.

Chair Westbrook inquired about the reason for the exclusion of natural or other recreational areas.

Mr. Saathoff responded that recreational uses, such as a skating rink, bowling, private facilities, fitness recreational sports gym, athletic club, which includes archery and shooting ranges, are all included in the proposed list of uses attached as Exhibit A to the application.

Chair Westbrook questioned shooting ranges and Mr. Saathoff responded that shooting ranges are part of a fitness/recreational sports gym but they were going to tidy up that use to eliminate confusion. The recreational uses that they have included are public facilities, private facilities, bowling, billiards, pool, skating rink and roller skating but they can add natural recreation areas.

Ms. Garner stated that she thought the Town's concern was that it was not consistent with the overall plan to link greenways and leave open space and maybe add a gazebo.

Mr. Earp asked if what the Board decides as permitted uses does not necessarily preclude those issues being addressed at some point down the road because they do not necessarily conform to the Comprehensive Plan.

Ms. Mallette responded that if the application is approved as is, that gives the applicant and the property owners will be entitled to go straight to site plan review and architectural review for any of the uses that are approved. Nothing would come back before the Board unless it was another amendment.

Andy Bleggi made a motion, which was seconded by John Earp, to close the preliminary forum. The motion carried.

Jennifer Garner made a motion, which was seconded by Andy Bleggi, to adopt the following for transmission to the Town Council as a result of the September 21, 2023 Preliminary Forum on application SU-01-23:

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-01-23:

1. Commercial property related mini- or self-storage included as a proposed authorized use is not a by-right use in the conventional General Business district per text amendment file OA-03-23; Ordinance #2096 approved on August 8, 2023 and therefore should not be included in the applicant's Appendix A.
2. The applicant has not responded to the Town Engineer's TIA comments and should address the Town Engineer's concerns adequately and timely to allow for the Town Engineer's response prior to the Town Council's evidentiary hearing.

In addition, the following concern was raised during the forum but the Planning Board believed that it does not apply in determining whether the SUP criteria are satisfied:

1. The applicant should reformat Exhibit A to address potential land use interpretation issues addressed in the staff report.

The motion carried by a 4-0 vote.

UNFINISHED BUSINESS:

Chair Westbrook asked Ms. Mallette to share the handouts that were distributed at the September agenda meeting.

NEW BUSINESS:

Board discussion occurred regarding the benefits of holding monthly agenda meetings.

Jennifer Garner made a motion, which was seconded by Andy Bleggi, to adjourn the meeting. The motion carried.

The meeting adjourned at 7:28 PM.

An audio recording of the meeting and PowerPoint presentations are available upon request.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board