

MINUTES
Town of Southern Pines Planning Board Virtual Meeting
April 22, 2021 at 6:00 PM

The regular meeting of the Town of Southern Pines Planning Board was held virtually on Thursday, April 22, 2021, at 6:00 PM.

Board members present: Chairman Gary Carroll, Vice Chairperson Diane Westbrook, Benjamin Greene, Cooper Carter, Lemuel Dowdy, Kim Wade and Andy Bleggi.

Town staff present: Suzy Russell, Lauren Long and Cindy Williams.

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

APPROVAL OF MINUTES:

Diane Westbrook made a **motion** to approve the Minutes of the February 18, 2021 regular meeting. **The motion carried unanimously.**

PUBLIC HEARINGS:

1. **Z-01-21: Request to rezone 0.79 of an acre located at 387 West Pennsylvania Avenue from FRR to CB; Applicant: RAB Investments, LLC by Chris Jordan, Authorized Agent**

Mr. Chris Jordan, on behalf of RAB Investments, LLC, is requesting to rezone a 0.79 acre parcel from FRR (Facilities Resource and Recreation) to CB (Central Business) to allow a preschool (LBCS Code 6110) as the permitted use. Per the Moore County tax records, the subject parcel is identified as PIN 858100292700 (PARID 00039620) and is owned by RAB Investments, LLC.

Chairman Carroll asked if there were any conflicts of interest among the members of the Board.

Benjamin Greene stated that he is Chairman of the Board of Moore Montessori Community School, which currently occupies the subject property, and in his capacity as Chairman is also working with Mr. Jordan regarding renovations to the school's new location and therefore he felt his affiliation with Moore Montessori Community School may present a conflict of interest.

The Board accepted Mr. Greene's request for recusal.

Lemuel Dowdy made a **motion** to open the public hearing. **The motion carried unanimously.**

STAFF PRESENTATION – Lauren Long:

Ms. Long addressed the Board and stated that the subject property was originally zoned CB when RAB Investments requested to rezone the property to FRR - Conditional District to allow a primary and secondary school as the only uses. The two conditions of that rezoning were that primary and

secondary schools were the only approved uses and that pickup and drop-off be limited to Leak Street and West New Hampshire Avenue. The current request is to rezone the parcel back to the original base zoning to allow the full range of permitted uses in the CB zoning district. The list of permitted uses includes preschool as a by-right use, which is what his prospective tenant, Little Pines Academy, would be classified. The site is designated Commercial on the Comprehensive Long Range Plan Future Land Use Map, as are a majority of the adjacent parcels.

Staff sent out a request for agency comments regarding the rezoning request. The Regional Land Use Advisory Commission (RLUAC) responded that this parcel is located in a High-Quality Watershed and any further expansion of the impervious footprint would require exemption allocation which could be processed administratively if the parcel is zoned CB. If it is not rezoned then any further expansion of impervious surface on the site would require that exemption allocation be reviewed by Town Council.

APPLICANT PRESENTATION – Chris Jordan:

Mr. Jordan stated that he had nothing to add to Ms. Long’s presentation.

Kim Wade made a **motion**, which was seconded by Lemuel Dowdy, to the close the public hearing. **The motion carried unanimously.**

ACTION OF THE BOARD:

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, that after considering the consistency of the proposed map amendment with the Comprehensive Long Range Plan and the criteria for a map amendment found in UDO §2.17.9 the requested zoning map amendment for 387 West Pennsylvania Avenue from FRR-CD to CB was found to be consistent with the Comprehensive Long Range Plan and the Planning Board adopts the Resolution of Plan Consistency, as drafted by staff, that is included as Attachment “A” in the staff memorandum for Z-01-21. **The motion carried unanimously.**

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, that after considering criteria (B) – (H) for a zoning map amendment found in UDO §2.17.9, the requested zoning map amendment for 387 West Pennsylvania Avenue from FRR-CD to CB complies with the criteria and is a reasonable request and therefore recommended approval of Z-01-21 to the Town Council. **The motion carried unanimously.**

2. **PD-02-21: Planned Development District - Preliminary Development Plan for Phase Two of the Legends at Morganton Park Planned Development; Petitioner: Morganton Park II, LLC by Robert Koontz Authorized Agent**

Mr. Robert Koontz, on behalf of Morganton Park II, LLC, has 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 Phase Two of the Legends at Morganton Park Planned Development, which will consist of 144 multi-family

residential apartments for a total of 432 multi-family residential units. Per the Moore County tax records, Robert W. Van Camp and Julie M. Van Camp, Trustees, are listed as the owners of the subject parcels identified as PIN 857200502304 (PARID 20190146) and PIN 857100392796 (PARID 20150046). Morganton Park, LLC is listed as the owner of the subject parcel identified as PIN 857200405185 (PARID 20130093).

Chairman Carroll invoked UDO §2.5.2, which allows the Board to follow the rules for a legislative hearing when serving as a recommending body for an action requiring a quasi-judicial hearing by the Town Council.

Lemuel Dowdy made a **motion**, which was seconded by Benjamin Greene, to hold the hearing legislatively. **The motion carried unanimously.**

Chairman Carroll confirmed that there were no conflicts of interest among the members of the Board.

Benjamin Greene made a **motion**, which was seconded by Kim Wade, to open the public hearing. **The motion carried unanimously.**

STAFF PRESENTATION – Suzy Russell:

Ms. Russell addressed the Board and stated that the request was for a Planned Development Preliminary Development Plan for a multi-family development which would be Phase 7 of the Morganton Park North Planned Development. Multi-family residential is a permitted use in the OS zoning district. The intent is that the existing Legends at Morganton Park apartment community will be expanded with this application to include Parcel 1 and Parcel 3 and residents of the entire community would have access to all of the amenities. Parcel 3 is currently in the Town's ETJ and will need to be annexed into the Town.

Ms. Russell stated that the applicant was proposing to remove the existing dog park to allow for additional parking areas but will provide a dog walk area. The developer does not plan to extend Carlisle Street to the furthest extent of Parcel 3. The Town Engineer and the Fire Marshal have stated that the existing path is satisfactory and they will not require Carlisle Street to be extended as part of site plan review.

The applicant is proposing to build to a height of either 45 feet as stated on the plan sheet or 50 feet for four (4) stories as stated in the written narrative. The applicant may propose an alternative height that exceeds the established limits, provided the increased height does not negatively affect surrounding properties and it is approved by Town Council.

The maximum allowable density is 16 dwelling units per acre. Parcel 1 is 7.51 acres allowing for 120 dwelling units and the applicant is proposing 144 dwelling units. The combined total acreage of Parcel 1 and Parcel 3 is 8.56 acres which would allow 137 dwelling units. If the entire Legends apartment community was being reviewed at 16 dwelling units per acre, 432 dwelling units would be allowed.

The applicant is also proposing to place a subdivision sign at the second entrance but a subdivision sign would not be applicable in this case based on the current sign code. However, a multi-family development entrance sign would be appropriate and staff recommends that the applicant apply for a multi-family development entrance sign.

Ms. Russell asked the Board to note that the TIA had not been evaluated by the Town Engineer with respect to the current application.

Kim Wade asked why the Town Engineer and the Fire Marshal felt that Carlisle Street should not be extended.

Ms. Russell responded that when the Legends at Morganton Park was approved, it was agreed that it would be a path. The Fire Marshal stated that the path was fine but he did request that it be maintained regularly with the clearing overgrown brush and that it definitely needs additional gravel. This path was intended for emergency access only and not for the use of the residents of Legends.

Ms. Wade asked if it would make more sense for them to extend the pavement so it would look better.

Ms. Russell responded that the Town Engineer had determined that the developer would not be required to extend Carlisle Street because it is going to be open space on Parcel 3 and there is nothing in the UDO that would require the applicant to extend Carlisle Street.

Chairman Carroll asked if Carlisle Street will be extended in the future when the other parcels are completed.

Ms. Russell confirmed that was correct.

Chairman Carroll asked if the path is barricaded so that it can only be used for emergency access.

Ms. Russell responded that she thought it was gated.

Lemuel Dowdy asked if there was a timeline for developing the other parcels and extending Carlisle Street.

Chairman Carroll asked Mr. Koontz to respond to that question during his presentation.

Cooper Carter asked Ms. Russell if Parcel 3 was included in the application because it was going to be part of the open space and asked for clarification regarding total density with the addition of that parcel.

Ms. Russell responded that 20% of the Morganton Park North Planned Development is required to be open space and half of that must to be usable open space. Types of usable open space include areas that people can use, such as a walking path, play area or fire pits. A total of 1.59 acres of

usable open space remains to be provided for the overall development. The current proposal includes 3.13 acres of overall open space with 2.08 of those acres being usable.

Ms. Russell stated with regard to density, if you view the Legends community in its entirety, at 16 dwelling units per acre the total acreage allows for the 432 dwelling units.

Mr. Carter asked Ms. Russell for the current density of Parcel 2.

Ms. Russell said they would have been allowed 296 dwelling units and the request is to construct 288 units.

APPLICANT PRESENTATION – Bob Koontz:

Mr. Koontz addressed the Board and stated that the buildings in Phase 1 of The Legends at Morganton Park development are three stories and that multi-family is a permitted use in the OS (Office Service) zoning district.

Phase 1 consists of 18.47 acres and Phase 2 consists of 8.56 acres, for a total of 27.03 acres. The total number of units proposed is 432 which equates to 15.9 dwelling units per acre so it is under the 16 dwelling units per acre threshold. The developer considers the entire 27.03 acres to be part of the Legends community with all residents having access to all of the amenities, including the pool, tot lot, children's play areas and a dog walk. Parcel 3 is being added for open space and to allow the additional dwelling units. The existing dog park will be removed to create additional parking and to construct a small maintenance building but a dog walk trail will be added. The original apartment community has 20% total open space, which meets the overall Morganton Park standard, and Phase 2 will add more active open space with the addition of the dog walk trail, walkways, benches, fire pits, etc.

There will be a right in/right out off of Carlisle Street. Patriot Way will be full motion to go to the school and also to the medical office park in the front and they are requesting another monument sign. The gravel road to Carlisle Street was installed for emergency access only with the intent that when the two other large parcels are developed the developers of those parcels will be required to build the rest of Carlisle Street.

Water and sewer are available to the property and the project will conform to the requirements of the Conceptual Development Plan. The only modification they are requesting is to the maximum building height to allow a building height of 50 ft. in order to use the property as efficiently as possible. The site drops off dramatically from Carlisle Street so the bottom level of the building will be more than a story below the elevation of Carlisle Street. The additional height will really only have an impact on the existing neighborhood. They are planning to install an elevator in the buildings in consideration of the demographics of the existing community. Legends has been a very successful community that is conveniently located next to the school. A total of 20% open space is required for Morganton Park North. Both phases of the Legends apartments will include more than 20% open space.

Lemuel Dowdy asked Mr. Koontz where the usable open space would be located.

Mr. Koontz responded that there will be several areas that can potentially be used as open space to meet the open space requirement of the approved Conceptual Development Plan.

Cooper Carter inquired about the number of parking spaces that will be provided and asked if any of the garages in Phase 1 will be removed to provide connectivity to Phase 2.

Mr. Koontz responded that four (4) additional garages will be built and none of the garages in Phase 1 will be removed. There will be a connection between the two garage buildings which will provide several options for accessibility and emergency access.

Mr. Carter asked what route residents would take to get to the school.

Mr. Koontz shared a route that students could take to reach the school.

Kim Wade asked how a student coming from West Southern Pines would get to the school.

Mr. Koontz responded that there are sidewalks along Carlisle Street that connect to the school.

Mr. Carter commented that sidewalks have been extended all the way down Carlisle Street and down to Brucewood Road.

Mr. Carter asked if NCDOT is considering installing a traffic light at the intersection with Patriot Way or if there will be stop signs at that location.

Mr. Koontz responded that there will be stop signs at the intersection. There will be a right in/right out only off of Morganton Road. A majority of the traffic will be going to one of the medical facilities or to the school.

Mr. Carter inquired about Ms. Russell's comment that the TIA was incomplete or that NCDOT had not yet reviewed the TIA with regard to this project.

Mr. Koontz responded that the TIA is currently being reviewed by NCDOT but he does not anticipate any issues.

Ms. Russell responded that the Town Engineer had commented that the TIA was lacking a lot of detail so he could not do a thorough review but that a complete review would be conducted during site plan review.

Mr. Koontz stated that Travis Fluitt of Kimley Horn has done all of the traffic analyses for Morganton Park. Typically a TIA would not be required based on the amount of traffic that is generated by a multi-family development but the Conceptual Development Plan for Morganton Park requires that a TIA be submitted for each individual parcel as it is developed.

Mr. Carter asked if they are doing an amalgamation of all future development activities. It seems like there are four big future projects that will be occurring right there at Patriot Way and Carlisle Street that will add thousands of cars.

Mr. Koontz said that was correct and the TIA takes the development as a whole into account as well as each individual parcel.

Mr. Dowdy inquired about setbacks required by UDO §4.10.8.

Mr. Koontz asked if Mr. Dowdy was referring to the setbacks for multi-family.

Ms. Russell responded yes.

Mr. Koontz stated that those setbacks apply to the individual buildings and not the overall site. The 10 foot setback from all sidewalks will be met as well as the 20 ft. setback that is required between buildings. There are no perimeter setbacks for the Morganton Park development.

Chairman Carroll stated that Andy Bleggi had joined the meeting and Benjamin Greene had to leave the meeting temporarily due to another commitment.

Diane Westbrook asked who would maintain the emergency access going forward.

Mr. Koontz responded that he believed the gravel path belonged to the Property Owners Association so they would be responsible for the maintenance.

Ms. Westbrook referred to a comment in the staff report about whether there needed to be extensions or expansions of public facilities, utilities and services and asked if that had been reviewed or if it needed to be reviewed.

Ms. Russell responded that the only comment of that nature was from the Town Engineer but Morganton Park North meets that requirement and no expansion of services is required.

Mr. Carter inquired about the addition of play areas for school aged children. He assumed the staff report was referring to existing play areas in the current development and asked if there were any plans to add additional play areas in this phase given the proposed 50% increase.

Mr. Koontz responded that additional play areas have not been considered at this point based on the demographics of the community. There are some additional amenities being contemplated, such as fire pits, at there is a very large playground within the development, along with the pool, an outdoor gardening area and a fire pit area adjacent to the pool. The clubhouse has fitness facilities, a theater room and other amenities. It is intended at this point to add a dog walk trail and the residents would have access to the existing amenities as well.

Mr. Carter inquired about the current demographics of the apartment community.

Mr. Koontz responded that there is a wide range from families with children to retirees and just about everything in between but he did not think the demand exceeded the existing amenities based on the current demographics. He said he was sure if there is a deficiency at some point they will figure that out and add amenities as part of their future design plans.

Mr. Koontz stated that the applicant will apply for a sign permit for a multi-family development entrance sign and that the applicant will meet the setbacks required by UDO §4.10.8.

Lemuel Dowdy made a **motion**, which was seconded by Andy Bleggi, to close the public hearing. **The motion carried unanimously.**

ACTION OF THE BOARD:

Lemuel Dowdy made a **motion**, which was seconded by Kim Wade, to adopt Amended Attachment “A” of the staff report as their findings of fact regarding proposed Preliminary Development Plan PD-02-21. **The motion carried by a vote of 5 to 2** with Andy Bleggi and Benjamin Greene abstaining due to their absences during portions of the hearing.

Lemuel Dowdy made a **motion**, which was seconded by Kim Wade, to recommend approval of Preliminary Development Plan PD-02-2 with the amendments to the application to the Town Council. **The motion carried by a vote of 5 to 2** with Andy Bleggi and Benjamin Greene abstaining due to their absences during portions of the hearing.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

None.

Chairman Carroll made a **motion**, which was seconded by Lemuel Dowdy, to adjourn the meeting. **The motion carried unanimously.**

The meeting adjourned at 7:56 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board