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

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

Members Diane Westbrook, Andy Bleggi, Matthew Walden, John Earp, Monica Harvey and Jennifer Garner were present.

Matthew Walden made a motion, which was seconded by Monica Harvey, to approve the Minutes of the November 2023 regular meeting. The motion carried.

PUBLIC FORUM:

SU-02-23: Special Use Permit for a Major Subdivision; Petitioner: PTAH, LLC by Crawford Design Company, Authorized Agent

Kevin Lindsay of Crawford Design Company, on behalf of PTAH, LLC, submitted a Special Use Permit and Major Subdivision applications to subdivide the subject parcel into 13 townhomes. 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.

Andy Bleggi recused himself from the public forum due to a conflict of interest.

Matthew Walden made a motion, which was seconded by Monica Harvey, to open the public forum. The motion carried.

Senior Planner Alaina Mallette provided an overview of the staff report accompanied by a Power Point presentation and stated that approval of the project would also include approval of the Watershed Protection Permit. Ms. Mallette stated that the application included a request for a deviation from the maximum fence height standard.

Kevin Lindsay stated that the townhomes will have single-car garages and the intent is to provide more diversity of housing options downtown. The purpose of the proposed fence is to create separation from the adjacent daycare so it is clear that it is a residential area. They would like for the portion of the fence adjacent to the park to be 4 ft. in height. He stated that staff had recommended a connection to Bradford Village but they did not see a benefit and the adjacent property owner had not expressed an interest in making that connection.

Chair Westbrook inquired about the traffic pattern.

Mr. Lindsay responded that they are going to use the existing driveway off of Bennett Street and a sidewalk will be installed along the front of the property.

John Earp inquired about the size of the proposed townhomes and Mr. Lindsay responded that they will be two-bedroom units.

Mr. Earp asked Ms. Mallette if there was a reason for the 3 ft. max fence height standard and Ms. Mallette responded that she assumed it had to do with the aesthetics of not having fencing between properties.

Mr. Lindsay stated that they want a 6 ft. fence in the rear of the units and a 4 ft. fence adjacent to the park.

Jennifer Garner asked what type of fence was proposed and Mr. Lindsay responded black vinyl-coated chain link.

Richard Dana stated that he would like to see elevations of the buildings. He was in favor of the fence and inquired about parking.

Mr. Lindsay responded that the units will be 1,600 to 1,850 SF with a single-car garage and the driveways will provide a second parking space.

Andy Bleggi stated that the units will only be two story but will look very similar to the townhomes on Bennett Street with a brick and wood façade.

Monica Harvey inquired about the rationale for requesting a connection to Bradford Village.

Ms. Mallette responded that Engineering and Fire had stated during a TRC meeting that the connection was preferred to provide another means of ingress and egress.

Matthew Walden made a motion, which was seconded by Monica Harvey to close the public forum. The motion carried.

Matthew Walden made a motion, which was seconded by Monica Harvey, to adopt the following for transmission to the Town Council as a result of the December 21, 2023 preliminary forum on application SU-02-23:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a SUP and Preliminary Plat to application SU-02-23:

1. Approval of the request will result in the creation of 13 townhomes, each on its own individual lot. The townhomes will include Common Area (see Attachment 4) that will be

owned and managed by a homeowners' association. The two existing buildings with existing uses will need to be subdivided as well into two additional lots from the parent tract unless the property owner intends to allow the townhome residents to partially own each building.

2. The applicant does request a deviation for a 6 ft. chain link fence in the Common Area behind the townhomes. According to UDO §3.5.8(C)(3), chain link fencing in the CB zoning district cannot be over 3'; however, UDO §4.7(D) allows for deviation requests from fencing requirements during a Special Use Permit review process. Only Town Council can permit a deviation from fencing standards.

The motion carried by a 6 - 0 vote.

PUBLIC FORUM:

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

Bob Koontz, on behalf of Midland Atlantic Properties, 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.

Matthew Walden made a motion, which was seconded by Monica Harvey, to open the public forum. The motion carried.

Alaina Mallette stated that the application included a 40,000 SF surgery center and 120,000 SF of medical office space and provided an overview of the staff report accompanied by a Power Point presentation.

Bob Koontz stated that the application was consistent with all of the standards of the Conceptual Development Plan and provided a Power Point presentation of the application and the order of development of the site. A 20,000 SF surgery center will be constructed first as Phase B1. Phase B2 will be an expansion of that facility and Phase 3 will be a 120,000 SF medical office building with parking underneath. The Morganton Road Overlay standards allow additional parking spaces if a parking structure is utilized and based on their calculations, 846 parking spaces would be allowed. They have been working with the Town Engineer for several months regarding the traffic analysis to figure out what traffic improvements will need to be made with each phase and the Town has hired a third-party consultant to also review the traffic analysis.

Andy Bleggi inquired about the timeline for development and Mr. Koontz responded that the applicant would like to start construction of the surgery center in August but the timeline for the last phase had not been established.

John Earp asked if there will only be the one entrance off of Morganton Road and Mr. Koontz responded that there will be an access point off of Carlisle Street and also off of Patriot Way.

Jennifer Garner inquired about the use of the building to be constructed in Phase 3 and Mr. Koontz responded that had not yet been confirmed.

Mr. Bleggi asked if the height of the medical office building was going to be an issue and Mr. Koontz responded that the maximum height allowed is 50 ft. and the current plan was for a three-story building.

Tom McCabe of 235 N. Page Street expressed concerns regarding the lack of pedestrian access from Carlisle Street and that no consideration had been given to a pedestrian connection between buildings. He suggested situating the buildings closer to the street and the parking in the rear.

Mr. Koontz responded that there are sidewalks along all of the streets and street lights within Morganton Park. The surgery center will serve several counties which will increase the need for vehicular access to the building and parking.

Matthew Walden made a motion, which was seconded by Monica Harvey to close the public forum. The motion carried.

Monica Harvey made a motion, which was seconded by Matthew Walden to adopt the following for transmission to the Town Council as a result of the December 21, 2023 Preliminary Forum on application PD-05-23, Morganton Park North Phase 10 (Pinehurst Surgical Center Site 4N):

The following concerns were raised during the forum but do not seem to apply in determining whether the PDP criteria are satisfied: pedestrian safety and access to crosswalks from streets, between buildings, schools and adjacent apartments. The motion carried by a 6 - 0 vote.

PUBLIC HEARING:

OA-06-23: The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments covering three topics and is requesting Planning Board and Town Council review and approval per UDO §2.17. The three topics are as follows, with reference to applicable section(s) of the UDO proposed for amendment:

1. Amend UDO Exhibit 3-15 and §9.3 to more clearly distinguish between dwelling units that may be used for the lodging of transients and travelers for compensation for less than 30 days (Tourist Home) and dwelling units that are used for 30 days or longer for living purposes (Dwelling). This amendment, to clarify the definitions of terms already used in the UDO, will not impact what zones allow Tourist Homes (CB, GB and OS) and what zones do not allow Tourist Homes (all the rest).
2. Amend UDO §5.4(A) so that columns supporting fuel pump canopies are required to follow the brick requirements set forth in UDO 4.10.4(C) but the canopy itself is subject to the roof requirements set forth in UDO 4.10.4(G).
3. Amend UDO §2.19.4(A) with a minor correction to make the language of the section consistent with Exhibit 2-1 and UDO §2.20 regarding the process for approval of a Final Plat.

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

Alaina Mallette stated with regard to the first proposed text amendment, that the Town's Code Compliance Officer fields a lot of questions and complaints regarding Tourist Homes so the purpose of the first proposed amendment was to provide clarification as to what is considered a Tourist Home versus a Dwelling, A Dwelling that is rented for a period of 29 days or less would be considered a Tourist Home and if rented for 30 days or more it would be considered a Dwelling, whether owned or rented.

Discussion ensued regarding the difference between a Boarding House and a Tourist Home and potential impacts of the text amendments.

Ms. Mallette stated that the purpose of the second proposed amendment was to require that the columns of the fuel pump canopy comply with brick standards and the canopy comply with roof standards set forth in the UDO.

Ms. Mallette stated that the purpose of the third amendment was to clarify that the Planning Director reviews and approves Final Plats.

Tom McCabe of 235 N. Page Street asked if an Airbnb would be considered a Tourist Home.

Andy Bleggi responded that an Airbnb would be considered a Tourist Home if it was rented out for a period of less than 30 days.

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

Monica Harvey made a motion, which was seconded by Matthew Walden, that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments to the UDO found in UDO §2.17.10, the proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-06-23 and therefore, to recommend approval of OA-06-23 to the Town Council. The motion carried by a 6 – 0 vote.

UNFINISHED BUSINESS:

Discussion ensued regarding the number of members gathered to discuss Board matters that would be considered a public meeting.

NEW BUSINESS:

Monica Harvey inquired about when the Town pursues a Tourist Home that is noncompliant and Ms. Mallette responded that investigations are complaint based, but that it is an important topic to think through and worthy of further discussion.

Matthew Walden made a motion, which was seconded by Monica Harvey, to adjourn the meeting. The motion carried.

The meeting adjourned at 7:35 PM.

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

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board