



AGENDA

Tuesday, February 13, 2024: 6:00 PM

Town Council Business Meeting

E.S. Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. ORGANIZATIONAL MATTERS

a. Oath of Office: Brandon Goodman

Mayor Clement will execute the oath of office for Brandon Goodman, who was appointed by the Council on January 26th.

5. PUBLIC COMMENTS

6. CONSENT AGENDA

a. Authorize Mayor to Execute a Property Use Agreement with the AC Sandhills

In 2022, the Town executed a two-year property use agreement with the AC Sandhills soccer organization for the fields and supporting facilities at the Morganton Rd. Sports Complex. This agreement proved beneficial to both the Town and ACS. Staff recommends that the agreement be renewed for a three-year term.

b. Approve Tentative Award of Warrior Woods Pump Station Project to Carolina Civil Works

Bids were received for this project and the design engineer recommended awarding to the low bidder, Carolina Civil Works. This project is funded by a low interest loan through the NC Division of Water Infrastructure (DWI) Additional Supplemental Appropriation for Disaster Relief Act (ASADRA) program and must be approved by DWI and LGC before a final award can be made.

c. Approve Town Council Meeting Minutes for January 2024.

Staff has prepared the following meeting minutes for approval.

- January 23, 2024

- January 26, 2024

7. PUBLIC HEARINGS

a. SU-01-23: Expansion of Authorized Land Uses in 1998 Mill Creek Mixed-Use Development Master Plan

EVIDENTIARY HEARING: Mr. Bob Koontz has applied for a Special Use Permit amendment application to expand the authorized land uses in the General Business conditional zoning district (GB-CD) portion of the Mill Creek development. The public hearing was continued at the January 23, 2024 Work Session.

b. OA-05-23: Amendments to traffic study content and review requirements in UDO.

LEGISLATIVE HEARING: The Town Engineer has proposed amendments to UDO §4.12, regarding the applicability of, and requirements for, the preparation and review of a Traffic Impact Analysis or Traffic Design Analysis during the development review process.

8. ACTION ITEMS

a. Consider PD-05-23: Written Decision for Morganton Park North Phase 10 (Pinehurst Surgical Site 4N) PDP

Staff has prepared a draft Written Decision for application PD-05-23, Morganton Park North Phase 10 (Pinehurst Surgical Site 4N) PDP, for the Town Council's review and approval.

b. Consider SU-02-23: Written Decision for 730 S. Bennett Townhomes

Staff has prepared a draft Written Decision for application SU-02-23, 730 S. Bennett Townhomes, for the Town Council's review and approval.

c. Consider Ordinance #3025: Registration & Regulation of Pedal Powered Passenger Vehicles

This is a proposed update to the Code of Ordinances to regulate pedal-powered vehicles, also known as "pedal pubs." These businesses will be required to register with the police department and will be limited to certain areas in which to operate.

9. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's [YouTube channel](#). Video of the Town Council meetings will be live streamed on the channel for viewing either during the meetings or after they have concluded. Please note, the video is provided only for the purposes of viewing the meetings; public comments or questions are not accepted via the live stream. To receive notifications when new content is published, please "subscribe" to the Town's channel at <https://bit.ly/3hXx2Qk>

MEMO

To: Reagan Parsons, Town Manager
From: Jessica Roth, Assistant Town Manager
Cc: Cindi King, Parks & Recreation Director
Date: February 9, 2024
Re: AC Sandhills Renewal Agreement

The AC Sandhills (ACS) is a 501(c)3 nonprofit organization who uses the Town's facilities at the Morganton Road Sports Complex for soccer. Until 2022, this was a fairly informal agreement and ACS used these fields for free.

At staff's recommendation, the Town and ACS executed a two-year property use agreement in March 2022, that outlines the responsibilities of both parties. In 2022, ACS paid \$11,000 to rent these facilities, which increased to \$12,000 in 2023. Additionally, the ACS pays the Town a user fee if it hosts an outside tournament and provides support to the Town's Little Tykes soccer program for ages 4-5.

This agreement has met both parties' needs and ACS has requested to renew it. Staff has negotiated renewal terms and recommends that Council approve the attached agreement. Some specific terms include:

- ACS will pay the Town \$11,000 in years 1 and 2 and \$12,000 in year 3.
- ACS's field time has been reduced from the initial agreement, as reflected in the payments. This is to accommodate a request from a local rugby organization who would also like to use the complex. Staff is working on a similar agreement with that organization.
- ACS assists with the expenses for the routine maintenance and cleaning of the complex during their spring and fall seasons. The Town provides the labor, i.e. restroom cleaning, mowing, fertilizing, field lining, etc.
- ACS will continue to support the Town's Little Tykes soccer program.
- ACS will pay the Town \$5/participant for any outside tournament it hosts at the complex.
- This is a three-year agreement that will end in February 2027.

ACS started soccer programs in the Sandhills area in 1986 and offers both recreation and travel soccer. In 2010, club began to add other sports, girls' travel volleyball, the Lakers Youth Triathlon Club, multiple year-round camps and clinics, and adult soccer. More information on ACS is available at www.acsandhills.com.

PROPERTY USE AGREEMENT

THIS AGREEMENT is entered into this 13th day of February, 2024, between THE TOWN OF SOUTHERN PINES, an incorporated municipality, a body corporate and politic in Moore County, North Carolina (hereinafter referred to as the "Town"), and A.C. SANDHILLS (hereinafter referred to as the "Organization"). The agreement is for the Organization's use of the Town's Soccer Facilities, associated concession stand and restroom facilities, as part of the Morganton Rd. Sports Complex at 190 Fire Ln. Southern Pines, NC 28387. These facilities, which consist of four soccer fields, one baseball field (divided into 2 spaces), a concession stand, and restrooms shall collectively be known as the "Soccer Facilities." (The fields for soccer use are numbered 1-6 and will be referred to fields 1-6 for booking purposes.) The Parks & Recreation Director is hereinafter referred to as the "Director."

This agreement provides for the Organization's seasonal use of the Soccer Facilities for soccer related purposes during the specified dates and time ranges as laid out in Exhibit A. The Town will continue its multi-purpose use of the Soccer Facilities outside of these agreed upon dates and times, with scheduling and oversight led by the Director or designated staff, specifically Athletics Coordinator. The Town and the Organization wish to cooperate in the continued joint operation of the Soccer Facilities, in accordance with the following terms:

1. **Ownership:** The Town owns all areas at the Morganton Rd. Sports Complex, including all Soccer Facilities, bathrooms, concession stand, and playground area.
2. **Length of Agreement:** The term for which the Organization may use and occupy the Soccer Facilities shall be three (3) years from the date of this agreement, subject to the requirements of law and this agreement, ending on February 10th, 2027. The parties may extend these terms by mutual consent. This agreement may be reviewed and modified at any point during the agreement term upon consensus by both parties. Revisions will be provided within thirty (30) days.

3. **Scheduling:**

For the purposes of this agreement, there shall be three (3) seasons of use in each year of the agreement for the Soccer Facilities: "Spring season", "Fall season", and "Off-season." The remainder of the year will be known as the off-season.

1. During the Spring and Fall seasons, the Organization may have exclusive use of the reserved Soccer Facilities on a schedule approved by the Director/designated staff. The Organization must submit a proposed schedule to the Director/designated staff at least thirty (30) days prior to the intended start date of each season. The schedule shall fall within the range of dates and times as stated above and listed in Exhibit A. The Director/ designated staff reserves the right to deny any request for Soccer Facility use outside of the agreed upon range of dates and times listed in Exhibit A.
2. The Organization shall accommodate the ability of Town personnel to perform scheduled maintenance during normal business hours. The Organization may use the Soccer Facilities according to that schedule unless the Director has reasonably disapproved the schedule within fifteen (15) days of its receipt. In the event the Soccer Facilities need to be closed due to inclement weather, poor field conditions, and/or maintenance reasons, the Director/designated staff shall notify the Organization with as much advanced notice as possible, but will make that determination no later than 1pm on the day the Organization is scheduled to use the Facilities.

4. **Responsibility for Essential Functions:** During the "Spring and Fall seasons," the Organization will bear the costs for all supplies necessary to maintain the facility in a clean, safe, and sanitary condition. Examples include, but not limited to, field paint, string lines, paint sprayers, trash bags, and bathroom supplies. The Town will provide all labor for essential functions to be carried out during normal business hours. The organization will carry out its assigned essential functions at the end of each day, such as emptying trash and cleaning restrooms. Exhibit B further outlines the required maintenance responsibilities for each party during the Spring and Fall seasons. The parties must review and update the exhibit annually.
 - A. The Organization will be responsible for correcting any deficiencies in maintenance or violations of fire or building codes within thirty (30) days of notice from the Director/designated staff or any code official. These responsibilities must be addressed regardless of whether they are caused by the Organization's use of the Soccer Facilities.
 - B. Should the Organization fail to address any deficiencies as noted above, the Town may undertake the necessary corrective work and bill the Organization the costs thereof, plus a 10% administrative fee.

5. **Insurance, Liability, and Loss of Use:**

- A. If the Soccer Facilities are damaged by fire, natural disaster, other casualty, act of God, or deterioration and the cost of remediation is so great that Town decides not to repair or rebuild, the Town may terminate this agreement. Upon written notice of termination, the Organization must cease use of the Soccer Facilities.

The Town is not financially responsible for the Organization's loss of income and/or increased expenses for operating elsewhere in the event of fire, natural disaster, other casualty, act of God, deterioration to the Soccer Facilities, need for repairs, and/or federal, state, or local restrictions that impact the operation of the Soccer Facilities.

- i. The Organization must indemnify the Town against any third party claims by reason of the Organization's use or occupancy of the Soccer Facilities. The Organization must secure and maintain, at its own expense, public liability insurance in an amount of not less than one million dollars (\$1,000,000) in respect to bodily injury, disease, illness, death, or property damage suffered by any one person or entity and/or arising out of any one accident.
- ii. The Organization must list the Town as an additional insured on said policy(ies) and provide a certificate(s) of insurance to the Town confirming these minimum coverages at the beginning of each Fall season. Should the Organization make changes associated with its insurance policy(ies), it must provide the Town written notice and updated certificates of insurance within thirty (30) days of said change.

6. **Rental Fees:** The Organization shall pay the following fees to the Town for the use of the Facilities:

- A. The Soccer Facilities may be used by the Organization for its soccer program(s) on the following quarterly payment schedule:

Year One \$11,000:	Year Two \$11,000:	Year Three \$12,000:
\$2,750 due by Mar 15, 2024	\$2,750 due by Mar 15, 2025	\$3,000 due by Mar 15, 2026
\$2,750 due by Jun 15, 2024	\$2,750 due by Jun 15, 2025	\$3,000 due by Jun 15, 2026
\$2,750 due by Sep 15, 2024	\$2,750 due by Sep 15, 2025	\$3,000 due by Sep 15, 2026
\$2,750 due by Jan 15, 2025	\$2,750 due by Jan 15, 2026	\$3,000 due by Jan 15, 2027

*Any field use requested outside of the designated days/month must be requested 2 weeks in advance, must be approved by Director/designated staff and will be an additional \$200/week.

**Any outside tournaments collecting participant fees, AC Sandhills will remit payment of \$5/participant within 2 weeks of the end of the tournament.

7. Expenses:

- A. Supplies: Supplies covered under this section include routine supplies such as field paint, trash bags, bathroom supplies, and the like.
 - i. During the "off-season," the Town will incur one hundred percent (100%) of all expenses for supplies.
 - ii. During the "Spring and Fall seasons," the Organization must pay one hundred percent (100%) of all expenses for supplies.
 - iii. The Town will invoice the Organization for their portion of the expenses as described herein. Payment must be remitted within thirty (30) days of the invoice date.
- B. Operating Expenses: The Organization must pay one hundred percent (100%) of the expenses for its operations, including programs, staff, and similar.
- C. Capital Expenses: The Organization must pay one hundred percent (100%) of capital expenses that are required to keep the Soccer Fields operating properly and/or for code compliance. Capital expenses covered under this section include field resurfacing (sod at goalie areas and any other areas as needed), netting and goals.

Little Tykes Soccer: The Organization will remain a sponsor to the Town's Little Tykes Soccer program and will pay \$500 at the beginning of the season, separate from other fees. The Organization will provide training material and one (1) 30-minute training clinic for players and coaches on the first Tuesday after Labor Day.

8. Policies:

- A. The Organization may establish policies for the use of the Soccer Fields, or portions of the facility, during its reserved use periods so long as those policies are consistent with federal, state, and local laws, ordinances, and regulations.
- B. The policies adopted by the Organization, as referred to above, may include controlling or denying access to the facility during its sole use as booked through the Parks & Recreation Department.
- C. If portable toilets or food trucks are to be utilized, permission and approval must be obtained through the Parks & Recreation department at least 2 weeks prior.

9. Improvements to the Soccer Fields:

- A. If the Organization wishes to construct capital improvements to the Soccer Fields or surrounding facilities, install equipment, erect signage, or the like, the Organization must submit a written request to the Director. If the Director does not reply within thirty (30) days, then the request is deemed denied.
- B. The Organization must pay one hundred percent (100%) of the costs for any improvements, which includes purchase, installation, maintenance, and removal or rehabilitation in the event of deterioration or safety concerns.
- C. The Organization must provide in Exhibit C of this agreement an inventory of everything which it has purchased and/or installed at the Soccer Fields. Said Exhibit must include a description of each item, an estimated date of purchase/installation, the cost of purchase or construction, and the estimated useful lifespan. The Organization must review and update the Exhibit at least annually or at the point when an improvement is added or removed to the Soccer Facilities by the Organization.

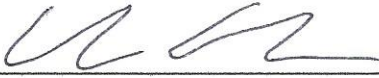
10. Appeals to Decisions and Termination of Agreement:

- A. The Director shall have the authority to review issues of discretion and make decisions as described in this agreement. Should the Organization wish to appeal any of the Director's decisions surrounding this agreement, the Organization must submit a written appeal to the Town Manager within ten (10) days.
- B. Either party may terminate this agreement upon providing written notice of sixty (60) days.
- C. The Organization, upon termination of this agreement, may remove all improvements, equipment, etc. as described in Exhibit C so long as they may be removed without damage to the

Soccer Facilities. All expenses of such removal must be paid by the Organization and must be completed by the time this agreement terminates.

- D. Effective February 13, 2024, this agreement supersedes all previous agreements between the two parties.
- E. This agreement constitutes the entire understanding between the parties and must not be modified except in writing signed by both parties. The agreement is binding on the parties hereto, their heirs, and permitted assigns.

IN WITNESS WHEREOF, the Town and the Organization have executed this agreement in duplicate.

By:  Date: 2.5.24
Kristen Hudson, A.C. Sandhills President

By: _____ Date: _____
Taylor Clement, Mayor, Town of Southern Pines

ATTEST: _____ Date: _____
Elizabeth Robertson, Town Clerk

Exhibit A:

Fall Schedule | mid-AUGUST through end of NOVEMBER

To be updated annually pending Director's approval

	AC SANDHILLS (Soccer Fields)	AC SANDHILLS (Optimist Field)	TOSP (Soccer Fields)	TOSP (Optimist Field)
MONDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise - Sunset
TUESDAYS	4:00pm – 8:00 pm	5:00pm-8:00pm	Sunrise – 4:00pm	Sunrise – 5:00pm
WEDNESDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise - Sunset
THURSDAYS	4:00pm – 8:00 pm	5:00pm-8:00pm	Sunrise – 4:00pm	Sunrise – 5:00pm
FRIDAYS	N/A	N/A	Sunrise – 4:00pm	Sunrise - Sunset
SATURDAYS	7:00am – 4:00pm*	N/A	N/A	Sunrise - Sunset
SUNDAYS	7:00am – 7:00pm	N/A	N/A	Sunrise - Sunset

Spring Schedule | mid-FEBRUARY through end of MAY

To be updated annually pending Director's approval

	AC SANDHILLS (Soccer Fields)	AC SANDHILLS (Optimist Field)	TOSP (Soccer Fields)	TOSP (Optimist Field)
MONDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise - Sunset
TUESDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise – Sunset
WEDNESDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise - Sunset
THURSDAYS	4:00pm – 8:00 pm	N/A	Sunrise – 4:00pm	Sunrise – Sunset
FRIDAYS	N/A	N/A	Sunrise – 4:00pm	Sunrise - Sunset
SATURDAYS	7:00am – 4:00pm*	N/A	4:00pm-Sunset	Sunrise - Sunset
SUNDAYS	N/A	N/A	Sunrise – Sunset	Sunrise - Sunset

*Organization will use fields up until 5pm on Recreation tournament day. These dates will be secured prior to each season. Only one tournament each season.

Starter Tournament will be scheduled prior to each season. This will include a Sat/Sun date, as well as an “In case of rain date” held. Sunday schedule will be 8am-1pm on this scheduled date only.

- While routine maintenance and repairs can typically occur with minimal or no impact to the public's access to the facility, both parties acknowledge that it may be necessary to close the Soccer Facilities for an extended time to complete more significant repairs. In this situation, every attempt will be made to schedule non-emergency work on Mondays (1st priority), Wednesday (2nd priority) or Friday (3rd priority) to minimize cancellations to the Organization's activities and weekend closures.

Exhibit B:**Assignments for Essential Functions****TOSP = Town of Southern Pines | AC = AC Sandhills**

MAINTENANCE RESPONSIBILITIES DURING BUSINESS HOURS	Spring/Fall Season	Off Season
Mowing Grass	TOSP	TOSP
Lining Fields with Field Paint	TOSP	TOSP
Cleaning Restrooms	TOSP	TOSP
Emptying Trash/ Replacing Trash Bags	TOSP	TOSP
END OF DAY RESPONSIBILITIES	Spring/Fall Season	Off Season
Removing trash/ Replacing Trash Bags	AC	TOSP
Cleaning Restrooms	AC	TOSP
*Cleaning Concession Stand (No storage in this area)	AC	TOSP

"Spring/Fall season" shall be defined from the day AC Sandhills begins the season through the end of soccer operations that season. "Off season" shall be defined as the period from when AC Sandhills stops operating soccer until the day soccer operations begin again.

*Organization will obtain any required permit or inspection (if needed) to operate concession stand in conjunction with Moore County regulations.

Exhibit C: AC Sandhills Inventory
Current as of January 23, 2024

Item	Purchase Date	Purchase Price
Nets	Various	Various
Goals	Various	Various

February 1, 2024

Reagan D. Parsons
Town Manager
Town of Southern Pines
125 SE Broad Street
Southern Pines, NC 28387

RE: Town of Southern Pines
Warrior Woods Pump Station Relocation
Project No.: CS370893-01
Bid Results and Recommendation of Award
WR Project No. 09200349.01

Dear Mr. Parsons:

Please find attached a bid summary sheet and certified bid tabulation of the bids received for the subject project on January 25, 2024, at 2:00 pm at the Public Works Building. Three (3) bidders provided bids for the project.

The lowest responsive and responsible bidder was:

Carolina Civilworks, Inc. with a total bid amount of \$1,859,450.00.

We recommend tentative award to the low bidder, Carolina Civilworks, Inc. in this amount.

A tentative resolution of award pending the North Carolina Division of Water Infrastructure (NCDWI) approval and the North Carolina Local Government Commission (LGC) is attached for Board action. Pending NCDWI and LGC approvals a Notice to Award will be drafted for signature and contract documents for execution.

The proposed construction contract, an additional 5% contingency and engineering and administrative expenses are within the original NCDWI ASADRA loan commitment of \$2,998,000. Attached is a budget summary showing the adjusted budget based on the bids received. Approximately \$50,000 of this amount commits Town funds for the ASADRA loan 2% closing fees.

If you need further information, please do not hesitate to call.

Sincerely,

WITHERSRAVENEL

Michael C. Wicker

Michael C. Wicker, P.E.
Project Manager

Attachments: Bid Summary
Certified Bid Tabulation
Tentative Resolution of Award
Carolina Civilworks, Inc, Bid Package
Bid Information Form

Project Bid Tabulation Warrior Woods Pump Station Relocation Town of Southern Pines WithersRavenel Project No. 09200349.01				January 25, 2024		Carolina Civilworks, Inc.		Laughlin-Sutton Construction Company		S & L Contracting, LLC	
Item No.	Item Description	Unit	Est. Quan.	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price
Bid											
Warrior Woods Pump Station Relocation											
1	Mobilization, Max 5%	LS	1	\$ 82,450.00	\$82,450.00	\$ 147,700.00	\$ 147,700.00	\$ 139,000.00	\$ 139,000.00	\$ 139,000.00	\$ 139,000.00
2	3rd Party Materials Testing (Allowance)	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
3	SCADA (Allowance)	LS	1	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00
4	Pump Station Relocation	LS	1	\$ 1,567,000.00	\$ 1,567,000.00	\$ 2,596,700.00	\$ 2,596,700.00	\$ 2,585,424.90	\$ 2,585,424.90	\$ 2,585,424.90	\$ 2,585,424.90
Total Base Bid				\$ 1,859,450.00		\$ 2,954,400.00		\$ 2,934,424.90			

By: _____
Michael C. Wicker, P.E.

Date: January 29, 2024





**RESOLUTION #1082
TENTATIVE AWARD FOR THE WARRIOR WOODS PUMP STATION RELOCATION
PROJECT**

WHEREAS, the American Rescue Plan Act (ARPA) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the Town of Southern Pines, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the Warrior Woods Pump Station Relocation Project, CS370893-01, and

WHEREAS, WithersRavenel, Consulting Engineers have reviewed the bids; and

WHEREAS, Carolina Civilworks, Inc. was the lowest bidder for the Warrior Woods Pump Station Relocation Project, in the total bid amount of \$ 1,859,450.00, and

WHEREAS, the consulting Engineers recommend **TENTATIVE AWARD** to Carolina Civilworks, Inc. the lowest bidder.

NOW, THERE FORE, BE IT RESOLVED that TENTATIVE AWARD is made to Carolina Civilworks, Inc. in the Total Bid Amount of \$1,859,450.00.

BE IT FURTHER RESOLVED that such TENTATIVE AWARD be contingent upon the approval of the North Carolina Department of Environmental Quality and the North Carolina Local Government Commission.

Adopted this the 13th day of February 2024 at **Town of Southern Pines**, North Carolina.

✓

Taylor Clement, Mayor

ATTEST:

✓

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, January 23, 2024: 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 Clement called the meeting to order. The following members of Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; and Debra Gray.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed some changes in the agenda with the removal of the monthly 'Agenda Meeting' and then reviewed the night's agenda for the Council.

3. APPROVAL OF AGENDA

Mayor Pro Tem Pate moved to adopt the Agenda as presented, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

4. PUBLIC COMMENTS

Mayor Clement advised the meeting that a Public Comment sign-in sheet is now available for those wishing to speak.

Sean Larson of 137 Skipping Rock Lane, Garner, NC, shared his concerns regarding homelessness and encouraged the Council to support a community-based solution like the TeamWorkz organization.

Edwin O'Keefe, homeless, shared that he is currently living with his border collie in his truck and Teamworkz has helped him.

Tessie Taylor, 224 Haley Street, shared that this was the 3rd time over the years that she had appeared before the Town Council with the request for help with various plans to help with homelessness issues.

Cliff Brown, 236 Countryside Drive, Aberdeen, is the founder and director of the Teamworkz organization, who is in their 5th year of operation. Mr. Brown shared the work the organization is doing with Moore County staff to help homelessness in the area. Mr. Brown asks that the Council support the creation of a task force to address the problem.

- Councilmember Gray questioned the statement that the dominant number of homeless are located in in Southern Pine and Mr. Brown stated that the encampment behind Staples is an area that the jurisdiction is disputed over between Southern Pines and Aberdeen.

- Councilmember Petersen - asked Mr. Brown for times to drop off items for donation and Mr. Brown shared that they are currently remodeling so no donations at this moment but come February 1st the hours open will be 9am - 4pm, 5 days a week.

Raymond Rodriguez, 152 S. Stevens Street, shared his experience with the Teamworkz organization and that they have helped place him in motel, assisted him in getting a job, his social security card and an identification card.

Tamber Chamberlain, the District Liaison on Homelessness for Moore County Schools and Foster Care Point of Contact, addressed the Council sharing the rising amount of homelessness cases in the District and supporting the work Mr. Brown is doing with his organization.

Margaret Horn - is a former resident who lived on May Street and as a result of the death of her significant other found herself homeless. Ms. Horn shared that she applied for numerous programs within the County to no avail and it was Teamworkz who assisted her in getting vouchers for a hotel, helped her get a job and gifted her with a donated vehicle. Ms. Horn stressed not everyone who is homeless is in that situation as a result of substance abuse or laziness and there is a stigma attached to the situation that is harmful.

5. PRESENTATIONS

a. Concept Plans for Renovations to Finance & Administration Buildings

The finance building is approximately 50% vacant following the relocation of planning and inspections to the community development building. Additionally, both the finance and administrative buildings have needs for ADA accessibility. The FY 23-24 budget allocated \$100,000 to develop concept plans and cost estimates; staff has been working with architects from CPL to advance this project. CPL architects Taylor Bishal and Brad Norvell will present the recommended concept plans and a high-level pre-design cost estimate for building renovations. Staff seeks Council authorization to advance construction drawings and bid documents.

Town Manager Parsons gave a brief introduction of the item.

Assistant Town Manager Jessica Roth introduced Brad Norvell and Taylor Bishal, architects with CPL, with whom staff have been working with to develop concept plans and cost estimates for renovations to the Administration Building and Finance Building. The intended result is to make both buildings ADA compliant for staff and customers and address staffing needs while respecting the historic character of the buildings.

Mr. Bishal and Mr. Novel gave an overview of their company and their qualifications before proceeding to present the Council with some plans and estimates for renovations to the buildings with the goal to:

- make both buildings ADA accessible
- utilize available space in the most efficient way
- to renovate the building internally not expand its footprint and bring the building up to current building code while respecting its historical nature.

Discussion ensued.

Councilmember Petersen questioned if the renovations would result in a Leeds' certification. Town Manager Parsons answered it is common to work Leeds standards into the designs but not get the final certification as that would increase cost significantly. Also some Leeds systems are very costly and time consuming to maintain and repair.

Discussion ensued.

Mayor Clement questioned the goal of today presentation? Town Manager Parsons advised that it was to show the Council the work done so far and preview designs to get the Councils feeling on the direction the project is heading. The reality is that both buildings are in need of significant maintenance and upkeep regardless and staff is trying to best utilize funds so as to not complete maintenance on areas that might get demolished.

Discussion ensued.

Mayor Clement stated that the proposed project budget is high and the proposed renovation would not fulfill the long-term need of staff if the offices are full as soon as the project is finished. Mayor Clement advised that Council would table the discussion while they review the plans.

6. ORGANIZATIONAL MATTERS

a. Appointment to Complete the Remainder of Mayor Clement's Unexpired Council Term

Taylor Clement was elected Mayor in the November 7th election, leaving her former Council seat vacant. In accordance with NCGS § 160A-63, the Town Council appoints a citizen to complete the remainder of her unexpired term through the November 2025 election. Ten citizens submitted applications for this seat as well as responses to follow-up questions. More details are available at sopinesnc.info/council.

Mayor Clement gave a brief overview of the process involved in narrowing the candidate list to get to this point.

Town Attorney McCarley gave several options to help narrow down the candidate pool but recommends that each Councilmember recommend one name for a final pool.

Councilmember Petersen spoke briefly on how she greatly enjoyed talking to all the applicants and feels that everyone has a balanced view on growth. After careful deliberation, her recommendation is Gary Carroll

Councilmember Gray advised that she had succeeded in meeting in person with 9 out of the 10 candidates and had enjoyed the discussions with each. After careful deliberation, her recommendation is Logan King

Mayor Pro Tem Pate shared that he had enjoyed the process and had succeeded in speaking with all the candidates. Mayor Pro Tem Pate appreciates the skills offered and feels that choosing a candidate who possesses experience and skill that differ from his own would serve the Council best. Upon deliberation, Mayor Pro Tem Pate recommends Michael Jones.

Mayor Clement, after sharing several reasons as to why, recommends Brandon Goodman.

Discussion ensued.

Assistant Town Manager Roth shared the dates and rooms available over the upcoming weeks along with legal requirements on certain options.

Town Attorney McCarley advised that by recessing the meeting would be the most prudent option.

Mayor Clement called for a 5 minute recess so that Council could consult their calendars.

Mayor Clement reconvened the meeting 4:34pm.

After discussion the Council choose to reconvene the meeting on Friday, January 26th at 3:00pm in the Haney Room.

Council agreed to give each candidate a maximum of 15 minutes; 3-5 minutes to make a statement to and then remaining time will be spent answering Council questions. Candidates will be called in order of recommendation:

3:00 = Gary Carol

3:20 = Logan King

3:40 = Michael Jones

4:00 = Brandon Goodman

Each candidate will inform their recommended candidate of the time and procedure for the meeting on January 26th.

Mayor Clement will send an email out to all the candidates not chosen.

7. CONSENT AGENDA

Mayor Pro Tem Pate moved to approve the Consent Agenda, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

a. Approve Resolution #1079: Acceptance of Water Asset Inventory and Assessment Grant

The NC Department of Environmental Quality has awarded the Town a \$200,000 grant to perform asset inventory and assessment work for the Town's water system.

b. Approve Resolution #1080: Acceptance of Wastewater Asset Inventory and Assessment Grant

The NC Department of Environmental Quality has awarded the Town a \$200,000 grant to perform asset inventory and assessment work for the Town's wastewater system.

c. Approve Ordinance #3023: Amending the Municipal Service District Special Revenue Fund

Staff requests an amendment to the MSD Project Budget in the amount of \$3,092. This accounts for ad valorem tax revenues.

d. Approve Town Council Meeting Minutes for December 2023

Staff requests approval of the following meeting minutes for December 2023:

- December 5, 2023
- December 12, 2023

8. ACTION ITEMS

a. Consider WP-03-23 Watershed Protection Permit - 1.02 acres on Central Drive

Kevin Lindsay has applied for a Watershed Protection Permit for 1.02 acres on Central Drive. The requested permit would allow for the construction of eight apartment units with 45% total impervious surface. The property is located within the Little River Watershed that is part of the Cape Fear River Basin.

Town Manager Parsons introduced the item.

Planning Director Grieve gave an overview of the watershed permit process for new Councilmember Gray.

Planning Director Grieve presented the application and staff report to the Council.

Discussion ensued.

Mayor Pro Tem Pate moved to approve WP-03-23 Watershed Protection Permit for 1.02

acres on Central Drive, seconded by Councilmember Gray; the vote was 3-1 as follows:

Mayor Clement = aye

Mayor Pro Tem Pate = aye

Councilmember Petersen = nay

Councilmember Gray = aye

Motion passed.

b. Consider Resolution #1081: Reimbursement Agreement for Two Fire Trucks

This resolution declares the Town's intent to pursue tax-exempt financing in an amount not to exceed \$2.5 million. Upon receipt of the borrowed funds, the Town may reimburse itself for funds advanced to purchase one or more fire trucks.

Town Manager Parsons presented the request to the Council which is a resolution that declares the intent to potentially get a loan to reimburse ourselves for the amount spent and, in the event that a loan is needed for some reason in the future, the trucks can be used as collateral. Town Manager Parson stressed that there is no intention of staff to request reimbursement at this time.

Discussion ensued.

Mayor Pro Tem Pate moved to approve Resolution #1081: Reimbursement Agreement for Two Fire Trucks, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

c. 2024 Council Appointments

Individual councilmembers are appointed by the body each year to serve in various capacities and manage certain responsibilities. At the December 5th meeting, Council appointed Bill Pate as Mayor Pro-Tem and Ann Petersen as Treasurer. Council indicated an interest to discuss the other appointments after the 5th Councilmember is selected. The included staff memo outlines more information on these appointments and their responsibilities.

After discussion, the Council agreed to table this item until a 5th councilmember has been chosen.

9. PUBLIC HEARINGS

a. Consider OA-06-23: Proposed Text Amendments to the Unified Development Ordinance

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO). The proposed amendments cover three topics described in the staff report.

Mayor Clement opened the hearing for OA-06-23: Proposed Text Amendments to the Unified Development Ordinance.

Planning Director Grieve presented the application and staff report to the Council. Staff is the applicant and is requesting a series of amendments to the UDO:

- §9.3 and Exhibit 3-15 - definition of *Tourist Home*
- §5.4(A) Fuel Pump Canopies
- §2.19.4(A) Exhibit 2-1 - Final Plat approval process

Discussion ensued.

No public comments were voiced.

Mayor Clement closed the hearing.

Mayor Pro Tem Pate moved that after considering the criteria for text amendment found in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that the proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's recommendation, and therefore the Town Council adopts that Planning Board resolution that is included as an attachment tot the staff report for OA-06-23. The motion was seconded by Councilmember Gray and the vote was unanimous.
Motion passed.

Mayor Pro Tem Pate moved to approve OA-06-23 as attached to the staff report, seconded by Councilmember Gray: the vote was unanimous.
Motion passed.

b. Consider SU-01-23: Expansion of Authorized Land Uses in 1998 Mill Creek Mixed-Use Development Master Plan

Mr. Bob Koontz has applied for a Special Use Permit amendment application to expand the authorized land uses in the General Business conditional zoning district (GB-CD) portion of the Mill Creek development. The public hearing was opened at the December 12th Town Council meeting.

Mayor Pro Tem Pate is recused from this hearing.

Mayor Clement opened the hearing for SU-01-23; Expansion of Authorized Land Uses in 1998 Mill Creek Mixed-Use Development Master Plan.

Town Attorney McCarley qualified the Councilmembers.

Mayor Clement swore in staff and witnesses.

Senior Planner Alaina Mallette presented the request and staff report to the Council. (TOSP Planning memo and staff report = Exhibit A)

(Staff presentation = Exhibit B)

Town Engineer James Michel spoke to the Council regarding aspects of the staff report.

(Updated email correspondence of Senior Planner Mallette = Exhibit C)

Paul Saathoff of KoontzJones Design presented the project to the Council on behalf of the applicant. (Applicant presentation = Exhibit D)

Discussion ensued.

Councilmember Petersen moved to continue the hearing to the Town Council meeting on February 13, 2023 at 6:00pm in the Douglass Community Center, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

c. Consider PD-05-23: Preliminary Development Plan for Phase 10 of Morganton Park North

Mr. Bob Koontz has applied for a Preliminary Development Plan for 160,000 square feet of medical office space on 8.7 acres in Morganton Park North.

Mayor Clement opened the hearing for PD-05-23: Preliminary Development Plan for Phase 10 of Morganton Park North.

Town Attorney McCarley qualified the Councilmembers.

Mayor Clement swore in staff and witnesses.

Planning Director Grieve presented the application and staff report to the Council.

Bob Koontz of KoontzJones Design, representing the applicant, presented a PowerPoint to the Council. (Applicant PowerPoint presentation = Exhibit A)

Discussion ensued.

Mayor Pro Tem Pate moved to adopt Attachment 1 of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-05-23, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

Mayor Pro Tem Pate moved to approve the proposed Preliminary Development Plan PD-05-23: Phase 10 of Morganton Park North, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

d. Consider SU-02-23: Special Use Permit for a Major Subdivision at 730 S. Bennett Street

Mr. Kevin Lindsay has applied for a Special Use Permit, Major Subdivision Preliminary Plat, and Watershed Protection Permit in order to subdivide the parent tract into 13 townhomes with a homeowners' association.

Mayor Clement opened the hearing for SU-02-23: Special Use Permit for Major Subdivision at 730 S. Bennett Street.

Town Attorney McCarley qualified the Councilmembers.

Mayor Clement swore in staff and witnesses.

Senior Planner Alaina Mallette presented the application and staff report to the Council.

Kevin Lindsay of Crawford Design Company, representing the applicant, reviewed the application using the Town Staff Report for visual context.

(Preliminary Plat = Exhibit A)

(Staff Report = Exhibit b)

(PDF of Key Points = Exhibit C)

Public Comments

1st Speaker (Name was unclear) shared his dissatisfaction with what he views as gentrification of the area in question.

Braxton Jefferies questioned the Council about the term gentrification being used, asked about the funding being used for the project and was told that he was allowed to comment but could not question the applicant.

Mayor Clement closed the hearing.

Mayor Pro Tem Pate moved to adopt Attachment 1 of the Staff Report as Finding of Fact for the proposed Special Use Permit SU-02-23 and Major Subdivision Preliminary Plat, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

Mayor Pro Tem Pate moved to approve Special Use Permit SU-02-23 and the accompanying Major Subdivision Preliminary Plat with a deviation to UDO §4.7(D) to allow 6' foot chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line as permitted during special use permit review by UDO §4.7. The motion was seconded by Councilmember Gray and the vote was unanimous.
Motion passed.

Mayor Pro Tem Pate further moved to approve to approve the Watershed Protection Permit WP-04-23, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

10. COUNCIL UPDATES AND DISCUSSION

a. Discussion Regarding Terms for Appointed Boards

Follow-up discussion regarding the status of terms on various Council appointed boards and potentially setting terms to expire at a similar time each year.

Town Manager Parson reviewed the item for the Council.

Mayor Clement commented that she would love the Council to work on recruiting for open board positions within the Town and both she and Councilmember Pate shared the benefits of recruiting the applicants for the open Town Council seat to some of the open board seats for the other boards.

Council agreed to move this discussion to the next Work Session.

b. Planning Department Update

Staff will update Council on applications advancing from the Planning Board to Council and implementation efforts related to the recently adopted CLRP.

Town Manager Parson opened the discussion.

Planning Director Grieve advised the Council that there was not a Planning Board Meeting held in January and that he anticipates there would be a substantial number of text amendments presented at the March meeting.

Council thanked staff for all of their hard work and their proactive approach to maintaining and modifying the UDO.

11. COUNCIL ROUNDTABLE

Mayor Clement shared the following updates:

- met with an Eagle Scout at the Library and feels that there will be more participation from them in future meetings as they work toward their patches.
- met Stephanie Blair of Tom Tillis's Office
- met with Sam Shomate from Senator Ted Bud's Office
- attended the Tri-City Meeting with Mayor Pro Tem Pate and suggests that they make an effort to rotate who attends so that the

Councilmember Gray shared:

- she and Mayor Clement were introduced at the Sunday service over Martin Luther King Jr. weekend.
- participated with her school in the MLK march and the NAACP youth program that followed.

Councilmember Petersen:

- advised the Council that Mayor Clement was elected as chair of the MPO.
- shared that she had received numerous calls from residents regarding the tree coming down on Ashe Street and their lack of notice. She asked that we keep the residents better informed and questioned if there would be any replanting.
- Town Manager Parsons replied that he cannot commit to replanting at this time because the greenery was removed due to interference with a sewer line.

- questioned the drainage on Bethesda and who is responsible.

- Town Manager Parsons advised that the area in question is under DOT control and that staff would inform them about the issue.

Mayor Pro Tem Pate commented that in-house yard waste pick-up had been started 3 weeks prior and asked for an update.

- Town Manager Parson advised that staff were working hard to streamline the service. Town Manager Parsons shared that the process has been challenging due to equipment delays, that there are still two open positions on the crew that staff is struggling to fill and advised that future challenges due to the Town being subject to the Moore County landfill schedule.

12. ADJOURNMENT

Councilmember Petersen moved to recess the meeting to Friday, January 26, 2024 at 3:00 pm at the Michael C. Haney Room located at the Southern Pines Police Station, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

Council adjourned at 8:24 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Friday, January 26, 2024: 3:00 PM

Town Council Agenda Meeting

C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Clement called the meeting to order. The following members of Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; and Debra Gray.

2. TOWN MANAGER'S COMMENTS

Town Manager Parsons is not in attendance.

3. ACTION ITEMS

a. Appointment to Complete the Remainder of Mayor Clement's Unexpired Council Term

Taylor Clement was elected Mayor in the November 7th election, leaving her former Council seat vacant. In accordance with NCGS § 160A-63, the Town Council appoints a citizen to complete the remainder of her unexpired term through the November 2025 election.

Ten citizens submitted applications for this seat as well as responses to follow-up questions and Council narrowed this pool down to four at the January 23rd meeting. Each applicant will have an opportunity to share thoughts and answer questions from Council. The Council may or may not make the formal appointment after talking with each applicant.

This meeting is open to the public and more details are available at sopinesnc.info/council. The short-list of applicants includes:

1. Gary Carroll
2. Logan King
3. Michael Jones
4. Brandon Goodman

Mayor Clement welcomed everyone and introduced the first candidate, Mr. Gary Carroll. Mr. Carroll introduced himself and gave a brief presentation of his history, qualifications and shared the reasons why he feels he is the best choice for the open Council seat.

Mayor Pro Tem Pate asked Mr. Carroll to share what he felt was unique to him and his background that he would bring to the Council in terms of perspective or experience. Mr. Carroll spoke of quasi-judicial hearings and public forums that he attended while on the Planning Board and shared that he felt he brings a view point from a part of the Town that is

not currently represented.

Mayor Clement questioned how Mr. Carroll feels his position on the Planning Board and or HOA compares to the position of councilmember? Mr. Carroll stated that he feels there are some similarities in that the HOA has to manage setbacks and architecture review and then expanded on his experience with development projects as a Planning Board member.

Councilmember Gray asked if Mr. Carroll could think of a project he was involved in while on the Planning Board that involved the West Southern Pines Community. Nothing from West Southern Pines came before the Planning Board while he was serving, but a storage facility was proposed, and he was part of the Planning Board's recommendation against the project as a result of the West Southern Pines community statements during the hearings.

Councilmember Petersen asked Mr. Carroll to share if he felt he could be objective when a project that directly affected his community, such as the proposed Multi-Modal Path was before the Council. Mr Carroll shared that he asked for representation from the Council to be present at a HOA meeting on the subject so that fair representation could be given on both sides of the issue.

Mayor Clement called for a break in the meeting while additional chairs were brought in to accommodate the crowd present and clear access to the exit doors.

Mayor Clement welcomed Mr. Logan King.

Mr. King introduced himself and briefly spoke to the Council regarding his history, qualifications and shared the reasons why he feels he is the best choice for the open Council seat.

Mayor Pro Tem Pate asked Mr. King to share what he felt was unique to him and his background that he would bring to the Council in terms of perspective or experience. Mr. King feels his knowledge of construction costs, construction process and bid processes would be an asset to the Council when the Town is considering projects.

Councilmember Gray questioned what Mr. King feels he will bring to Southern Pines from his experiences of dealing with the Raleigh City Council. Mr. King shared that he feels the Raleigh City Council is currently dealing with issues that aren't at a 'city level' and shouldn't be wasting time on but does feel the learned how to communicate more effectively and grew his "listening skills" as a result of his dealings with the Council.

Councilmember Petersen asked Mr. King to share how he assisted the other Councilmembers in their campaigns for election. Mr. King donated his time at the polling sites and provided shirts for the campaigns, some donated and some were provided at a fair cost.

Councilmember Petersen asked Mr. King his position on the proposed Multi-Modal Path and Mr. King stated that he would almost always be pro pathways and provided examples of work done in Raleigh.

Councilmember Petersen questioned Mr. King on his knowledge of the CLRP and Mr. King shared that he had read approximately 40% and was involved in the survey's that preceded it's completion.

Mayor Pro Tem Pate questioned Mr. King on how he would deal with community opinion when participating in a process, such as quasi-judicial hearings, where the opinions aren't a factor of the decision. Mr King stated that he would assure citizens while the while they

might not currently support the decision that there would come a time when they would be able to influence the decision making.

Mayor Clement welcomed Mr. Mike Jones.

Mr. Jones introduced himself and shared with the Council the reasons why he feels his background and skills would make him the best choice for the open seat and gave examples of those reasons.

Councilmember Gray asked Mr. Jones to share similarities he could see between his time serving on a town council in Ridgefield and the prospect of serving on the Southern Pines Town Council. Mr. Jones shared that the Ridgefield community was experiencing a lot growth when he was there and that mirrored what Southern Pines is currently experiencing with zoning, new residential and commercial building.

Mayor Clement asked Mr. Jones to share his view of where Southern Pines fits into the southern part of Moore County 'big picture' wise. Mr. Jones shared that he feels Southern Pines plays second fiddle in the minds of the county commissioners and that Southern Pines needed to work on marketing itself better.

Councilmember Petersen asked Mr. Jones if he had served on any Southern Pines boards and Mr. Jones replied that he had not. Councilmember Petersen then briefly reviewed facts she had found on Ridgefield and questioned if Mr. Jones saw a discrepancy when overseeing that community versus Southern Pines. Mr. Jones stated that he had served Ridgefield over 20 years prior and was not involved in where the community currently was but was very proud of what he had accomplished back when he did serve.

Mayor Pro Tem Pate asked Mr. Jones if, as a result of his time working with the Airport Authority, that he felt the Town could do to better that relationship. Mr. Jones feels that if the Council would expand it's view and relationships with the neighboring communities the benefit to the Town itself would be great.

Councilmember Petersen questioned if Mr. Jones worked on affordable housing while in Ridgefield. Mr. Jones shared his experiences last the time although it was in a different state.

Mayor Clement welcomed Mr. Brandon Goodman.

Mr. Goodman introduced himself and spoke to the Council regarding his history, qualifications and shared the reasons why he feels he is the best choice for the open Council seat.

Councilmember Gray asked Mr. Goodman to share his thoughts on managing development or growth in the area seeing as he in the development business. Mr. Goodman feels his experience in reading and interpreting building plans would be an asset when working to manage proposed development.

Councilmember Pate asked Mr. Goodman unique skill or perspective he felt he would bring to the Council and Mr. Goodman shared that he felt his knowledge of local government, zoning and state delegations will benefit the Town in the future when managing growth.

Councilmember Petersen questioned if Mr. Goodman's felt his participation and resulting 4th place finish in a prior election reflected the Town's viewpoint on how it should be governed. Mr. Goodman stated that he feels the 4th place result reflects that he did a poor job campaigning.

Mayor Clement asked Mr. Goodman to share his thoughts on how Southern Pines ranks within Moore County. Mr. Goodman responded that he feels Southern Pines has its own brand that is world known and isn't or shouldn't be in competition with any of the other entities in the area and should be governed uniquely.

Councilmember Gray asked Mr. Goodman to share his thoughts or suggestions for helping the West Southern Pines community and Mr. Goodman shared that several years prior he had approached a former Town staff member with what he felt was an issue within the West Southern Pines community and how to resolve said issue that he feels mirrors the later published DFI study whose solution he supports and agrees with.

Mayor Pro Tem Pate questioned Mr. Goodman on his response should the accusation come of bias when making Council decisions due to Mr. Goodman's profession within the development community. Mr. Goodman qualified that he is a builder not a developer and that when presenting and building a project to the Council years before he had no issues which he feels proves his credibility and that as far as bias or preferential treatment is concerned he feels that he would be protective when dealing with his own community.

Mayor Clement asked Mr. Goodman to share his experience when developing Walker Station. Mr. Goodman gave background on the project and feels the community has become exactly what was intended and has become a model for other communities.

Councilmember Petersen questioned Mr. Goodman on his thoughts on preservation of the community as a whole as opposed to development and Mr. Goodman responded that preservation should always be the first option. Councilmember Petersen then questioned the logic of having a developer on the Council to which Mr. Goodman reiterated that he feels his skill set would be very useful.

Mayor Clement asked Mr. Goodman what he felt the Town of Southern Pines role was legislatively within the State. Mr. Goodman feels we should maintain good relationships with county and state representatives and feels the MPO is a great start to that.

Councilmember Petersen questioned the procedure moving forward. Mayor Clement advised that based on prior conduct the procedure is a vote after the interviews of the candidates with the decision made by motion.

Councilmember Petersen stated that she would prefer the use of weighted votes and Mayor Clement advised that with the stated preference of following past procedures that weighted voting had never been used and doesn't feel its appropriate at this time.

Mayor Clement granted a 7 minute recess so that Council can review their notes.

Councilmember Petersen asked for discussion on the use of weighted voting prior to a motion being made.

Mayor Clement reiterated that she feels the vote should be made by motion as has been done in the past.

Mayor Pro Tem Pate stated that he would like to follow past procedure with a vote following the interviews.

Discussion ensued.

Councilmember Gray shared that she feels ranking the candidates demeans them and is comfortable with a motion and vote.

Councilmember Gray moved to appoint Mr. Brandon Goodman to the open seat, seconded by Mayor Pro Tem Pate; the vote was as follows:

Mayor Clement = aye

Mayor Pro Tem Pate = aye

Councilmember Petersen = nay

Councilmember Gray = aye

Motion passed.

4. ADJOURNMENT

Mayor Clement adjourned the meeting at 4:38 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: SU-01-23: Special Use Permit to expand authorized land uses in Mill Creek Mixed-Use Development master plan; Petitioner: Mill Creek Partners, LLC by Koontz Jones Design, Agent

Date: February 13, 2024

I. SUMMARY OF APPLICATION REQUEST

Bob Koontz of Koontz Jones Design, on behalf of Mill Creek Partners, LLC, has submitted a Special Use Permit major amendment application pursuant to §2.21.12(A) of the Town of Southern Pines Unified Development Ordinance (UDO) to expand the authorized land uses in the General Business conditional zoning district (GB-CD) portion of the development. This amendment proposes adding land uses—in categories such as automobile services; heavy, durable, and other consumer goods sales or services; health and personal care and services; rentals and leasing of cars; health and human services, including outpatient clinics; social assistance, welfare, and charitable services; and other land uses—to the list of authorized uses in the GB-CD portion of the development. The amendment also proposed modifications to the Master Plan map to change “Shopping” and “Office/Condominium” sites within the GB-CD to “General Business.” Lastly, a Traffic Impact Analysis was required as part of this application, and has been submitted for the Town’s review.

II. PROJECT INFORMATION

A. Property Owner & Applicant Information

Property Owner/Applicant	Authorized Agent
Mill Creek Partners, LLC & Mill Creek Partners II, LLC P.O. Box 1511 Pinehurst, NC 28374	Koontz Jones Design C/O Robert Koontz 150 S. Page Street Southern Pines, NC 28387

B. Process of Review:

The Mill Creek Master Plan was approved in 1998 under Conditional Use Permit CU-02-98 and an amendment to such permit is required to follow the current Special Use Permit major amendment process. The procedures for review and approval of a Special Use Permit major amendment, per UDO §2.21, establish a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right.

III. TOWN COUNCIL REVIEW

Following Planning Board review, on October 2, 2023, the applicant, Robert Koontz, requested an administrative continuance to address town staff items and issues that came up during Planning Board discussion (see Planning Board Review section below). This included a reduction in the number of authorized land uses, continued work on the Traffic Impact Analysis to address the Town Engineer's comments (including pedestrian connectivity and multimodal trips), and reformatting the authorized use table for clarity of interpretation. On October 31, 2023, the applicant requested a second administrative continuance due to continued work on the Traffic Impact Analysis (TIA). Additional application materials were submitted on October 26, November 14, and November 15, 2023. Town planning staff scheduled SU-01-23 for a public hearing at the December 12, 2023 Town Council Regular Meeting and attached all updated application materials.

At the December 12, 2023 Town Council Regular Meeting the applicant requested a continuance for more time to address and resolve issues related to impacts of additional land uses identified in the applicant's TIA. The applicant stated that they needed more time to resolve the issues for next month. On January 8, 2024, the TIA preparer (Travis Fluitt of Kimley-Horn and Associates, Inc.) submitted an updated TIA based on feedback from the Town and NC DOT.

At the hearing on January 23, 2024, Planning staff entered the January 9 Staff Report as Exhibit A, staff's presentation as Exhibit B, and email correspondence regarding the TIA as Exhibit C. The authorized agent, Paul Saathoff of KoontzJones Design, entered his presentation as Exhibit D. Travis Fluitt (the TIA preparer), Robert Koontz of KoontzJones Design (the authorized agent), and Bob Klug (the applicant), all swore in and provided testimony, as well. The Town Council moved to continue the evidentiary hearing until the February 13, 2024, regular meeting to grant the applicant additional time for a response from NC DOT Congestion Management Section regarding the January 2024 TIA and to potentially discuss potential removal of proposed land uses.

IV. PLANNING BOARD REVIEW

On September 21, 2023, four members of the Planning Board held a Preliminary Forum regarding SU-01-23 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. Following a presentation by town staff regarding the project, the property owner and applicant, Bob Klug, addressed the Planning Board and introduced Paul Saathoff of KoontzJones Design, representative for the applicant's authorized agent. Saathoff made a presentation to the Planning Board, providing additional details and justification for the proposed project. No other members of the public spoke.

After the board had finished asking questions of the applicant, town staff, and the property owner, the Planning Board closed the Preliminary Forum and held board discussion. The following list of issues presented at the forum relate to the application of the SUP criteria to amend development approval CU-02-98 and were adopted by unanimous vote to forward to Town Council for consideration during their review of the proposal:

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 and Ordinance #2096, approved on August 8, 2023; 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.

V. STAFF REVIEW:

A. Application Review Dates:

- Special Use Permit SU-01-23 Application Submitted: **August 14, 2023**
 - Application Deemed Complete: **August 21, 2023**
 - Additional Materials Submitted: **October 26, 2023**
 - Additional Materials Submitted: **November 14, 2023**
 - Additional Materials Submitted: **November 15, 2023**
 - Additional Materials Submitted: **January 8, 2024 (Attachment 6)**
 - Additional Materials Submitted: **February 6, 2024 (Attachment 4)**
- TRC Staff Review: **August 22, 2023**
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: **September 14, 2023**
 - Mailed: **September 7, 2023**
 - Internet: **August 24, 2023**
 - Published: N/A for SUP
- Planning Board Preliminary Forum: **September 21, 2023**
- Notice of Town Council Public Hearing:
 - Posted On-site: **September 14, 2023**
 - Mailed: **September 7, 2023**
 - Internet: **September 22, 2023**
 - Published: Sent September 22, 2023 for publishing on **September 27** and **October 4, 2023**
- Town Council Regular Meeting: **Administratively continued the scheduled October 10, 2023 public hearing**
- Town Council Regular Meeting: **Administratively continued the scheduled November 14, 2023 public hearing**
- Town Council Regular Meeting: **Applicant requested and Town Council approved a continuance of the scheduled December 12, 2023 public hearing**
- Town Council Evidentiary Hearing: **January 9, 2024 (Postponed due to inclement weather)**
- Town Council Evidentiary Hearing: **January 23, 2024 (Continued)**
- Town Council Evidentiary Hearing: **February 13, 2024**

B. General Staff Comments

- Approval of the request will result in the expansion of authorized land uses to a total of 87 land uses rather than the current 14 land uses, which do include several categories that are generalized such as “shopping centers” and “entertainment facilities.” Each of these general categories could include many subcategories of land uses.
- The revised Traffic Impact Analysis was submitted on January 8, 2023, to Planning staff and the Town Engineer. The Town Engineer James Michel has provided TIA feedback to the TIA preparer (Travis Fluitt of Kimley-Horn & Associates, Inc.), which can be reviewed in [Attachment 5 and 5a of the January 9, 2024 staff report](#) and additional email correspondence entered into the record as Exhibit C (attached to this staff report, for reference, as Attachment 7).
 - The authorized agent has submitted a modified narrative that includes the following statement:
 - *“Any improvements recommended by the final approved TIA, after review by the Town of Southern Pines and NCDOT, will be implemented as described in the document. Improvements will be made at a time when they are warranted based on a specified number of added trips per day as described in the TIA or as required by NCDOT.”*
 - The TIA preparer has been in conversations with NC DOT Congestion Management Section regarding the adequacy of the analysis and proposed improvements, which may affect the TIA improvements noted in the January 2024 TIA. A modified TIA may be submitted for the Town Engineer’s review.
 - Of particular concern is the inadequate levels of service for the intersection/roundabout at Highway 22 and Airport Road. According to the January 2024 TIA, “No other reasonably constructible improvements were identified to bring the intersection back to an acceptable level of service.”

C. Staff Recommendation

Planning staff recommend approval of SU-01-23 with the updated narrative that states that the applicant has committed to any improvements, including vehicular and multi-modal improvements, that will be made at the point that they are warranted as described in the January 2024 TIA or subsequent version.

VI. ATTACHMENTS

The following materials are provided as attachments to this staff memorandum:

1. Draft Findings of Fact
2. [Planning Department Staff Report Dated January 9, 2024, and Entered as Exhibit A during the Evidentiary Hearing on January 23, 2024](#)
3. [Special Use Permit Application](#)
4. Applicant’s Updated Special Use Permit Narrative [and Justification](#)
5. [Mill Creek Master Plan with Track Changes and Additional Exhibit](#)

6. Mill Creek Traffic Impact Analysis Executive Summary received January 8, 2024
7. Town Engineer Communication with Traffic Impact Analysis Preparer (Exhibit C)

Note that the following additional materials are available on the Town's Pending Applications website:

- Agent Authorization Form
- Deeds
- List of Adjoining Properties Provided by Applicant
- Mill Creek Traffic Impact Analysis dated January 2024 (276 pages)

VII. TOWN COUNCIL ACTION

To either approve or deny a Special Use Permit application to amend an existing conditional use permit, the Town Council shall make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in §2.21.6(A-F) Criteria for a Special Use Permit.

Pursuant to UDO §2.27.7, in approving any Special Use Permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare. The Town Council may choose among the following motions or any alternative at their discretion.

I move to:

1. **Adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-01-23; OR**
2. Adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-01-23, with the following changes...

I move to:

1. **Approve Special Use Permit SU-01-23; OR**
2. Approve Special Use Permit SU-01-23 with the following conditions (as recommended by Planning Staff)...; OR
3. Deny Special Use Permit SU-01-23.

ATTACHMENT 1
Draft Town Council Findings of Fact
Special Use Permit Application SU-01-23

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.

Finding of Fact #2

The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criteria A-F, in that:

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

The applicant's Justification document (Attachment 4 to the February 13, 2024 Staff Report) states that the intent of the major amendment is to clarify permissible uses within the General Business portion of the development. The applicant uses a similar format to UDO Exhibit 3-15 Table of Authorized Land Uses to create a list of permissible uses. Applicable supplemental use regulations will be reviewed during site plan review and architectural compliance review. Therefore, the application satisfies this criterion.

2. **The proposed special 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 applicant states that they will adhere to the UDO General Business standards and other applicable zoning standards. Additionally, the area surrounding the subject properties include Planned Development districts—such as Tyler's Ridge and Ace Hardware— which include commercial land uses and buildings. Therefore, Town Council believe that the proposed amendment conforms to the commercial neighborhood where it is located.

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

The applicant states that water and sewer are readily available to the site, infrastructure has been installed in previous phases of development, and any further expansion will be borne at the cost of the developer. The Town's geographic information systems spatial data layers show both sewer gravity main and water main lines intersecting the properties (see Figure 4). Furthermore, Mill Creek Road is a paved town road while Airport Road and Central Drive are both minor arterial roads owned and maintained by North Carolina Department of Transportation. The applicant has committed to both vehicular and multi-modal improvements. Improvements will be made as described in the February 2024 Traffic Impact Analysis or as required by NCDOT. Considering this information, the Town Council consider the properties to have adequate public facilities.

4. **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;**

The Master Plan states in Section III. Planning Goals, that the development intends to “Provide for orderly and efficient circulation and access... as to allow for the efficient circulation and access of pedestrian and vehicular movement.” The application narrative states that the modifications are “in conformance with the surrounding development and zoning classifications.” No analysis has been submitted on the potential impact of the expanded permitted uses on property values within the neighborhood nor on other potential positive or negative impacts to orderly development (such as sewer and water demand, noise generation, parking, etc.) by the applicant.

The applicant has committed to both vehicular and multi-modal improvements. Improvements will be made as described in the February 2024 Traffic Impact Analysis or as required by NCDOT. Considering this information, the Town Council finds that sufficient qualified evidence was presented to show that the proposed uses will not impede orderly development and the improvement of the surrounding properties nor impair property values in the neighborhood, especially considering the commitment to vehicular and multimodal improvements when triggered.

5. **The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare;**

The Applicant Justification states that “future phases will conform to all development standards... and requirements of the Town. As a result, the use will not be detrimental...” The traffic impact analysis entered into the record for SU-01-23 found that the proposed development will create a roadway safety issue, including multiple level of service issues at failing intersections. The applicant has committed to both vehicular and multi-modal improvements. Improvements will be made as described in the February 2024 Traffic Impact Analysis or as required by NCDOT. Town Council finds that, there being no additional qualified evidence entered into the record of potential negative impacts resulting from the expansion of proposed permissible uses, there is no expected detrimental impact to the public health, safety, comfort or general welfare.

6. **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;**

Policy P-7 Streetscapes states that “when streets are developed as part of new developments, ensure that the streets are designed and constructed to support the needs of all users (e.g., cars, bicycles, pedestrians and, where applicable, truck traffic) in context with their location and function in the region, Town and neighborhood in which they are located...” Furthermore, UDO Section 4.12.2(A)(1)(f) states that a Traffic Impact Analysis should “ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided.” The applicant has committed to both vehicular and multi-modal improvements. Improvements will be made as described in the February 2024 Traffic Impact Analysis or as required by NCDOT. Therefore, the proposed expansion of permissible uses within the General Business Conditional Zoning District portion of the Mill Creek Master Plan is

consistent with the future land use designation of Commercial as denoted in the 2016 Comprehensive Long-Range Plan's (CLRP) Future Land Use Map.

Despite the large number of proposed uses, Town Council has determined that sufficient evidence was presented that the public interest and welfare, if any of the proposed individual uses were to be constructed, outweigh individual interests that are adversely affected by the establishment of the proposed use.

**MILL CREEK
SPECIAL USE PERMIT NARRATIVE**

The property described as the Mill Creek Mixed-Use Development in the submitted documents and exhibits was approved in 1998. It is located on the south side of Airport Road and East of NC Highway 22. Original property approvals comprised areas zoned GB-CD, RM-1, and RS-3 and included the Warrior Woods subdivision and Mill Creek shopping center.

Since the original approval, much of the originally approved Mill Creek Shopping Center has been developed. A grocery store, personal services businesses, medical offices, and restaurants have been developed in the shopping center through the original approvals of the development.

Since the original development was approved, there have been several versions of the Unified Development Ordinance (UDO). The Table of Authorized Land Uses within the UDO has been modified and is now much more specific than the ordinance in place when the Mill Creek project was approved. This special use permit (SUP) is submitted to clarify what permitted uses are authorized within the established GB-CD district and to update the permitted uses using the current UDO standards and LBCS codes. Furthermore, this special use permit also aims to clarify where these uses are permitted within the GB-CD zoned area.

This SUP proposes to clarify two (2) parts of the original 1998 zoning documents as described below:

Part I:

General Business Uses:

Under the 'Zoning' section (pages 9 & 10) of the approved 1998 zoning documents, were listed general land uses allowable within the GB-CD area. The Table of Permissible Uses in place at the time of approval was vague and included broad land-use categories (i.e., 'Shopping Centers' and 'Entertainment Facilities'). At the time, the UDO did not include LBCS codes which are much more specific and are part of the current UDO. To provide greater clarity for the applicant and Town staff related to the land uses permitted in the Mill Creek Shopping Center, Exhibit 'A' has been included with this application. Exhibit 'A' utilizes the current UDO's Table of Authorized Uses to describe the uses permitted in the Mill Creek Shopping Center area and permitted within the GB-CD district. The proposed uses are consistent with the current uses and character of the existing Mill Creek shopping center and the vision of the previously approved zoning documents.

Part II:

Illustrative Map Update:

The 'Regulatory Map' included in the approved 1998 zoning documents indicates that the Mill Creek shopping center area, in its entirety, is a GB-CD zoning district. It would be assumed that the uses



identified under the 'General Business' section of the zoning document would be permitted in the entirety of this area. However, the 'Illustrative Plan,' included with the 1998 zoning documents, labels a bubble within this area as an 'Office Condominium Site,' leading to confusion about what is permitted within this area. Under the current UDO, many office uses are permitted within the GB zoning district. An update to the 'Illustrative Plan' is included with this application and removes the 'Office Condominium Site' label to clarify that the GB uses, as provided in the original zoning documents and further identified with Exhibit 'A' of this application, are permitted within the entire shopping center area.

This SUP proposes the above amendments to clarify the uses permitted within the Mill Creek GB-CD district to correspond to the current UDO's more distinct land use categories. No modifications or changes are proposed to the RM-1 or RS-2 districts within the Mill Creek development. Future development of the Mill Creek Shopping Center will follow the development standards as established in the approved Mill Creek Mixed-Use Development zoning documents and these updated documents.

A Traffic Impact Analysis (TIA) has also been provided with this application. Any improvements recommended by the final approved TIA, after review by the Town of Southern Pines and NCDOT, will be implemented as described in the document. Improvements will be made at a time when they are warranted based on a specified number of added trips per day as described in the TIA or as required by NCDOT.

Revised Traffic Impact Analysis

Mill Creek
Southern Pines, NC

Prepared for:
Mill Creek Partners, LLC

Kimley»Horn

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Page 37 of 103

Revised Traffic Impact Analysis for
Mill Creek
Southern Pines, North Carolina

Prepared for:
Mill Creek Partners, LLC
Pinehurst, NC

Prepared by:
Kimley-Horn and Associates, Inc.
NC License #F-0102
421 Fayetteville Street, Suite 600
Raleigh, NC 27601
(919) 677-2000

January 2024
016456000



This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Executive Summary

Kimley-Horn and Associates, Inc. has revised the Traffic Impact Analysis (TIA) originally dated September 1, 2023 for the proposed expansion of the existing Mill Creek Village shopping center located along Mill Creek Road in Southern Pines, NC to address comments received from Town of Southern Pines and North Carolina Department of Transportation (NCDOT) staff. The site currently includes a Harris Teeter grocery store and two retail buildings on the west side of Mill Creek Road and a Harris Teeter fueling center on the east side of Mill Creek Road. As currently envisioned, the development is proposed to add up to 70,417 square feet (SF) of commercial space on the west side of Mill Creek Road and up to 73,139 SF of commercial space on the east side of Mill Creek Road for a total of up to 210,556 SF for the entire development. No additional driveways are proposed on the west side of Mill Creek Road, and while the plans for the development east of Mill Creek Road are only conceptual at this time, access was assumed to be proved by two driveways on Mill Creek Road aligning with driveways to the existing shopping center. Build-out of the development is anticipated within the next 10 years.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development. The Town of Southern Pines' Unified Development Ordinance (UDO) requires the study of the build-out traffic conditions for both the site build-out and 10-year projections. However, as there is no definitive timeline for the build-out of the development, only the 10-year horizon was analyzed. Therefore, the traffic conditions studied include the existing (2023) and projected (2033) background and build-out traffic conditions for the AM and PM peak hours.

Trip Generation

As shown in Table ES-1, trips for the development west of Mill Creek Road were generated based the difference between the existing square footage and proposed total square footage. The proposed additional development on the west side has the potential to generate approximately 3,718 net new daily trips, 248 net new external trips during the AM peak hour, and 370 net new external trips during the PM peak hour.

Table ES-1 ITE Traffic Generation (Vehicles) – West Side								
Land Use Code	Land Use	Intensity		Daily Total	AM Peak Hour		PM Peak Hour	
					In	Out	In	Out
821	Shopping Plaza w/ Supermarket – Existing	67,000	s.f.	6,570	147	90	304	329
821	Shopping Plaza w/ Supermarket – Existing + Proposed	137,417	s.f.	11,988	301	184	563	610
Difference (Increase due to Proposed)				5,418	154	94	259	281
Pass-By Reduction				1,700	0	0	85	85
Total Net New External Trips				3,718	154	94	174	196

As shown in Table ES-2, the proposed development on the east side of Mill Creek Road has the potential to generate approximately 3,238 net new daily trips, 127 net new external trips during the AM peak hour, and 210 net new external trips during the PM peak hour.

Table ES-2 ITE Traffic Generation (Vehicles) – East Side								
Land Use Code	Land Use	Intensity		Daily Total	AM Peak Hour		PM Peak Hour	
					In	Out	In	Out
821	Shopping Plaza w/o Supermarket	73,139	s.f.	4,938	79	48	186	194
Pass-By Reduction				1,700	0	0	85	85
Total Net New External Trips				3,238	79	48	101	109

Capacity Analysis

Intersection capacity analyses were performed using Synchro/SimTraffic Version 11 software. The intersections of Airport Road at Mill Creek Road and NC 22 at Mill Creek Road were both analyzed with traffic signals and with mini-roundabouts at the request of NCDOT. Table ES-3 summarizes the operation of the overall study intersections for the AM and PM peak hours.

Table ES-3 - Level of Service Summary											
Intersection and Approach/Movement	Traffic Control	Existing (2023) Traffic		Background (2033) Traffic		Build-out (2033) Traffic		Build-out (2033) Traffic - Improved		Build-out (2033) Traffic - Mini-Roundabouts	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Airport Road at NC 22	Roundabout	B (12.2) v/c - 0.661	C (20.5) v/c - 0.845	D (33.0) v/c - 1.001	F (84.7) v/c - 1.495	E (46.7) v/c - 1.096	F (109.4) v/c - 1.611	E (41.7) v/c - 1.096	F (56.8) v/c - 1.186		
Eastbound		B (12.2)	C (20.5)	B (13.4)	E (49.0)	C (15.3)	F (97.4)	C (15.3)	F (97.4)		
Westbound		C (17.1)	C (17.4)	F (51.0)	C (16.1)	F (58.7)	C (16.6)	F (57.8)	D (28.8)		
Northbound		B (10.0)	D (26.3)	C (23.3)	F (253.2)	E (38.1)	F (304.0)	B (14.5)	F (63.8)		
Southbound		B (10.4)	A (7.7)	D (34.4)	B (13.0)	F (59.4)	C (21.2)	F (59.4)	C (24.7)		
Airport Road at Mill Creek Road	Unsignalized/ Signalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	B (10.4)	B (11.4)	B (11.0) v/c = 0.73	C (17.0) v/c = 0.80
Eastbound		N/A		N/A		N/A		A (4.8)	A (8.8)	A (7.0)	C (18.6)
Westbound*		A (7.8)	A (8.6)	A (8.1)	A (9.7)	A (8.7)	B (11.2)	B (12.5)	B (13.3)	B (14.3)	B (13.4)
Northbound		B (13.9)	C (16.2)	C (23.5)	E (39.3)	F (51.3)	F (389.7)	B (15.7)	B (13.3)	A (5.6)	C (19.2)
NC 22 at Mill Creek Road	Unsignalized/ Signalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	A (6.4)	B (12.2)	B (11.3) v/c = 0.71	C (19.3) v/c = 0.83
Westbound		C (19.4)	D (26.0)	D (31.2)	F (57.0)	E (49.8)	F (375.2)	B (19.0)	B (18.8)	A (7.4)	C (17.2)
Northbound		N/A		N/A		N/A		A (5.6)	A (8.3)	A (9.6)	C (20.7)
Southbound*		A (8.5)	A (9.0)	A (9.0)	A (9.9)	A (9.2)	B (10.7)	A (5.1)	B (13.9)	B (13.2)	C (18.7)
NC 22 at Olivetree Lane	Unsignalized/ Signalized	- (-)	- (-)	A (9.0)	A (9.9)	A (9.0)	A (10.0)	A (7.6)	A (7.3)	- (-)	- (-)
Eastbound		C (22.0)	D (29.8)	B (13.1)	B (11.9)	B (13.1)	B (12.2)	B (16.6)	B (15.6)	D (27.2)	E (47.1)
Northbound*		A (9.0)	A (9.1)	A (7.5)	B (10.3)	A (7.5)	B (10.5)	A (5.1)	A (4.9)	A (9.9)	A (9.9)
Southbound		N/A		A (9.4)	A (8.8)	A (9.4)	A (8.6)	A (7.7)	A (7.2)	N/A	
NC 22 at Warrior Woods Road	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)				
Westbound		C (16.9)	C (18.5)	D (25.3)	D (27.9)	D (29.3)	D (34.1)				
Southbound Left		A (8.4)	A (8.8)	A (8.9)	A (9.6)	A (9.1)	A (10.0)				
Mill Creek Road at West Site Driveway 1/North Fuel Center Driveway	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)				
Eastbound		A (10.0)	B (13.5)	A (10.0)	B (13.5)	B (12.7)	F (54.0)				
Westbound		A (9.2)	A (10.0)	A (9.2)	A (10.0)	A (10.0)	B (12.5)				
Northbound Left		A (7.4)	A (7.6)	A (7.4)	A (7.6)	A (7.7)	A (8.3)				
Southbound Left		A (7.4)	A (7.6)	A (7.4)	A (7.6)	A (7.5)	A (8.1)				
Mill Creek Road at South Fuel Center Driveway	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)				
Westbound		A (8.6)	A (9.1)	A (8.6)	A (9.1)	A (8.9)	B (10.2)				
Mill Creek Road at West Site Driveway 2/East Site Driveway 1	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)				
Eastbound		A (8.9)	A (9.6)	A (8.9)	A (9.6)	B (10.3)	C (16.2)				
Westbound		N/A		N/A		A (9.2)	B (11.0)				
Northbound Left		A (7.3)	A (7.5)	A (7.3)	A (7.5)	A (7.5)	A (7.7)				
Southbound Left		N/A		N/A		A (7.3)	A (7.6)				
Mill Creek Road at West Site Driveway 3/East Site Driveway 2	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)				
Eastbound		A (8.9)	A (8.7)	A (8.9)	A (8.7)	A (9.6)	B (10.8)				
Westbound		N/A		N/A		A (9.0)	B (10.3)				
Northbound Left		A (7.3)	A (7.3)	A (7.3)	A (7.3)	A (7.3)	A (7.3)				
Southbound Left		N/A		N/A		A (7.3)	A (7.5)				
Mill Creek Road at West Site Driveway 4	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)				
Eastbound		A (8.6)	A (8.7)	A (8.6)	A (8.7)	A (8.7)	A (9.5)				
Northbound Left		A (7.3)	A (7.4)	A (7.3)	A (7.4)	A (7.4)	A (7.7)				
Mill Creek at West Site Driveway 5	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)				
Eastbound		A (8.7)	A (8.9)	A (8.7)	A (8.9)	A (9.0)	B (10.5)				
Northbound Left		A (7.3)	A (7.4)	A (7.3)	A (7.4)	A (7.4)	A (7.8)				

*Major street left-turn movements analyzed in unsignalized scenarios.

Background Improvements

The following improvements are committed to be performed by other developments in the study area and were included in the background and build-out conditions:

NC 22 at Airport Road:

- Provide a right-turn slip lane with 150 feet of storage on westbound Airport Road (*by Caropines*)
- Provide a right-turn slip lane with 150 feet of storage on eastbound Airport Road (*by Southern Pines Retail*)

NC 22 at Olivetree Lane:

- Monitor intersection for traffic signal warrants and install a traffic signal if warranted

A northbound right-turn slip lane on NC 22 at Airport Road is also required with the Caropines development but not until a future phase that is not currently planned. Therefore, it was not assumed to be in place for this analysis.

Recommended Vehicular Improvements

The following improvements are recommended to be performed as part of the proposed Mill Creek development:

NC 22 at Airport Road:

- Provide a right-turn slip lane with 150 feet of storage on northbound NC 22 if not already provided by others prior to the development generating 2,000 additional net new daily trips

Airport Road at Mill Creek Road:

- Monitor intersection for traffic signal warrants and install a traffic signal if warranted
- *NOTE: The signal is expected to be warranted in approximately 5 years based on anticipated background growth or once the Mill Creek development generates approximately 2,000 new external daily trips*

NC 22 at Mill Creek Road:

- Monitor intersection for traffic signal warrants and install a traffic signal if warranted
- *NOTE: The signal is expected to be warranted once the Mill Creek development generates approximately 5,000 new external daily trips*

With the committed and recommended improvements in place, all of the study intersections are expected to operate acceptably at project build-out except for NC 22 at Airport Road. The NC 22 at Airport Road roundabout is expected to operate at LOS F in the PM peak hour in the background traffic condition without the proposed Mill Creek development. The intersection is expected to operate at LOS E in the AM peak hour and LOS F in the PM peak hour upon build-out of the Mill Creek Development. With the recommended northbound right-turn slip lane, the intersection is still expected to operate at the same LOS, but with significantly lower delays and volume-to-capacity

ratio than in the background PM peak hour traffic condition. No other reasonably constructible improvements were identified to bring the intersection back to an acceptable level of service.

Based on the existing traffic counts there does not appear to be a significant amount of traffic using Mill Creek Road to avoid the roundabout. However, if the roundabout does become as congested as expected by the year 2033, it is anticipated that vehicles currently making the westbound left-turn movement from Airport Road to NC 22 and the northbound right-turn movement from NC 22 to Airport Road may use Mill Creek Road to “cut the corner” and avoid the roundabout, especially if either end of Mill Creek Road is signalized. Analysis indicates that if just 1/3 of the vehicles make the westbound left and northbound right at the roundabout divert to Mill Creek Road, then the intersection is expected to operate the same or better than the background traffic condition.

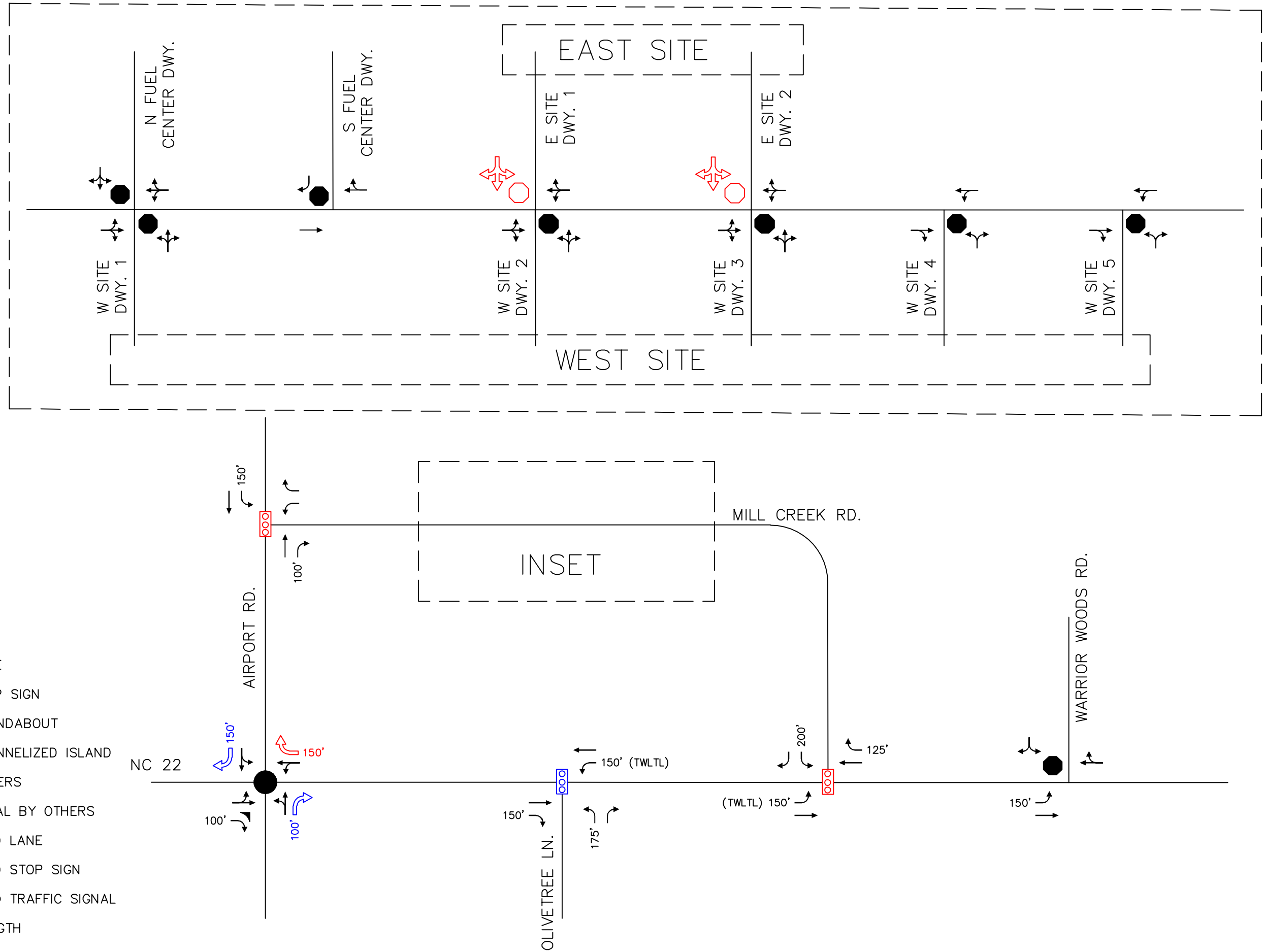
While Synchro reports long delays on West Site Driveway 1 at Mill Creek Road in the PM peak hour at full build-out, SimTraffic simulations show short delays and no queuing issues at any of the site driveways. Therefore, no improvements are recommended at this intersection.

The committed and recommended roadway laneage is shown on **Figure ES-1**.

Multi-Modal Improvements

The following additional improvements to the bicycle and pedestrian infrastructure are either recommended or required by the Town of Southern Pines to be performed as part of the proposed Mill Creek development:

- Provide high visibility crosswalks on all driveways on Mill Creek Road prior to any additional development
- Provide high visibility crosswalks across Mill Creek Road at the East Site Driveways when those driveways are constructed subject to adequate sight distance requirements being met
- If feasibly constructible and approved by NCDOT, provide a multi-use path along the east side of NC 22 from Mill Creek Road north to Olivetree Lane
- Maintain the existing unpaved connection from Mill Creek Road east towards the Caropines development until this portion of the site is developed at which time the pathway will need to be integrated into the site infrastructure
- Provide a multi-use path from Mill Creek Road south to Warrior Woods Road with future residential development in the vicinity of this path

MILL CREEK
SOUTHERN PINES, NC
TRAFFIC IMPACT ANALYSIS

From: [Alaina Mallette](#)
To: [James Michel](#)
Subject: RE: Mill Creek - Revised TIA
Date: Monday, January 22, 2024 8:33:00 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Exhibit C

Good morning, James,

Any additional movement on this? Let's touch base before Work Session tomorrow.

Have a good start to the week!

Best,

Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: James Michel <JMichel@southernpines.net>
Sent: Friday, January 12, 2024 1:33 PM
To: Paul Saathoff <psaathoff@koontzjones.com>; Fluitt, Travis <Travis.Fluitt@kimley-horn.com>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; Alaina Mallette <amallette@southernpines.net>; Jones, DeAngelo J <djjones1@ncdot.gov>; Gunnels, Roberta <Roberta.Gunnels@kimley-horn.com>
Subject: RE: Mill Creek - Revised TIA

Paul,

There is likely some more discussion to be had about the mini-roundabouts, but we are waiting on updated comments from Congestion Management.

Thanks

James Michel, PE, MBA
Town Engineer/Asst. Public Works Director
801 SE Service Road

Southern Pines, NC 28387
(910)692-1983



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Friday, January 12, 2024 1:27 PM
To: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>; James Michel <JMichel@southernpines.net>;
JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; Alaina
Mallette <amallette@southernpines.net>; Jones, DeAngelo J <djjones1@ncdot.gov>; Gunnels,
Roberta <Roberta.Gunnels@kimley-horn.com>
Subject: RE: Mill Creek - Revised TIA

James/BJ/Alaina - Is there anything else we need to coordinate on with the TIA or anything that we need to provide before the hearing on 1/23?

Thanks,

Paul Saathoff

KOONTZJONESDesign

LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>
Sent: Monday, January 8, 2024 1:16 PM
To: James Michel <JMichel@southernpines.net>; JuarezPozos, Dagoberto
<djuarezpozos@ncdot.gov>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; Paul
Saathoff <psaathoff@koontzjones.com>; Alaina Mallette <amallette@southernpines.net>; Jones,
DeAngelo J <djjones1@ncdot.gov>; Gunnels, Roberta <Roberta.Gunnels@kimley-horn.com>
Subject: Mill Creek - Revised TIA

James/Dago,

Attached is a revised version of the Mill Creek TIA that includes:

- Multi-modal connections
- Revised speed limit on Mill Creek Road
- Phasing of improvements
- Mini-roundabouts at either end of Mill Creek Road

While I am a big roundabout fan, I've got some concerns with them in these locations. While they work in the 2033 analysis, there isn't much excess capacity, which won't allow for much additional traffic growth. Given that turn lanes are in place on all approaches, signals seem like a better way to

go here.

Let me know if there are any questions. Synchro files are also attached.

Thank you,

Travis Fluitt, P.E.

Kimley-Horn | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601
Direct: 919-653-2948 | Mobile: 919-649-0759 | Main: 919-677-2000

From: James Michel <JMichel@southernpines.net>

Sent: Friday, January 5, 2024 8:09 AM

To: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>; Paul Saathoff <psaathoff@koontzjones.com>; Alaina Mallette <amallette@southernpines.net>; Gunnels, Roberta <Roberta.Gunnels@kimley-horn.com>

Subject: RE: Mill Creek - DRAFT TIA Revisions

Travis,

I am fine with most of the revisions, but the recommended improvements need to include maintaining the existing Caropines connection and construction of the Olivetree connection. I understand there are some unknowns so if there needs to be a caveat about feasible construction meeting appropriate standards, I am ok with that. Note that the fact there is not a complete sidewalk connection on Olivetree is not relevant. The last remaining section will be required once that corner develops.

Thanks

James Michel, PE, MBA

Town Engineer/Asst. Public Works Director

801 SE Service Road

Southern Pines, NC 28387

(910)692-1983



From: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>

Sent: Thursday, January 4, 2024 6:31 PM

To: James Michel <JMichel@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>; Paul Saathoff <psaathoff@koontzjones.com>; Alaina Mallette <amallette@southernpines.net>; Gunnels, Roberta <Roberta.Gunnels@kimley-horn.com>

Subject: Mill Creek - DRAFT TIA Revisions

James,

I didn't realize you were still wanting to see revisions to the Mill Creek TIA, but Paul said you were. We were working on those, but then I got strep and probably shouldn't sign and seal a TIA report given all the medication I'm on at the moment. However, attached are select pages from the TIA with revised/additional text highlighted to address the following:

1. The pedestrian connections (see pages 6-7 of the PDF)
 - a. Added text about the connection to Caropines
 - b. Added text about the connection to Warrior Woods
 - c. Added text about the paths along NC 22 over to Tyler's Ridge.
 - d. I took a conceptual look at the sight distance issue at Fen Ct based on GIS data and added some text to support why I think it's an issue. We have not done a full sight distance analysis, but the sight distance concern was a major reason Fen Ct was limited to RIRO.
2. Phasing of improvements (see pages 1, 3-5, and 8-9 of PDF)
 - a. We've based thresholds on daily volumes because they don't know exactly what they are building or when.
 - b. NB right turn lane on NC 22 at Airport
 - i. It's hard to define a threshold because the roundabout is going to fail with or without any Mill Creek traffic.
 - ii. However, Mill Creek can add 2,000 net new daily trips within the next 5 years and meet TOSP LOS standards (i.e. MC traffic doesn't cause any approach to fail).
 - iii. For reference, full build-out adds approximately 7,000 net new daily trips, so we're talking about roughly 30% of what we've assumed in the TIA.
 - c. Signal on Airport at Mill Creek
 - i. This signal will likely meet warrants within the next 5 years based on background growth whether they build anything else in Mill Creek or not
 - ii. Or if new development adds approximately 2,000 new external daily trips (note the difference between net new trips, which are new trips added to the network vs. new external trips, which includes pass-by capture from people already on Airport Road or NC 22)
 - iii. For reference, full build-out adds approximately 10,000 new external daily trips, so we're talking about roughly 20% of what we've assumed in the TIA.
 - d. Signal on NC 22 at Mill Creek
 - i. Likely warranted once new development adds approximately 5,000 new external daily trips (roughly 50% of what we've assumed in the TIA)
 - e. High Vis Crosswalks on Mill Creek
 - i. Those on existing driveways should be done with first new development because they're faded out now
 - ii. Add ones crossing Mill Creek at east driveways whenever those driveways are constructed so people can walk back and forth
3. Note about speed limit on Mill Creek (see page 2 of PDF)
 - a. Revised in the analysis but did not affect any results

If you can take a quick look and see if this addresses all your concerns, I will get you a final version tomorrow. I didn't want to waste what little brain power I have at the moment finalizing this if there are still issues.

Also, I know the NCDOT Congestion Management group has reviewed the current version of the TIA and sent comments to the District, but I've not seen anything back from the District. I will follow up.

Thanks,

Travis Fluitt, P.E.

Kimley-Horn | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601
Direct: 919-653-2948 | Mobile: 919-649-0759 | Main: 919-677-2000

From: James Michel <JMichel@southernpines.net>
Sent: Tuesday, November 28, 2023 3:19 PM
To: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Paul Saathoff <psaathoff@koontzjones.com>; Alaina Mallette <amallette@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Travis,

I meant to ask while we were discussing earlier today if you have sent this to NCDOT?

James Michel, PE, MBA

Town Engineer/Asst. Public Works Director
801 SE Service Road
Southern Pines, NC 28387
(910)692-1983



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Tuesday, November 14, 2023 8:16 AM
To: Alaina Mallette <amallette@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Alaina,

Attached is the additional language Travis has provided regarding multi-modal/ped connections. If

we need to meet to discuss sometime this week, please let me know.

Thanks,

Paul Saathoff

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150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>

Sent: Monday, November 13, 2023 4:02 PM

To: Paul Saathoff <psaathoff@koontzjones.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>; James Michel <JMichel@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Good afternoon, Paul,

Tomorrow is when our completeness reviews are done for applications that go before the Town Council in December. Since this application was continued, I wanted to check in and see if there has been any movement on the TIA? Since we have a holiday this month, we're going to need to build in more Planning and Engineering staff review time to meet my November 28, 2023, staff report deadline. So, please provide us a copy of the final TIA and any additional narrative on multi-modal connectivity by EOB on Friday, November 17, 2023, unless James requests it sooner.

Thank you,

Alaina

Alaina Mallette, MSc

Senior Planner

Town of Southern Pines

801 SE Service Road

Southern Pines, NC 28387

Office: (910) 692-4003

<http://www.southernpines.net/>



From: Alaina Mallette

Sent: Thursday, November 2, 2023 3:45 PM

To: 'Paul Saathoff' <psaathoff@koontzjones.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Good afternoon, Paul,

Planning has received your second request for an automatic administrative continuance. Your application and the associated evidentiary hearing will be move to the December 12, 2023, Town Council regular meeting.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Tuesday, October 31, 2023 10:38 AM
To: Alaina Mallette <amallette@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Alaina – See attached.

Thanks,

Paul Saathoff

KOONTZJONESDesign

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150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>
Sent: Monday, October 30, 2023 9:13 AM
To: Paul Saathoff <psaathoff@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Hi Paul – Yes, please submit another letter requesting an administrative continuance pursuant to

UDO Sec. 2.5.14(B). This will be the second automatic continuance of the two permitted. Once you have received the updated TIA, I would be happy to schedule a meeting with Planning, Engineering, and your team to continue the multimodal conversation.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Monday, October 30, 2023 8:00 AM
To: Alaina Mallette <amallette@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Alaina,

We are just going to do another delay on this as we obviously won't have the TIA items available for both James and us to review before tmrw. Do we need to send you another delay letter?

Thanks,

Paul Saathoff

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From: Alaina Mallette <amallette@southernpines.net>
Sent: Friday, October 27, 2023 5:06 PM
To: Paul Saathoff <psaathoff@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Hi Paul – Updated Exhibit A received. Will review and await responses to other topics in my October 26, 2023, email. Have a good weekend.

Best,
Alaina

From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Thursday, October 26, 2023 2:07 PM
To: Alaina Mallette <amallette@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Alaina – I’ve attached the updated Exhibit A with several uses removed, addition of parks, and updated formatting. Also attached is a version with removals marked in red. Please review and let me know if the updated formatting is sufficient.

Thanks,

Paul Saathoff

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150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>
Sent: Thursday, October 26, 2023 12:34 PM
To: Paul Saathoff <psaathoff@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Good afternoon, Paul,

Thank you for taking some time this morning to talk with me. I’ll be on the lookout for the updated “Exhibit A” with the reduced number of uses and updated formatting, which addresses point numbers 1 and 4 from my October 10, 2023, email. I appreciate your thoughtful questions about multimodal connectivity at this point in the development process with the context of the current amendment, and I believe that we can find an opportunity to balance the town’s interest in ensuring an intentional multimodal design with your clients interest in reducing the risk of prohibitive development costs. I look forward to continuing that conversation and see what common ground we can find.

Regarding the deadline, I just wanted to reiterate that Planning recommends another administrative continuance so that the Planning staff and the Town Engineer have enough time to review the TIA prior to my internal staff report deadline, which is Tuesday, October 31, next week and the Town Engineer will be away at a conference starting Monday, October 30. I look forward to hearing what you learn from Travis and where he is at in his analysis, so that we will now how to proceed. Again,

feel free to call or email me, as this is a time sensitive matter.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Wednesday, October 25, 2023 2:37 PM
To: Alaina Mallette <amallette@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>
Subject: RE: Mill Creek - Special Use Permit

Alaina,

Travis is still working with James on the TIA information, mostly related to comments on exploring multi-modal connectivity options. I don't think we are going have that resolved before end of day today. I know you have to prepare information for the 11/8 agenda meeting, but is today the drop deadline on receiving information for the agenda packet?

Thanks,

Paul Saathoff

KOONTZJONESDesign

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150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>
Sent: Tuesday, October 10, 2023 9:29 AM
To: Paul Saathoff <psaathoff@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Hi Paul,

A quick summary of our call for both of our references:

- You and your team have reduced the authorized land uses table down by ~40 uses that don't fit the site and have sent the list to Mr. Klug for comment and approval.
- You still have to follow up with Travis re: TIA, but will share with him the updated land use table so that he only needs to address those land uses that are being proposed. He will have to include projections for pedestrian and multimodal trips, per James Michel's 9/12/23 email.
- After Planning Board meeting and looking into the Mill Creek Master Plan for pedestrian/multimodal connectivity, it appears that Mill Creek was originally intended to include "efficient circulation and access of pedestrian and vehicular movement."
 - You can read staff's original comments on the previous version of the application in the attached draft staff report that did not go to Town Council due to the request for continuance, particularly pp. 5-15 and Attachment A.
 - Planning staff believe that including additional narrative, modified Master Plan text, or an additional map addressing multimodal connectivity to the proposed land uses would go far to address SUP criteria B, D, and E.
- You are working on reformatting the table to include a column for "x" that clarify what are the actual proposed permitted land uses.

The deadline to receive materials for November Town Council in October 25, 2023, EOB, so please feel free to contact me any time between now and then if you'd like to hear our perspective.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Alaina Mallette
Sent: Monday, October 9, 2023 2:41 PM
To: 'Paul Saathoff' <psaathoff@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

I'll give you a call at 9:00 a.m. tomorrow, then. Talk to you then.

Alaina Mallette, MSc
Senior Planner

Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Monday, October 9, 2023 1:27 PM
To: Alaina Mallette <amallette@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

I'm available anytime tmrw morning

Paul Saathoff

KOONTZJONESDesign

LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>
Sent: Monday, October 9, 2023 10:30 AM
To: Paul Saathoff <psaathoff@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Hi Paul – I just remembered, I have an appointment at 4:00 p.m. and will be leaving between 3 and 3:30 p.m. this afternoon. Would tomorrow morning between 9:00 a.m. and 12:00 p.m. work for you?

Best,
Alaina

From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Monday, October 9, 2023 10:00 AM
To: Alaina Mallette <amallette@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Let's just plan on connecting after your meeting. Thanks!

Paul Saathoff

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150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>

Sent: Monday, October 9, 2023 9:56 AM

To: Paul Saathoff <psaathoff@koontzjones.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Hello Paul,

I have a staff meeting at 2:30, but I think we can cover everything over the phone between 2 and 2:30. If you need more time to prepare things, I can call after our meeting, which will most likely be around 3:30. Let me know what would work best for you.

Best,
Alaina

From: Paul Saathoff <psaathoff@koontzjones.com>

Sent: Monday, October 9, 2023 9:39 AM

To: Alaina Mallette <amallette@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Hey Alaina – I'm available this afternoon... anytime after 2:00 would work.

Thanks,

Paul Saathoff

KOONTZJONESDesign

LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>

Sent: Thursday, October 5, 2023 4:38 PM

To: Paul Saathoff <psaathoff@koontzjones.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Good afternoon, Paul,

The next internal staff report deadline for the SU-01-23 Mill Creek SUP amendment staff report is November 1 at noon, so I'll need all updated materials by EOB on October 25, 2023. Can we schedule a quick phone call to discuss where we are with this application? I have all day tomorrow,

Friday, October 6, 2023, and Monday afternoon, October 9, 2023, available.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Monday, August 14, 2023 9:13 AM
To: Cindy Williams <CWilliams@southernpines.net>; Plan <plan@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Alaina Mallette <amallette@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>
Subject: Mill Creek - Special Use Permit

All,

Please see the attached PDF of the Special Use Permit application for Mill Creek. A PDF of the original 1998 document w/ tracked changes is also attached. Hard copies and a check for the application fee will be dropped off at the planning office in a few. Let us know if you have any questions or need anything else.

Thanks,

Paul Saathoff

KOONTZJONESDesign

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150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: [Fluitt, Travis](#)
To: [James Michel](#)
Cc: [BJ Grieve](#); [Paul Saathoff](#); [Alaina Mallette](#); [Gunnels, Roberta](#)
Subject: RE: Mill Creek - DRAFT TIA Revisions
Date: Friday, January 5, 2024 3:11:10 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Ok, we'll add that in. I just heard from Dago at NCDOT that they want to see how mini-roundabouts would work at either end of Mill Creek instead of signals. Based on a quick look, I think they will work. While I am normally a big roundabout fan, I'm not sure this is the best location for them, but we're going to add a scenario with those too.

I'm going to try to get that done over the weekend.

Thanks,
Travis

From: James Michel <JMichel@southernpines.net>
Sent: Friday, January 5, 2024 8:09 AM
To: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Paul Saathoff <psaathoff@koontzjones.com>; Alaina Mallette <amallette@southernpines.net>; Gunnels, Roberta <Roberta.Gunnels@kimley-horn.com>
Subject: RE: Mill Creek - DRAFT TIA Revisions

Travis,

I am fine with most of the revisions, but the recommended improvements need to include maintaining the existing Caropines connection and construction of the Olivetree connection. I understand there are some unknowns so if there needs to be a caveat about feasible construction meeting appropriate standards, I am ok with that. Note that the fact there is not a complete sidewalk connection on Olivetree is not relevant. The last remaining section will be required once that corner develops.

Thanks

James Michel, PE, MBA
Town Engineer/Asst. Public Works Director
801 SE Service Road
Southern Pines, NC 28387
(910)692-1983



From: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>

Sent: Thursday, January 4, 2024 6:31 PM

To: James Michel <JMichel@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>; Paul Saathoff <psaathoff@koontzjones.com>; Alaina Mallette <amallette@southernpines.net>; Gunnels, Roberta <Roberta.Gunnels@kimley-horn.com>

Subject: Mill Creek - DRAFT TIA Revisions

James,

I didn't realize you were still wanting to see revisions to the Mill Creek TIA, but Paul said you were. We were working on those, but then I got strep and probably shouldn't sign and seal a TIA report given all the medication I'm on at the moment. However, attached are select pages from the TIA with revised/additional text highlighted to address the following:

1. The pedestrian connections (see pages 6-7 of the PDF)
 - a. Added text about the connection to Caropines
 - b. Added text about the connection to Warrior Woods
 - c. Added text about the paths along NC 22 over to Tyler's Ridge.
 - d. I took a conceptual look at the sight distance issue at Fen Ct based on GIS data and added some text to support why I think it's an issue. We have not done a full sight distance analysis, but the sight distance concern was a major reason Fen Ct was limited to RIRO.
2. Phasing of improvements (see pages 1, 3-5, and 8-9 of PDF)
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 - b. NB right turn lane on NC 22 at Airport
 - i. It's hard to define a threshold because the roundabout is going to fail with or without any Mill Creek traffic.
 - ii. However, Mill Creek can add 2,000 net new daily trips within the next 5 years and meet TOSP LOS standards (i.e. MC traffic doesn't cause any approach to fail).
 - iii. For reference, full build-out adds approximately 7,000 net new daily trips, so we're talking about roughly 30% of what we've assumed in the TIA.
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 - i. This signal will likely meet warrants within the next 5 years based on background growth whether they build anything else in Mill Creek or not
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- i. Those on existing driveways should be done with first new development because they're faded out now
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- 3. Note about speed limit on Mill Creek (see page 2 of PDF)
 - a. Revised in the analysis but did not affect any results

If you can take a quick look and see if this addresses all your concerns, I will get you a final version tomorrow. I didn't want to waste what little brain power I have at the moment finalizing this if there are still issues.

Also, I know the NCDOT Congestion Management group has reviewed the current version of the TIA and sent comments to the District, but I've not seen anything back from the District. I will follow up.

Thanks,

Travis Fluitt, P.E.

Kimley-Horn | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601
Direct: 919-653-2948 | Mobile: 919-649-0759 | Main: 919-677-2000

From: James Michel <JMichel@southernpines.net>
Sent: Tuesday, November 28, 2023 3:19 PM
To: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Paul Saathoff <psaathoff@koontzjones.com>; Alaina Mallette <amallette@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Travis,

I meant to ask while we were discussing earlier today if you have sent this to NCDOT?

James Michel, PE, MBA

Town Engineer/Asst. Public Works Director
801 SE Service Road
Southern Pines, NC 28387
(910)692-1983



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Tuesday, November 14, 2023 8:16 AM
To: Alaina Mallette <amallette@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Alaina,

Attached is the additional language Travis has provided regarding multi-modal/ped connections. If we need to meet to discuss sometime this week, please let me know.

Thanks,

Paul Saathoff

KOONTZJONESDesign

LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>
Sent: Monday, November 13, 2023 4:02 PM
To: Paul Saathoff <psaathoff@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Good afternoon, Paul,

Tomorrow is when our completeness reviews are done for applications that go before the Town Council in December. Since this application was continued, I wanted to check in and see if there has been any movement on the TIA? Since we have a holiday this month, we're going to need to build in more Planning and Engineering staff review time to meet my November 28, 2023, staff report deadline. So, please provide us a copy of the final TIA and any additional narrative on multi-modal connectivity by EOB on Friday, November 17, 2023, unless James requests it sooner.

Thank you,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Alaina Mallette
Sent: Thursday, November 2, 2023 3:45 PM
To: 'Paul Saathoff' <psaathoff@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Good afternoon, Paul,

Planning has received your second request for an automatic administrative continuance. Your application and the associated evidentiary hearing will be move to the December 12, 2023, Town Council regular meeting.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Tuesday, October 31, 2023 10:38 AM
To: Alaina Mallette <amallette@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Alaina – See attached.

Thanks,

Paul Saathoff
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>
Sent: Monday, October 30, 2023 9:13 AM

To: Paul Saathoff <psaathoff@koontzjones.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Hi Paul – Yes, please submit another letter requesting an administrative continuance pursuant to UDO Sec. 2.5.14(B). This will be the second automatic continuance of the two permitted. Once you have received the updated TIA, I would be happy to schedule a meeting with Planning, Engineering, and your team to continue the multimodal conversation.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Paul Saathoff <psaathoff@koontzjones.com>

Sent: Monday, October 30, 2023 8:00 AM

To: Alaina Mallette <amallette@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Alaina,

We are just going to do another delay on this as we obviously won't have the TIA items available for both James and us to review before tmrw. Do we need to send you another delay letter?

Thanks,

Paul Saathoff

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From: Alaina Mallette <amallette@southernpines.net>

Sent: Friday, October 27, 2023 5:06 PM

To: Paul Saathoff <psaathoff@koontzjones.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Hi Paul – Updated Exhibit A received. Will review and await responses to other topics in my October 26, 2023, email. Have a good weekend.

Best,
Alaina

From: Paul Saathoff <psaathoff@koontzjones.com>

Sent: Thursday, October 26, 2023 2:07 PM

To: Alaina Mallette <amallette@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Alaina – I’ve attached the updated Exhibit A with several uses removed, addition of parks, and updated formatting. Also attached is a version with removals marked in red. Please review and let me know if the updated formatting is sufficient.

Thanks,

Paul Saathoff

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From: Alaina Mallette <amallette@southernpines.net>

Sent: Thursday, October 26, 2023 12:34 PM

To: Paul Saathoff <psaathoff@koontzjones.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>; James Michel <JMichel@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

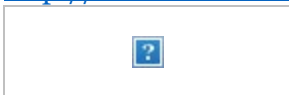
Good afternoon, Paul,

Thank you for taking some time this morning to talk with me. I’ll be on the lookout for the updated “Exhibit A” with the reduced number of uses and updated formatting, which addresses point numbers 1 and 4 from my October 10, 2023, email. I appreciate your thoughtful questions about multimodal connectivity at this point in the development process with the context of the current amendment, and I believe that we can find an opportunity to balance the town’s interest in ensuring an intentional multimodal design with your clients interest in reducing the risk of prohibitive development costs. I look forward to continuing that conversation and see what common ground we can find.

Regarding the deadline, I just wanted to reiterate that Planning recommends another administrative continuance so that the Planning staff and the Town Engineer have enough time to review the TIA prior to my internal staff report deadline, which is Tuesday, October 31, next week and the Town Engineer will be away at a conference starting Monday, October 30. I look forward to hearing what you learn from Travis and where he is at in his analysis, so that we will now how to proceed. Again, feel free to call or email me, as this is a time sensitive matter.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Wednesday, October 25, 2023 2:37 PM
To: Alaina Mallette <amallette@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>
Subject: RE: Mill Creek - Special Use Permit

Alaina,

Travis is still working with James on the TIA information, mostly related to comments on exploring multi-modal connectivity options. I don't think we are going have that resolved before end of day today. I know you have to prepare information for the 11/8 agenda meeting, but is today the drop deadline on receiving information for the agenda packet?

Thanks,

Paul Saathoff
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>
Sent: Tuesday, October 10, 2023 9:29 AM

To: Paul Saathoff <psaathoff@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: RE: Mill Creek - Special Use Permit

Hi Paul,

A quick summary of our call for both of our references:

- You and your team have reduced the authorized land uses table down by ~40 uses that don't fit the site and have sent the list to Mr. Klug for comment and approval.
- You still have to follow up with Travis re: TIA, but will share with him the updated land use table so that he only needs to address those land uses that are being proposed. He will have to include projections for pedestrian and multimodal trips, per James Michel's 9/12/23 email.
- After Planning Board meeting and looking into the Mill Creek Master Plan for pedestrian/multimodal connectivity, it appears that Mill Creek was originally intended to include "efficient circulation and access of pedestrian and vehicular movement."
 - You can read staff's original comments on the previous version of the application in the attached draft staff report that did not go to Town Council due to the request for continuance, particularly pp. 5-15 and Attachment A.
 - Planning staff believe that including additional narrative, modified Master Plan text, or an additional map addressing multimodal connectivity to the proposed land uses would go far to address SUP criteria B, D, and E.
- You are working on reformatting the table to include a column for "x" that clarify what are the actual proposed permitted land uses.

The deadline to receive materials for November Town Council in October 25, 2023, EOB, so please feel free to contact me any time between now and then if you'd like to hear our perspective.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Alaina Mallette
Sent: Monday, October 9, 2023 2:41 PM
To: 'Paul Saathoff' <psaathoff@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

I'll give you a call at 9:00 a.m. tomorrow, then. Talk to you then.

Alaina Mallette, MSc

Senior Planner

Town of Southern Pines

801 SE Service Road

Southern Pines, NC 28387

Office: (910) 692-4003

<http://www.southernpines.net/>



From: Paul Saathoff <psaathoff@koontzjones.com>

Sent: Monday, October 9, 2023 1:27 PM

To: Alaina Mallette <amallette@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

I'm available anytime tmrw morning

Paul Saathoff

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150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>

Sent: Monday, October 9, 2023 10:30 AM

To: Paul Saathoff <psaathoff@koontzjones.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Hi Paul – I just remembered, I have an appointment at 4:00 p.m. and will be leaving between 3 and 3:30 p.m. this afternoon. Would tomorrow morning between 9:00 a.m. and 12:00 p.m. work for you?

Best,
Alaina

From: Paul Saathoff <psaathoff@koontzjones.com>

Sent: Monday, October 9, 2023 10:00 AM

To: Alaina Mallette <amallette@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Let's just plan on connecting after your meeting. Thanks!

Paul Saathoff

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150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>

Sent: Monday, October 9, 2023 9:56 AM

To: Paul Saathoff <psaathoff@koontzjones.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Hello Paul,

I have a staff meeting at 2:30, but I think we can cover everything over the phone between 2 and 2:30. If you need more time to prepare things, I can call after our meeting, which will most likely be around 3:30. Let me know what would work best for you.

Best,
Alaina

From: Paul Saathoff <psaathoff@koontzjones.com>

Sent: Monday, October 9, 2023 9:39 AM

To: Alaina Mallette <amallette@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Hey Alaina – I'm available this afternoon... anytime after 2:00 would work.

Thanks,

Paul Saathoff

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150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

From: Alaina Mallette <amallette@southernpines.net>

Sent: Thursday, October 5, 2023 4:38 PM

To: Paul Saathoff <psaathoff@koontzjones.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: RE: Mill Creek - Special Use Permit

Good afternoon, Paul,

The next internal staff report deadline for the SU-01-23 Mill Creek SUP amendment staff report is November 1 at noon, so I'll need all updated materials by EOB on October 25, 2023. Can we schedule a quick phone call to discuss where we are with this application? I have all day tomorrow, Friday, October 6, 2023, and Monday afternoon, October 9, 2023, available.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Paul Saathoff <psaathoff@koontzjones.com>
Sent: Monday, August 14, 2023 9:13 AM
To: Cindy Williams <CWilliams@southernpines.net>; Plan <plan@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Alaina Mallette <amallette@southernpines.net>; Bob Koontz <bkoontz@koontzjones.com>
Subject: Mill Creek - Special Use Permit

All,

Please see the attached PDF of the Special Use Permit application for Mill Creek. A PDF of the original 1998 document w/ tracked changes is also attached. Hard copies and a check for the application fee will be dropped off at the planning office in a few. Let us know if you have any questions or need anything else.

Thanks,

Paul Saathoff

KOONTZJONESDesign

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150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: OA-05-23: Traffic Impact Analysis Process and Content Text Amendments to the Unified Development Ordinance (UDO).

Date: February 13, 2024

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Public Works Department is proposing text amendments to Unified Development Ordinance (UDO) §4.12. The proposed amendments are related to the content and review requirements for traffic impact studies that are submitted by developers with development applications. The Planning Department and Public Works Department are requesting Town Council review of the proposed amendments per the review process set forth in UDO §2.17. A copy of UDO §4.12 with proposed additions to text shown underlined and proposed deletions to text shown ~~stricken~~ is attached to this staff report.

II. PLANNING BOARD RECOMMENDATION

The Planning Board held a public hearing on the proposed text amendments on October 19, 2023. Town Engineer James Michel presented a detailed review of each proposed text amendment. Mr. Michel also presented written comments on the proposed text amendments that he received from Mr. Travis Fluitt, a traffic engineer with Kimley Horn. There was one public comment from Mr. Scott Weaver on the proposed text amendment during the public hearing. Mr. Weaver expressed concerns with the increased costs of reviewing traffic impacts associated with proposed development. Upon closing the public hearing, the Planning Board moved to adopt Attachment A of the staff report as a resolution regarding consistency with the Comprehensive Plan, and to recommend approval of OA-05-23 to the Town Council, with the following three modifications to the proposed text:

1. Change the proposed text in UDO §4.12.2(A)(2)(b) from “three hundred (300) or more trips per day or thirty (30) am or pm peak hour trips” to “five hundred (500) or more trips per day or fifty (50) am or pm peak hour trips” per the comment from Travis Fluitt that was presented by Mr. Michel at the hearing.
2. Change the proposed text in UDO 4.12.2(A)(3) from “applicant” to “town.”
3. Change the proposed text in UDO 4.12.2(B)(7) from “applicant” to “town.”

The motion passed on a 5-1 roll call vote with Kim Wade dissenting.

III. TOWN COUNCIL REVIEW:

On October 23, 2023 during the Town Council’s regularly-scheduled Work Session, Town Engineer James Michel held a discussion with Town Council about the pros and cons of third-party review of Traffic Impact Analyses for development projects. Mr. Michel related the discussion to the text amendments that had been reviewed by the Planning Board and that would be scheduled for a Town Council public hearing the following month (November). Following a brief discussion, the Town Council decided to “table” consideration of OA-05-23 until after different text amendments are made to the UDO regarding the legislative vs. QJ decision making process. A discussion with Town Attorney Mac McCarley led the Town Council to discuss tabling OA-05-23 for a timeframe of approximately 60-90 days.

Since the Town Council’s action was on a file not technically on the agenda, and the public hearing on OA-05-23 was more than 10 days away, planning staff administratively continued the file for 90 days per UDO 2.5.14 to the February Town Council Regular meeting.

The Town Engineer has modified the proposed text amendments to 1) eliminate charging a project applicant for the costs associated with third-party review of a TIA, and 2) make the modifications to the number of peak hour trips suggested by the Planning Board. These modifications to the original text amendment are consistent with the Planning Board’s recommendation. A copy of the original proposed set of text amendments that were reviewed by the Planning Board on October 19, 2023 and a set of the text amendments as modified by the Town Engineer prior to the Town Council hearing on February 13, 2024 are attached to this report.

IV. APPLICATION REVIEW:

A. Review Process:

Applications for text amendments are reviewed pursuant to UDO §2.17.

B. Criteria for Review:

When reviewing an application for amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10:

2.17.10. Criteria for UDO Text Amendments

In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

(A) Consistency. *The text amendment shall be consistent with the adopted Comprehensive Plan.*

(B) Health, Safety, and Welfare. *The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.*

(C) Public Policy. *Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*

(D) Other Factors. *The Hearing Body may consider any other factors relevant to a text amendment application under state law.*

(E) Impacts. *The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

C. Staff Comments:

A narrative explaining the story behind the original proposed text amendments has been provided by the Town Engineer Mr. James Michel and is attached to this staff report. Mr. Michel is available during regular business hours prior to the Town Council public hearing on February 13, 2024 for questions and/or to discuss any of the proposed amendments. The proposed amendments will be presented to the Town Council and public at the February 13, 2024 Town Council Regular meeting.

The proposed amendments are to clarify and improve the requirements for studying the impacts to traffic resulting from proposed development. The new 2040 Comprehensive Plan sets forth a goal of improving transportation safety, mobility and travel options (Goal 8). Goal 8 also sets forth policies related to overall efficiency of the transportation system. The purpose of a TIA, as described in §4.12 of the UDO, is not only to study vehicular traffic, but also to study adequate facilities for pedestrians, transit users and bicyclists. Therefore, it is reasonable to conclude that ensuring appropriate study and mitigation of development impacts is consistent with Goal 8. More specifically, an argument can be made that the proposed amendments to the UDO will enhance consistency of the UDO with Policies 8.1 and 8.5. Planning staff recommends approval of the proposed amendments.

D. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport and representatives of the Town of Southern Pines on September 29, 2023.

As of the completion of the staff report on October 9, 2023 responses have been received from Southern Pines Utility Superintendent Ron Istre and RLUAC stating that both entities have no comment on the proposed amendments. Any additional responses received from other agencies following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

V. ATTACHMENTS:

1. Planning Board Resolution Regarding Comprehensive Plan Consistency.
2. Sections of the current UDO with proposed amendments, using ~~strikeout~~ for proposed deletions and underline for proposed additions.
 1. Planning Board hearing version.
 2. Town Council hearing version (modified by Town Engineer).
3. Narrative from Town Engineer Mr. James Michel, October 9, 2023.

VI. TOWN COUNCIL ACTION:

The Town Council shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Plan. Per NCGS §160D-605, the Town Council shall approve a brief statement addressing plan consistency and reasonableness of the proposed amendment. The Town Council may wish to use the following motions for guidance:

I move that after considering the criteria for text amendment found in in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that:

1. The proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution regarding consistency with the Comprehensive Plan, with the exception that third-party review of Traffic Impact Analyses and charging applicants for this review has been removed from the amendments. With that change, the Town Council adopts the Planning Board resolution that is included as an attachment to the staff report for OA-05-23;
2. The proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution regarding consistency with the Comprehensive Plan, with the exception that third-party review of Traffic Impact Analyses and charging applicants for this review has been removed from the amendments. With that change, the Town Council adopts the Planning Board resolution that is included as an attachment to the staff report for OA-05-23, but with the following edits or additions to Attachment 1...
3. The proposed text amendment is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. Approve OA-05-23, Modified Town Council Hearing Version, as attached to the staff report; OR,
2. Approve OA-05-23, Modified Town Council Hearing Version, as attached to the staff report, but with the following changes:
3. Deny OA-05-23 (*the Town Council shall state any reasons for denial of the proposed amendment*); OR,
4. Other...



ATTACHMENT A

**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ORDINANCE AMENDMENT APPLICATION
OA-05-23**

WHEREAS, Section 160D-701 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to protect the public health, safety and general welfare; and

WHEREAS, Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted Comprehensive Plan and on other matters as deemed appropriate by the Planning Board, and that the Planning Board shall provide this in the form of a written recommendation to the Town Council; and

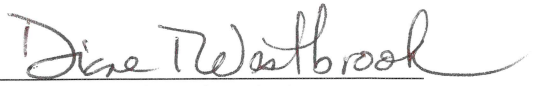
WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on October 19, 2023 to listen to public comments, ask questions of the Town's Public Works and Planning staff and to consider ordinance amendment application OA-05-23.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by town staff are reasonable, in the public interest and are generally consistent with the Town of Southern Pines Comprehensive Plan (Comprehensive Plan).

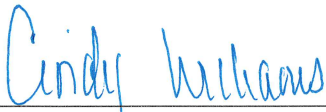
The 2040 Comprehensive Plan identifies improving transportation safety, mobility and travel options as a goal. Development creates impacts to the town's transportation system and traffic studies are required of developers to identify impacts and ensure adequate mitigation of impacts. A Traffic Impact Study/Traffic Design Analysis is a highly technical document prepared by a consulting transportation engineer on behalf of a developer. Requiring third-party review by an expert in transportation engineering on behalf of the citizens of the Town of Southern Pines is a better way to ensure an appropriate scope of study and mitigation of projected impacts. Therefore the proposed amendments to Section 4.12 of the UDO are consistent with Goal 8 and Policies 8.1 and 8.5 of the 2040 Comprehensive Plan.

Therefore, the proposed text amendments are reasonable and in the public interest and consistent with the 2040 Comprehensive Plan.

ADOPTED this the 19th day of October, 2023.


Diane T. Westbrook, Chair

ATTEST:


Cindy Williams
Secretary to the Planning Board

MEMO

To: BJ Grieve, Planning Director
From: James Michel, PE Town Engineer/Assistant Public Works Director
Date: 10-9-2023
Re: UDO Amendment to Section 4.12 Transportation/Traffic Analyses

The Town of Southern Pines Unified Development Ordinance (UDO) presently requires that certain developments perform transportation and traffic analyses (TIA). These analyses are performed by professional engineers who submit to the Town for review and approval. The result of the analyses identifies existing and potential deficiencies in the transportation network near a given development, and improvements that are needed to correct the deficiencies. TIA's are performed utilizing sophisticated modeling software and are based on established engineering principles. Knowledge of the software and the various inputs is critical to correctly setting up the models. The inputs are based on assumptions determined by the preparing engineer. These assumptions/inputs can have an impact on the final results of the modeling exercise. Knowledge and understanding of these factors is critical to execution of the study. Town staff has attended the NCDOT training sessions for reviewing TIA's, but does not have any background or experience utilizing the modeling software.

Town Council has expressed concern with the potential for bias and/or the appearance of a conflict since the preparing engineer is hired by the developer. Council asked staff to look into utilizing the services of a third-party traffic engineer to assist the Town with reviewing TIA's. The proposed text amendments include language that would add the process to implement this type of review. There are some additional amendments to add clarifying language to the UDO that better match with how TIA's are performed and reviewed.



ORDINANCE # 3026
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF SOUTHERN PINES
OA-05-23

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, at its regular meeting held on February 13th, 2024 at 6:00 PM for the purpose of considering an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and.

WHEREAS, after the completion of said public hearing, and upon consideration of any comments, objections or presentations at the hearing, the Town Council of the Town of Southern Pines deems it advisable and in the best interest of the Town of Southern Pines that the Unified Development Ordinance of the Town of Southern Pines be amended as herein set forth below.

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 13th day of February, 2024:

Section 1. That §4.12. of the Unified Development Ordinance is hereby amended as depicted on Attachment A to this Ordinance, wherein deletions to the current text are depicted as ~~stricken~~ and additions to the text are depicted as underlined.

Section 2. That this Ordinance shall be and shall remain in full force and effect from the date of its adoption.

Adopted this 13th day of February 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on February 13th, 2024 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

ATTACHMENT A

- posts that differ from standard Town type materials usually required by and used by the Town.
- (F) If approved by the Town, the use of specialty Signs and posts in any Subdivision or any site, that approval is subject to the Town receiving a letter from the owner Developer or homeowners association specifically agreeing to each of the following:
- (1) All Sign faces shall be made of reflective Sign material conforming to the requirements of NCDOT. The Sign face dimensions and the positioning of the Sign and post with respect to the street pavement and/or the intersection must conform to the requirements of the Manual for Uniform Traffic Control Devices. The location of each specialty Sign and post must be approved by the Town of Southern Pines prior to installation of that Sign and post.
 - (2) The Developer, the owner, or the homeowners association shall be responsible for all installation costs associated with the specialty Signs and posts.
 - (3) The Developer, the owner, or the homeowners association shall be responsible for the perpetual maintenance of specialty Signs and posts for which they requested Town approval.
 - (4) If the Developer, the owner, or the homeowners association fails to fulfill its responsibility for maintenance of these specialty Signs and posts, the Town of Southern Pines shall install its standard Sign materials and the Developer, the owner or the homeowners association shall be required to remove the specialty Signs and posts and at no cost to the Town. The cost of materials and installation of the standard street name Signs, standard traffic control Signs and posts needed to replace the specialty street name Signs, specialty traffic control Signs and posts that have not been properly maintained shall be borne by the owner, the Developer or the homeowners association of the Subdivision of the site, whichever is appropriate.

- (5) The Developer, the owner or the Applicant shall inform purchasers of its property of the conditions and responsibilities of the homeowners association pertaining to perpetual maintenance responsibility for the specialty Signs and posts within the Subdivision or on that site.

4.11.23. Pavement Markings and Pavement Materials

All pavement markings and materials in Public Street pavement shall be approved by the Permit Issuing Authority for the Public Street. Pavement markings and material changes to street pavement shall be limited to pedestrian crossings, lane markings, edge of pavement marking and traffic warning or control markings or materials approved by the Town Engineer and should be consistent with the standards of the Manual on Uniform Traffic Control Devices.

4.11.24. Sidewalk Accessibility

If there is an existing or proposed sidewalk adjacent to a proposed or developing piece of property then such Development must extend such a sidewalk to the primary entrance of the Building.

4.12. TRANSPORTATION /TRAFFIC ANALYSES

4.12.1. Purpose.

The intent of this section is to provide the information necessary to allow decision-makers to assess the adequacy of available capacity to meet existing, projected and proposed demand at adopted levels of service. Traffic Impact Analyses (TIA) are intended for Developments having traffic impacts on major streets, multiple streets or multiple intersections. Traffic Design Analyses (TDA) are intended for Developments having more localized impacts. Where there is not sufficient available capacity to meet these demands, the traffic study should identify improvements required to accommodate proposed demand and maintain adopted levels of service. A traffic study will be required for Development applications exceeding specific trip generation thresholds established in this section.

4.12.2. Types of Studies and Applicability

(A) Traffic Impact Analysis (TIA)

- (1) Purposes: The purposes of a TIA will be to:
 - (a) Evaluate traffic operations and impacts at site access points under projected traffic loads;
 - (b) Evaluate the impact of site-generated traffic on affected intersections in the impact area;
 - (c) Evaluate the impact of site-generated traffic on the quality of traffic flow on public streets located in the Impact area;
 - (d) Evaluate the impact of the proposed Development on ~~residential~~ streets in the impact area;
 - (e) Ensure that site access and other improvements needed to mitigate the traffic impact of the Development meet commonly accepted engineering design standards;
 - (f) Ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided; and
 - (g) Identify transportation infrastructure needs and related costs created by the Development and cost sharing for needed improvements.
- (2) Applicability: A TIA will be required prior to approval of a Preliminary Plat; ~~Preliminary Development Plan; Architectural Compliance Permit~~ Site Plan (when not completed previously in the development review process for the proposed Development), Zoning Map Amendment Conditional Zoning District, or Special Use Permit for Development that exceeds the following thresholds in one or more Development Applications submitted for a Parcel or contiguous Parcels under common ownership at the time of the adoption of this UDO or at the time of the Development application:

- (a) The proposed Development will generate more than 1,000 average daily trips or more than one hundred (100) am or pm peak hour trips at full occupancy, according to the most current version of the ITE Trip Generation Informational Report or comparable research data approved by the Town Engineer; or
- (b) The proposed Development will concentrate ~~three hundred (300) or more trips per day or thirty (30) five hundred (500) or more trips per day or fifty (50) am or pm peak hour trips~~ through a single access point.

(Ord. # 1919)

- (B) **Traffic Design Analysis (TDA).** All Development projected to generate two hundred (200) average daily trips or twenty (20) am or pm peak hour trips more than existing conditions that does not require a TIA shall be required to complete a Traffic Design Analysis (TDA). The purposes of a TDA will be to:
 - (1) Ensure that the proposed street layout is consistent with adopted road design standards;
 - (2) Ensure the proper design and spacing of site access points and identify where limitations on access should be established;
 - (3) Ensure that potential safety problems have been properly evaluated and addressed;
 - (4) Ensure that internal circulation patterns will not interfere with traffic flow on existing public streets;
 - (5) Ensure that appropriate facilities for pedestrians, transit users and bicyclists have been provided in plans for the Development; and
 - (6) Identify the transportation infrastructure needs and related costs created by the Development.

4.12.3. Waiver

The requirements of this section for a TIA or TDA may be waived by the Town Engineer upon determining that such report is not necessary to determine needed road improvements, that adequate capacity exists to serve the proposed Development, and that no unsafe or hazardous conditions will be created by the Development as proposed.

4.12.4. Preparation

The cost of TIA or TDA preparation shall be the responsibility of the Applicant. The Applicant shall retain the services of a qualified traffic engineer approved by the Town Engineer. A TIA shall be sealed by a licensed professional engineer.

4.12.5. Traffic Level of Service Standards

The standards for traffic service that shall be used to evaluate the findings of a TIA or TDA are:

- (A) Level of Service. Level of Service (LOS) ~~D (LOS-D)~~ or less congested shall be maintained at all arterial and collector street intersections. LOS C or less congested shall be maintained at all other street intersections. For multi-phase Developments, the applicable levels of service shall be maintained for each phase. No Development shall result in the following unless specifically approved by the Town Council:
 - (1) The total average delay at an intersection increases by 25% or greater, resulting in LOS D or more congested for arterial and collector streets, or resulting in LOS C or more congested for all other streets;~~t~~
 - (2) The intersection LOS degrades by at least one level, resulting in LOS E or more congested for arterial and collector streets, or LOS D or more congested for all other streets;
 - (3) The intersection LOS degrades by more than two (2) letters; or

- ~~(4) Any individual approach delay increases by 10% or greater, resulting in LOS E or worse;~~
- ~~(1) he decline in the level of service of an adjacent street by more than two (2) letters (e.g., a drop from LOS A to LOS D) unless specifically approved by the Town Council.~~
- (B) Number of Access Points. The spacing of access points shall comply with applicable Town, ~~s~~State, and AASHTO standards.
- (C) Internal Circulation. On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic at projected volumes.
- (D) Safety. Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic pursuant to section 4.11.5.
- (E) Curb Space Use Plan. Details shall be provided on curb space use on public streets along the edge of the Development site when it is intended that such areas be used for parking, parking space access, delivery and loading zones, passenger zones, bus stops, fire zones and/or other official/emergency zones. This review shall include a description of existing conditions prior to Development, and proposed changes resulting from the Development, including a description of any loss or gain in curb space use by the activities intended.
(Ord. #1745)

4.12.6. Traffic Analysis Contents

- (A) A TIA shall be based on peak hour traffic and shall contain information addressing the factors listed below.
 - (1) Project and Site Description. The analysis shall contain illustrations and narratives that describe the characteristics of the site and adjacent land uses as well as expected Development in the Impact area that will influence future traffic

conditions. A description of the proposed Development including access plans, phasing plans and an indication of land use and intensity, shall be provided.

- (2) Study Area. The analysis shall identify the geographic area under study and identify the critical intersections and access points to be analyzed. Unless an alternative is approved the Town Engineer, the study shall include: all intersections and driveways on or within 150 feet of the site; all unsignalized intersections along collector or arterial streets within one-quarter (¼) mile of the site driveways; and all intersections along arterial streets that the proposed Development is projected generate five (5) percent or more of the peak hour traffic and all signalized intersections along collector or arterial streets within one-half (1/2) mile of the site driveways. Additional intersections may be requested or deleted at the discretion of the Town Engineer.
- (3) Existing Traffic Conditions. The analysis shall contain a summary of the data used in the analysis of existing traffic conditions, including:
- (a) Existing Demand, including traffic count and turning movement information, including the source of and date when traffic count information was collected;
 - (b) Roadway characteristics, including the design configuration of existing roadways, existing traffic control measures (speed limits, traffic signals, etc.) and existing driveways and turning movement conflicts in the Impact area; and
 - (c) The existing LOS for roadways and intersections without project Development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. LOS shall be calculated for the weekday am and pm peak hours and, in the case of uses

generating high levels of weekend traffic, the Saturday or Sunday peak hour as determined by the Town Engineer.

- ~~(c)~~(4) Projected Traffic Volume. The TIA shall identify projected peak ←
hour traffic volumes for applicable intersections and driveways in the study area. The p~~Projected trip generation shall be based on latest data from the ITE Trip Generation Manual or other studies approved in writing by the Town Engineer. The analysis shall be based on buildout projections and a minimum ten (10) year background projections from the current year. The analysis shall compare existing demand plus projected demand plus proposed demand with planned capacity for the applicable projections.~~
- (5) Traffic Assignment and Distribution. The TIA shall identify projected peak hour traffic volumes for applicable intersections and driveways in the study area. The Town Engineer analysis shall identify applicable intersections, driveways and traffic distribution assumptions prior to completion of the study. Projected trip generation shall be based on latest data from the ITE or other studies approved in writing by the Town Engineer. This section will document all assumptions affecting the direction, volume, and mode split of traffic generated by the project.
- (6) The projected LOS for roadways and intersections without ←
project Development traffic, and with the project Development traffic, using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. LOS shall be calculated for the weekday am and pm peak hours and, in the case of uses generating high levels of weekend traffic, the Saturday or Sunday peak hour as determined by the Town Engineer. LOS of service and delays shall be provided for the intersection and for each approach.

~~(B) Turn Lane Warrant Analysis. At new site driveways and intersections, a turn-lane warrant analysis shall be performed in accordance with the NCDOT Driveway Manual or other approved industry standards.~~

~~(4) _____~~

~~(B) Analysis. The analysis shall be based on buildout and ten (10) year projections. The analysis shall compare existing demand plus projected demand plus proposed demand with planned capacity for the applicable projections.~~

(C) Mitigation Alternatives. In situations where the LOS standards are projected to be exceeded ~~for the buildout year for residential and the 10 year projection for commercial and mixed use Developments~~, the analysis shall evaluate each of the following alternatives for achieving the traffic service standards:

- (1) Identify additional Right-of-Way and street improvements needed to implement mitigation strategies;
- (2) Identify suggested phasing of Development and transportation improvements where needed to maintain compliance with LOS standards;
- (3) For Developments impacting constrained facilities, identify access, pedestrian, transit or other improvements required to mitigate the impacts of the proposed Development on the constrained facility.
- (4) In the event that the proposed mitigation is not permitted by NCDOT, the Development shall provide the most effective mitigation to improve LOS allowed by NCDOT.

(D) A TDA shall include the information required for a TIA, except as modified by the Town Engineer. The study area for a TDA shall include all street segments, intersections and driveways on or within 150 feet of the site driveway(s).

(Ord. #1745)

4.12.7. Process for the Review and Preparation

The following steps provide an outline of the steps to be included in the preparation and review of a Traffic Impact Analysis:

- (A) The Applicant shall meet or correspond with the Town Engineer to determine whether a TIA needs to be prepared for a proposed Development application, and to identify study issues, assumptions, projections and time periods to be analyzed, analysis procedures, available sources of data, past and related studies, report requirements and other topics relevant to study requirements. NCDOT shall be contacted and coordinated with as appropriate when the TIA includes state or federal highways as points of access for a Development.
- (B) Following initial completion of a TIA, the report shall be submitted to the Planning Director and the Town Engineer and the Applicant shall be responsible for distribution to all jurisdictions involved in the construction and maintenance of public roadways serving the Development. If direct access is being proposed to a State Highway, the Applicant shall also submit the TIA to NCDOT, if not previously submitted.
- (C) Within five (5) business days, the Town Engineer shall complete an initial review to determine the completeness of the analysis and shall provide a written summary to the Applicant outlining the need for any supplemental study or analysis to adequately address any deficiencies. A meeting to discuss the contents and findings of the report and the need for additional study may be requested by the Applicant. NCDOT approval shall be required for any traffic mitigation involving the state system.
- (D) Within thirty (30) days of submittal of a complete application, the Town Engineer shall prepare a report outlining recommendations that have been developed to address the findings and conclusions included in the analysis regarding the proposed Development's access needs and impacts on the transportation system. Depending on the type of

application, the recommendations may be presented to the Planning Board and/or Town Council.

(E) In the case of a TIA or TDA showing deficiencies requiring mitigation within the public Right-of-Way, ~~negotiations based on the conclusions and finding resulting from the TIA or TDA shall be held with appropriate Town staff. If~~ the subsequent Development Approval ~~or, at the option of the Applicant, a Subdivision Performance Guarantee or Development Agreement,~~ shall identify the Applicant’s and the Town’s responsibilities for implementing identified mitigation measures. A Subdivision Performance Guarantee or Development Agreement may be used to assure completion of required mitigation.

(Ord. #1745; Ord. #1919)

4.12.8. Findings

- (A) If the proposed Development; ~~either residential, commercial, or mixed-use,~~ meets the applicable service level standards and the project only affects Town or private streets, the Town Engineer shall recommend acceptance of the traffic analysis and its findings.
- (B) If the proposed Development; ~~either residential, commercial, or mixed-use,~~ meets the applicable service level standards and the project affects any NCDOT street, the Town Engineer shall not make a recommendation to either accept or deny the traffic analysis until the Town Engineer is in receipt of an official comment from NCDOT.
- (C) If the proposed residential Development will not meet applicable service level LOS standards ~~at the buildout projections or if the proposed commercial or mixed-use Development will not meet applicable service level standards at the buildout or 10-year projections,~~ the Town Engineer shall recommend denial of the traffic analysis unless the Applicant submits a mitigation plan that, in the opinion of the Town Engineer, addresses the deficiencies through one or more of the following actions:

- (1) Reduce the size, scale, scope or density of the Development to reduce traffic generation;
- (2) Divide the project into phases and with only one phase at a time being authorized until traffic capacity is adequate for the next phase of Development;
- (3) Dedicate Right-of-Way for street improvements;
- (4) Construct new street improvements;
- (5) Expand the capacity of existing streets and/or intersections;
- (6) Redesign ingress and egress to the project to reduce traffic conflicts;
- (7) Alter the use and type of Development to reduce peak hour traffic;
- (8) Reduce background traffic;
- (9) Eliminate the potential for additional traffic generation from undeveloped properties in the impact area; or
- (10) Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation.

(Ord. #1745)

4.13. FLOOD HAZARD AREAS

4.13.1. Statutory Authorization, Purpose, Objectives

- (A) The Flood Hazard Overlay District (**FHO**), as established in section 3.6.9 is designed for the purpose of protecting people and property from the hazards of flooding in accordance with the authority provided in Part 6, Article 21 of Chapter 143; Article 8 of Chapter 160A; and Articles 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes. This section 4.13 shall be known as the Town of Southern

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: PD-05-23: Planned Development District - Preliminary Development Plan for the 10th phase of the Morganton Park North Planned Development located between Pavilion Way and South Carlisle Street; Petitioner: Pinehurst Surgical Clinic Realty, LLC by Koontz Jones Design, Agent

Date: February 13, 2024

I. PURPOSE

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the planning director or town attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Planning staff have prepared a draft of the written decision of the Town Council’s approval of application PD-05-22 that was heard by the Town Council at the Work Session on January 23, 2024 that the Town Council may now wish to adopt. If the Town Council approves the drafted written decision, the Mayor will sign the document. The original signed version will be delivered to the applicant, authorized agent, and property owner with Planning staff and the Town Clerk maintaining copies of the signed document for their respective files.

II. SUMMARY OF APPLICATION REQUEST

Mr. Bob Koontz, on behalf of Pinehurst Surgical Clinic Realty, LLC, submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for 160,000 square feet of medical office space on 8.7 acres of the parcel identified as PIN 857100597408 (PARID 20190272). Per the Moore County tax record, the subject property is owned by Pinehurst Surgical Clinic Realty, LLC.

The application is for the 10th phase of development within the Morganton Park North Planned Development district.

III. TOWN COUNCIL EVIDENTIARY HEARING AND ACTION

An evidentiary hearing regarding a proposed Planned Development Preliminary Development Plan (PDP) for Morganton Park North Phase 10 was called to order with four members present on January 23, 2024 (a fifth member had not yet been appointed

to fill a vacancy). The hearing was held on this date after having been scheduled for January 9, 2024 because the Regular Meeting on January 9, 2024 was cancelled due to weather. The Mayor administered the oath to all witnesses choosing to speak. BJ Grieve, Planning Director, briefly introduced the application. Bob Koontz with KoontzJones, PLLC, representing the applicant made an applicant presentation that was entered into the record as Exhibit A. Travis Fluitt, Traffic Engineer with Kimley Horn, then addressed the Traffic Impact Analysis. BJ Grieve, Planning Director, then made a brief staff presentation (Exhibit B) and recommendation for approval as submitted and as described in the revised PDP narrative documents. No members of the public spoke regarding the application.

The Town Council voted 4-0 to adopt Attachment 1 of the staff report as Finding of Facts. The Town Council then voted 4-0 to approve PD-05-23 as set forth in the application materials.

IV. ATTACHMENTS

1. Written Decision of the Board: PD-05-23

V. TOWN COUNCIL ACTION

The Town Council may wish to take one of the following actions.

1. No action;
2. Accept the Written Decision for PD-05-23 as prepared by the Town staff;
3. An action listed above with the following conditions...; or
4. Action not listed above...

TOWN OF SOUTHERN PINES

WORK SESSION MEETING OF THE TOWN COUNCIL

January 23, 2024

3:00 pm

E.S. Douglass Community Center

1185 W Pennsylvania Ave, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: PD-05-23

Written Decision of the Board for PD-05-23: A Planned Development District - Preliminary Development Plan for Morganton Park North Phase 10

An evidentiary hearing regarding a proposed Planned Development Preliminary Development Plan (PDP) for Morganton Park North Phase 10 was called to order with four members present on January 23, 2024 (a fifth member had not yet been appointed). The hearing was held on this date after having been scheduled for January 9, 2024 because the Regular Meeting on January 9, 2024 had been cancelled due to weather. The Mayor administered the oath to all witnesses choosing to speak. BJ Grieve, Planning Director, briefly introduced the application. Bob Koontz with KoontzJones, PLLC, representing the applicant, then made an applicant presentation that was entered into the record as Exhibit A. Travis Fluitt, Traffic Engineer with Kimley Horn, then addressed the Traffic Impact Analysis. BJ Grieve, Planning Director, then made a brief staff presentation and recommendation for approval as submitted and as described in the PDP narrative documents. No members of the public spoke regarding the application. For detailed minutes on the topics discussed during the evidentiary hearing, see the Town Clerk's minutes for each meeting.

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 approved the following findings of fact on the application by a vote of 4-0:

The Council 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 1 of PD-05-23:

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 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:

The Town Council finds that the application complies with UDO §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 PD district and the UDO.

The Morganton Park North CDP is a mixed-use development that was approved in 2018. The CDP does not set forth a clear “purpose” for the development but does describe allowable land uses as General Business and Office Services. Prior phases of development have resulted in an elementary school, four medical office buildings, three apartment complexes and one vertical mixed-use building containing restaurants, medical and real estate office, and other land uses.

The purposes of a PD district are described in UDO §3.5.14. Based on the planning staff’s review of §3.5.14 PD - Planned Development District in the UDO and based on testimony and evidence presented at the evidentiary hearing held January 9, 2023, the Town Council does not find significant inconsistency between the proposed land uses in Morganton Park North Phase 10 and the text of either document.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO.

Based on statements made in the revised application materials attached to the Planning Department’s staff report dated January 9, 2024, the Town Council feels that the application contains enough information and commitments to be deemed generally consistent with the CDP and UDO. Therefore, the PDP is appropriate given the specific mix of uses and character of the development and achieves an efficient, safe, or economical land use without detracting from the quality of the overall Morganton Park North development or the community as a whole.

3. The proposed Development is located in an area of the Town that is appropriate.

The proposed development is the tenth phase of the mixed-use Morganton Park North CDP. The area being developed is designated “Traditional Mixed-Use” in the Comprehensive Long-Range Plan (CLRP) under which this project is vested. The proposed land use will provide additional medical services and will further expand a substantial growing job base within walking distance of nearly 700 apartment units, a traditional residential community, an elementary school, restaurants, a grocery store and eateries. Building heights are restricted to 50’; it is noted by the Town Council that a 50’ building will be noticeable in this location as a high point in the Morganton Park North development. However, medical facilities in excess of 10,000 square feet are allowed to be up to 50’ in height per UDO 4.2.1(H)(6) and this was not modified when the CDP was approved.

The Town Council finds that given the prior nine phases of development of Morganton Park North, the CLRP designation and the relative convenience of the location near a variety of existing and planned land uses, the proposed development is located in an appropriate area of town. Furthermore, the development is located in an area of town with existing access to necessary infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes.

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, Development of the subject property in the manner proposed is an efficient way to increase jobs and tax based and provide additional medical care for the community and region.

Decision of the Council:

By a vote of 4-0 the Town Council voted to approve the Preliminary Development Plan Application PD-05-23 with no additional conditions.

This is the 13th day of February, 2024.

FOR THE TOWN COUNCIL:

Taylor Clement, Mayor

cc: Pinehurst Surgical Clinic Realty, LLC cgregg@pinehurstsurgical.com
Robert Koontz, KoontzJones Design, bkoontz@koontzjones.com

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: SU-02-23: Special Use Permit for a Major Subdivision of 13 Townhomes with Common Area Adjacent to Existing On-Site Uses at 730 S. Bennett St.; Petitioner: PTAH, LLC by Crawford Design Company, Agent

Date: February 13, 2024

I. PURPOSE

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the planning director or town attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Planning staff have prepared a draft of the written decision of the Town Council’s approval of application SU-02-23 that was heard by the Town Council at the Work Session on January 23, 2024 that the Town Council may now wish to adopt. If the Town Council approves the drafted written decision, the Mayor will sign the document. The original signed version will be delivered to the applicant, authorized agent, and property owner with Planning staff and the Town Clerk maintaining copies of the signed document for their respective files.

II. SUMMARY OF APPLICATION REQUEST

Mr. Kevin Lindsay of Crawford Design Company, on behalf of PTAH, LLC, submitted a Special Use Permit and Major Subdivision application pursuant to §2.20 Major Subdivision and §2.21 Special Use Permit of the Town of Southern Pines Unified Development Ordinance (UDO) to subdivide the parent tract into 13 townhomes with a homeowners association and two additional lots for existing land uses for a total of 16 lots. The parent tract contains two existing buildings: a 1,700-square foot warehouse that is a non-conforming land use and a 1,160-square foot mixed-use building. The subject property is located on S. Bennett Street between Bradford Village Court and W. Morganton Road. Per the Moore County tax records, the property is identified as PARID 00033063 and is owned by PTAH, LLC.

III. TOWN COUNCIL EVIDENTIARY HEARING AND ACTION

An evidentiary hearing regarding a proposed Major Subdivision and Special Use Permit was called to order with four members present on January 23, 2024 (a fifth member had not yet been appointed to fill a vacancy). The hearing was held on this date after having been scheduled for January 9, 2024 because the Regular Meeting on January 9, 2024

was cancelled due to weather. The Mayor administered the oath to all witnesses choosing to speak. Alaina Mallette, Senior Planner for the Town of Southern Pines presented the staff report and BJ Grieve, Planning Director for the Town of Southern Pines, entered the applicant's preliminary plat into the record as Exhibit A and staff's report as Exhibit B. Kevin Lindsay of Crawford Design Company, authorized agent for the applicant and property owner PTAH, LLC, presented and entered a list of key points into the record as Exhibit C. The applicant, Andy Bleggi of PTAH, LLC, addressed several questions from town council regarding lot sizes and building design. Two additional members of the public swore in as witnesses expressing concern over the impact of the proposed development on gentrification. After closing the hearing on January 23, 2023, Town Council discussed and voted on the draft findings of fact.

The Town Council voted 4-0 to adopt Attachment 1 of the staff report as Finding of Facts. The Town Council then voted 4-0 to approve SU-02-23 with a deviation as requested by the applicant to allow 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line, as set forth in the application materials. The Town Council also voted 4-0 to approve WP-04-23, concurrently, with SU-02-23, which granted 1.19 acres of 5/70 watershed exemption allocation.

IV. ATTACHMENTS

1. Written Decision of the Board: SU-02-23

V. TOWN COUNCIL ACTION

The Town Council may wish to take one of the following actions.

1. No action;
2. Accept the Written Decision for SU-02-23 as prepared by the Town staff;
3. An action listed above with the following conditions...; or
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR MEETING OF THE TOWN COUNCIL

February 13, 2024

6:00 pm

E.S. Douglass Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: SU-02-23

**Matter at Issue: Special Use Permit for a Major Subdivision of 13 Townhomes with Common Area Adjacent to Two Existing On-Site Uses at 730 S. Bennett St. (Total of 16 Lots);
Petitioner: PTAH, LLC by Crawford Design Company, Agent**

Mr. Kevin Lindsay of Crawford Design Company, on behalf of PTAH, LLC, submitted a Special Use Permit and Major Subdivision application pursuant to §2.20 Major Subdivision and §2.21 Special Use Permit of the Town of Southern Pines Unified Development Ordinance (UDO) to subdivide the parent tract into 13 townhomes with a homeowners association and two additional lots for existing land uses for a total of 16 lots. The parent tract contains two existing buildings: a 1,700-square foot warehouse that is a non-conforming land use and a 1,160-square foot mixed-use building. The subject property is located on S. Bennett Street between Bradford Village Court and W. Morganton Road. Per the Moore County tax records, the property is identified as PARID 00033063 and is owned by PTAH, LLC.

A public hearing regarding the proposed Special Use Permit was held on January 23, 2024. The oath was administered to all witnesses choosing to speak. Alaina Mallette, Senior Planner for the Town of Southern Pines presented the staff report and BJ Grieve, Planning Director for the Town of Southern Pines, entered the applicant's preliminary plat into the record as Exhibit A and staff's report as Exhibit B. Kevin Lindsay of Crawford Design Company, authorized agent for the applicant and property owner PTAH, LLC, presented and entered a list of key points into the record as Exhibit C. The applicant, Andy Bleggi of PTAH, LLC, addressed several questions from town council regarding lot sizes and building design. Two additional members of the public swore in as witnesses expressing concern over the impact of the proposed development on gentrification. After closing the hearing on January 23, 2023, Town Council discussed and voted on the draft findings of fact.

Town Council Action on SU-02-23:

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.

Finding of Fact #2

The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criteria A-F, in that:

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

The application is compliant with all regulations of the CB and DTO district standards. The applicant has submitted a concurrent application for a Watershed Protection Permit for 5/70 allocation credits. The applicant will be able to develop up to 70% of the parent tract.

The applicant requests a deviation to allow 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line. According to UDO §3.5.8(C)(3), chain-link fencing in the CB cannot be over 3'. However, UDO §4.7(D) allows for deviation requests from fencing requirements during a special use permit review process. A 4' fence in the rear adjacent to Memorial Park is reasonable to dissuade users from climbing over the fence rather than using the pedestrian connection (i.e., gate). A 6' fence along the side lot lines is reasonable to provide privacy between townhomes and adjacent landowners.

Considering compliance with all other regulations of the applicable zoning district and applicable supplemental regulations, the Town Council finds the application to be compliant and the requested deviation reasonable.

- 2. The proposed special 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 parent tract is in the Downtown Adjacent Neighborhood character district, which promotes mixed land uses and walkable developments that provide in-town living. Therefore, the Town Council believe that townhomes are an appropriate residential building type for the character of the Downtown Adjacent Neighborhood.

- 3. Adequate public facilities shall be provided as set forth herein;**

The Town's geographic information systems spatial data layers show both sewer gravity main and water main lines along S. Bennett Street in front of the parent tract. Furthermore, the applicant intends to extend water and sewer lines into the townhomes along the private drive at the developer's expense. In the applicant's narrative, additional power, trash, natural gas, and cable/internet services are listed. Considering this information, Town Council consider the proposed properties to have adequate public facilities.

- 4. 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;**

No analysis has been submitted on the potential impact of the expanded permitted uses on property values within the neighborhood. However, the applicant did state that “13 townhomes are estimated to produce around 146 trips per day. The Southern Pines UDO requires a traffic design analysis (TDA) for over 200 trips. Therefore, neither a TIA or [TDA] are required.” The applicant included a sidewalk adjacent to S. Bennett Street, which will improve connectivity with the downtown area as well as pedestrian connections to Bradford Village and Memorial Park. Based on evidence presented, Town Council do not identify any indication that the proposed major subdivision will impede orderly development.

5. **The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare;**
Based on evidence presented, Town Council did not identify any indication that the proposed major subdivision will be detrimental to or endanger the public health, safety, comfort or general welfare.

6. **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 applicant claims that the addition of townhomes will increase housing options in an area relatively housing scarce. Town Council find that additional housing in the downtown adjacent neighborhood, in effect, assists the town in implementing the goal to “Expand Housing Options to Help Maintain Affordability in a Way that Protects Neighborhood Character.” There are other townhome developments in the downtown adjacent neighborhood. Therefore, Planning staff believe that the public interest and welfare, if constructed, outweigh individual interests that are adversely affected by the establishment of the proposed use.

Finding of Fact #3

The Town Council finds that the application complies with UDO §2.20.4(G) Criteria for a Major Subdivision Preliminary Plat, Criteria 1-5, in that:

1. **The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;**
Town Council finds that the proposed townhomes will provide additional housing diversity in the area and the proposed subdivision is consistent with the General Framework Map and Conservation and Development Maps, which each categorize the site as an Area to Strengthen and Mixed-Use Area within the Downtown Activity Center. The Public Works Department has plans to extend curb, gutter, and sidewalk down S. Bennett Street and the applicant will be adding curb and gutter throughout the site including sidewalk in the right-of-way. Therefore, the mix of uses, additional housing, and sidewalk are consistent with the 2040 Comprehensive Plan as well as street plans.
2. **The proposed Subdivision complies with the UDO and applicable state and federal regulations;**

The application is compliant with all regulations of the CB and DTO district standards. The applicant has submitted a concurrent application for a Watershed Protection Permit for 5/70 allocation credits. If approved, the applicant will be able to develop up to 70% of the parent tract.

The applicant does request a deviation to allow 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line. According to UDO §3.5.8(C)(3), chain-link fencing in the CB cannot be over 3'. However, UDO §4.7(D) allows for deviation requests from fencing requirements during a special use permit review process. A 4' fence in the rear adjacent to Memorial Park is reasonable to dissuade users from climbing over the fence rather than using the pedestrian connection (i.e., gate). A 6' fence along the side lot lines is reasonable to provide privacy between townhomes and adjacent landowners.

Considering compliance with all other UDO regulations, the Town Council finds the application to be compliant and the requested deviation reasonable.

3. 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 Technical Review Committee did state a preference for the private drive to connect to Bradford Village, but the applicant states that the adjacent property owner is not interested in a connection and that the applicant prefers a pedestrian connection, solely. The applicant added a comment on the preliminary plat that states, "Lot purchasers will be adjacent to a town park, which holds events, programming, and the like, that may create more noise than is typically expected in a residential neighborhood." The Planning Department requested this note considering that future homeowners should be aware of the higher ambient noise levels associated with public parks. Therefore, the Town Council find the lot sizes, density, access, and circulation are compatible with the zoning and adjacent properties.

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

A drainage impact analysis was submitted with the application, in which the applicant states "the 10-year storm runoff leaving the site shall be reduced from a current flow of 4.2 cubic feet per second to 3.3 cubic feet per second." The proposed stormwater facility on-site will reduce runoff onto adjacent properties during heavy rain events despite having more impervious surface. Therefore, no detrimental impact on safety or viability of the permitted uses on adjacent properties have been identified based on the Planning Department's routine site visit and desktop review of the site.

5. 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 applicant states that no public sewer mains aside from private sewer main connections to the townhomes will be required. The applicant is proposing a new fire hydrant, and water

main along the proposed private drive. All the proposed extensions are efficient and adequate to serve normal and emergency demands.

Decision of the Council:

Therefore, by a vote of 4-0 (a fifth member had not yet been appointed to fill a vacancy), the Town Council voted to approve Special Use Permit SU-02-23 and the accompanying Major Subdivision Preliminary Plat with a deviation as requested by the applicant, to the standard in UDO §4.7(D), to allow 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line, as permitted during special use permit review by UDO §4.7.

Furthermore, by a vote of 4-0 (a fifth member had not yet been appointed to fill a vacancy), the Town Council voted to approve Watershed Protection Permit WP-04-23, granting the 1.19 acres-site 5/70 watershed exemption allocation.

This is the 13th day of February, 2024.

FOR THE TOWN COUNCIL:

Taylor Clement, Mayor



MEMO

To: Mayor & Council
From: Mac McCarley, Town Attorney
Date: February 9, 2024
Re: Pedal Powered Vehicle Ordinance

The last item on your agenda for Tuesday night's Business Meeting is the Pedal Powered Vehicle Ordinance. This came about based on a request from a gentleman who wishes to start a "Pedal Pub" business in southern Pines. The Police Chief and I have researched the matter and found that there is little to no state regulation of the activity, but local governments have enacted various provisions to cover the issues that concern them. The proposed ordinance is our suggestion to address the safety issues that we believe are most important.

The most common version of this type of vehicle is a pedal powered vehicle seating between 4 and 18 persons on seats around the sides of the vehicle with pedals for each of the participants to assist in powering the ride. Most of these vehicles also have an electric motor to assist with hill climbs. The operator isn't allowed to drink, thus there is no violation of the ABC and traffic laws that prohibit open containers in most motor vehicles. The typical Pedal Pub doesn't sell alcohol; participants either bring their own beverages on board the vehicle or make stops at licensed ABC premises to drink in the establishments before pedaling to the next destination. The draft ordinance before you allow drinking on the vehicle, but not open containers off the vehicle. Chief Polidori has conferred with the local ALE officers and they confirmed that no state ABC permits are required for the operation of the vehicles.

The draft ordinance includes: restricted routes; requires that the vehicles travel only on streets and roads designated on a map adopted by Council (included in the agenda packet); restrictions on areas the vehicles may pick up and discharge participants or stop or park; requirements for adequate insurance; and a list of 15 operating rules focused on compliance with ABC laws and participant and public safety.

If problems develop the Council may always adopt additional rules, restrict operations, or outlaw the activity altogether.



ORDINANCE #3025
REGISTRATION AND REGULATION OF PEDAL POWERED
PASSENGER VEHICLES

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines North Carolina in regular session assembled on the 13th day of February 2024, the Code of Ordinances be amended as follows:

Section 1. The Code of Ordinances for the Town of Southern Pines is hereby amended by adding a new Chapter 74, entitled Pedal Powered Passenger Vehicles, as set out fully below in Section 2 of this Ordinance.

Section 2. Chapter 74 of the Code of Ordinances for the Town of Southern Pines shall read as follows:

Chapter 74: Pedal Powered Passenger Vehicles

74.01. Definitions.

Driver or operator shall mean any person who drives or operates a Pedal Powered Passenger Vehicle on the streets of the Town and who is responsible for the safe operation of the vehicle, including but not limited to the steering and braking and maintaining compliance with all state and local traffic regulations.

Owner shall mean any person engaged in a Pedal Powered Passenger Vehicle business and who has registered with the Town as required by this Chapter.

Pedal Powered Passenger Vehicle shall mean a pedal powered vehicle designed to carry four (4) or more passengers and an operator which may have a motor capable of propelling the vehicle in the absence of human power, and generally used for tourism or entertainment purposes.

74.02 Pedal Powered Passenger Vehicle Registration

Before commencing operation of a Pedal Powered Passenger Vehicle business within the Town limits the Owner must register the business and the vehicle with the Town on a registration form provided by the Southern Pines Police Department. The registration form shall require, at a minimum, the name(s) of the Owner or Owners, the addresses, email addresses and phone numbers of the Owners, the name and address of the business entity authorized to do business in North Carolina, a description or photograph of the vehicle or vehicles that will be used in the Town, and certificates of insurance as provided in Section 74.04.

74.03 Areas of Operation

(a) When carrying passengers, Pedal Powered Passenger Vehicles shall be permitted to operate only on streets or portions of streets designated by the Town Council and published on a map available to the Owner and Driver of Pedal Powered Passenger Vehicles through the Police Department (the Operating Area). However, the Driver or Operator may transit other streets and highways when traveling between storage or maintenance locations and the Operating Area as long as no passengers (other than Owners, Drivers, Operators, or employees of the business) are on board. Further, if the Owner, Driver or Operator of a Pedal Powered Passenger Vehicle wishes to operate the Vehicle outside the Operating Area while carrying passengers an Outdoor Special Events Permit shall be required pursuant to Section 32.092 of the Southern Pines Code of Ordinances.

(b) Operation of Pedal Powered Passenger Vehicles is specifically prohibited in the following locations:

- (1) On any street with a posted speed limit greater than 35 miles per hour;
- (2) On any sidewalk, pedestrian walkway, greenway or Town park;

- (3) On any street closed in connection with an approved special event permit unless approved to operate in conjunction with the event by the Town and the permit holder;
 - (4) On any street when weather conditions are sufficiently adverse or inclement as to endanger passengers, the motoring public, or others;
- (c) Pedal Powered Passenger Vehicles are not permitted to stop, stand, or park on public property except as follows:
- (1) At a traffic light or stop or yield sign;
 - (2) In a legal parking space;
 - (3) In loading/unloading zones;
 - (4) In the public parking lot designated by the Chief of Police as the exclusively authorized loading and unloading location for Pedal Powered Passenger Vehicles;
 - (5) In any other location authorized by the Chief of Police.

74.04 Insurance Requirements.

No Pedal Powered Passenger Vehicle may be operated unless the Owner has provided the Town with proof of a comprehensive general liability insurance policy or comparable pedicab liability insurance policy issued by an insurance company licensed to do business in North Carolina, protecting the business and the Town from all claims for damages to property and bodily injury, including death, which may arise from operations of the Pedal Powered Passenger Vehicles. The policy shall name the Town as an additional insured and shall provide that the policy may not be terminated or cancelled prior to the expiration date without advance notice to the Town. The policy shall provide coverage in an amount not less than one million dollars (\$1,000,000.00) per occurrence

74.05 Standard Operating Regulations.

No person shall drive or operate a Pedal Powered Passenger Vehicle upon the streets of the Town and no Owner shall permit it to be so driven or operated unless the vehicle is operated in compliance with the requirements of this Section.

- (a) No Driver or Operator under the age of eighteen (18) shall operate a Pedal Powered Passenger Vehicle.
- (b) No Driver or Operator shall operate a Pedal Powered Passenger Vehicle unless that person has a current valid North Carolina driver's license.
- (c) No Driver or Operator shall operate a Pedal Powered Passenger Vehicle in an unsafe manner.
- (d) No Driver or Operator shall operate a Pedal Powered Passenger Vehicle in excess of fifteen (15) miles per hour.
- (e) No Driver or Operator shall stop to load or unload passengers or their belongings in travel lanes, intersections of any street, crosswalk, or in any other location that would be considered unsafe.
- (f) Pedal Powered Passenger Vehicles shall stay to the far right of the traveled portion of the road and yield the right of way to overtaking motor vehicles.
- (g) No Driver or Operator shall consume any alcoholic beverage while on duty or operate a Pedal Powered Passenger Vehicle while impaired in any way.
- (h) No Driver or Operator of a Pedal Powered Passenger Vehicle shall allow a passenger or other individual to drive the vehicle.
- (i) No Driver or Operator shall operate a Pedal Powered Passenger Vehicle unless all passengers are seated in a seat designated for that purpose and there are no passengers in excess of the maximum seating capacity of the vehicle.
- (j) A Driver or Operator shall actively and affirmatively manage the behavior of the passengers of the Pedal Powered Passenger Vehicle so that their behavior remains law-abiding during the ride, both while the vehicle is in motion and at a stop.
- (k) Music may be played on a Pedal Powered Passenger Vehicle as long as the volume is within the restrictions of the Town Noise Ordinance.
- (l) The Driver or Operator of any Pedal Powered Passenger Vehicle shall immediately report to the Southern Pines Police Department any accident arising in connection with the operation of the vehicle.
- (m) No glassware of any kind shall be allowed on the Pedal Powered Passenger Vehicle unless it is stored in a designated storage area.

- (n) The Driver or Operator of any Pedal Powered Passenger Vehicle shall properly collect and dispose of any trash attributable to the excursion.
- (o) Operating hours for Pedal Powered Passenger Vehicles shall be between 11a.m. and 10 p.m., unless different hours are permitted by the Police Chief for special events.

Section 3. The Map attached to this Ordinance is hereby adopted as the area of allowed operation for Pedal Powered Passenger Vehicles.

Section 4. This Ordinance shall be effective upon adoption.

Adopted this the 13th day of February, 2024.

I certify that this Ordinance was adopted by the Town Council of Town of Southern Pines at its meeting on February 13, 2024, as shown in the minutes of the town Council meeting for that date.

Elizabeth Robertson, Town Clerk

DRAFT



Legend

-  Approved Street Access
-  Service Area

Pedal Bike Map

Town of Southern Pines

