

MINUTES
Town of Southern Pines Planning Board Regular Meeting
via virtual meeting
April 23, 2020 at 6:00 PM

The regular meeting of the Town of Southern Pines Planning Board was held on Thursday, April 23, 2020, at 6:00 PM via video conference.

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

Town staff present: B.J. Grieve, Planning Director, Suzy Russell, Planner, Lauren Long, Planner, and Cindy Williams, Secretary to the Planning Board.

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

APPROVAL OF MINUTES:

Diane Westbrook made a **motion**, which was seconded by Benjamin Greene, to approve the Minutes of the February 20, 2020 regular meeting with one noted correction. **The motion carried unanimously.**

OATH OF OFFICE:

Andy Bleggi took the oath of office as a new member of the Planning Board.

PUBLIC HEARINGS:

1. **PD-01-20: Planned Development District - Preliminary Development Plan for Phases One and Two of the Southern Pines Corporate Park Planned Development; PIN: 858200844700 (PARID: 00039569); Petitioner: RAB Investments, LLC by Tim Carpenter, Authorized Agent**

Mr. Tim Carpenter of LKC Engineering, PLLC on behalf of the applicant, Mr. Chris Jordan of RAB Investments, LLC has submitted an application for a Planned Development - Preliminary Development Plan and Major Subdivision Preliminary Plat pursuant to Sections 2.18.5 and 2.20.5 respectively of the Town of Southern Pines Unified Development Ordinance (UDO). The applicant is proposing to develop two lots, phased with different timelines, to be located within the Southern Pines Corporate Park. The Southern Pines Corporate Park consists of 104.79 gross acres. The first phase, a 3.52 acre tract, would be developed as professional office space. The second phase, a 3.4 acre tract, would be developed as a private recreational facility. The development is located with US Highway 1 to the northwest, Yadkin Road on the southwest and Air Tool Drive running southeast to northeast. The two proposed lots, Lot 6 and Lot 7 are located off of Air Tool Drive near the Yadkin Road intersection. The development is zoned PD (Planned Development). Pursuant to the Moore County tax records,

the parcels are identified as PIN: 858200844700 (PARID: 00039569); owned by RAB Investments, LLC

STAFF PRESENTATION – Suzy Russell:

Ms. Russell stated that the applicant had submitted a two-phased Planned Development Preliminary Development Plan Application (PD-01-20) and a Major Subdivision Preliminary Plat Application (S-09-20) to develop two lots within Southern Pines Corporate Park and entered both applications into the record. Conceptual Development Plan (CDP) Z-01-14 requires that twenty percent (20%) of the gross land area within the Corporate Park be dedicated open space which equates to 20.958 acres and 23.68 acres of open space has been provided. Fifty percent (50%) of the open space must be usable open space, and 16.37 acres of usable open space has been provided.

The CDP also requires that 75% of the Planned Development consist of Industrial land uses and 25% must consist of non-industrial uses. Lot 1 and Lot 4 fall under Industrial land uses currently. Lot 6 consists of 3.48 acres and will be developed as a rock climbing gym and falls under Land Use Code 5372 which includes fitness, recreational sports, gym, athletic club, multi-purpose facility and is listed under the Industrial Uses table in the CDP.

Lot 7 will be Phase One of the project. This parcel consists of 3.52 acres is proposed to be developed as a professional office for LKC Engineering. This use falls under Land Use Code 2413 which includes architectural, engineering, surveying and related services and is listed under the Non-Industrial Uses table in the CDP and is the only non-industrial use within the Corporate Park to date.

A Traffic Design Analysis (TDA) was completed and no off-site improvements were recommended. The Town Engineer reviewed the TDA and responded that the TDA is acceptable to the Town. RLUAC identified this parcel as IMPORTANT to conserve as it contains high quality and outstanding resource waters and stated that there are known red-cockaded woodpecker clusters in close proximity and RLUAC encouraged the applicant to have the property surveyed.

The parking requirements for Lot 7 are one (1) space per 400 SF of building. LKC Engineering is proposing to build at 17,550 SF building requiring 44 parking spaces. The applicant is showing 79 parking spaces, with four (4) of them being handicapped. The parking area infringes upon the 40 ft. front setback along Air Tool Drive and the applicant is requesting a deviation from the setback for Lot 7 only. Planning staff finds this request to be appropriate as it affects this parcel only and the plan as submitted is consistent with the CDP. Bicycle parking at one (1) space per 5,000 SF of building is required and the applicant is proposing four (4) spaces.

The parking requirement for Lot 6 is one (1) space per 200 SF of building. A 12,100 SF building is proposed, which would require 61 parking spaces. The applicant has provided 87 parking spaces, with four (4) being handicapped parking and four (4) being bus parking. This parking area also infringes upon the 40 foot front setback and the applicant is requesting a deviation to allow parking in the proposed area. Planning staff finds this request to be appropriate as it affects this parcel only and the plan as submitted is consistent with the CDP. One (1) bicycle parking space per 5,000 SF is required and the applicant is proposing three (3) bicycle parking spaces.

The applicant submitted a proposed phasing plan to have the final plat for Phase One submitted for review and approval within four (4) years after approval of the preliminary plat. The preliminary plat shall remain valid unless the final plat is not submitted within the four (4) year period. The final plat for Phase Two must be submitted for review and approval within five (5) years after approval of the preliminary plat. The preliminary plat shall remain valid unless the final plat is not submitted within the five (5) year period.

Chairman Carroll asked if there were any conflicts of interest among the members of the Board with regard to the project and there were none.

APPLICANT PRESENTATION – Attorney Nick Robinson:

Mr. Robinson addressed the Board and stated that he practices law at Bradshaw Robinson Slawter in Pittsboro, North Carolina, and that he was present on behalf of RAB Investments, LLC and Mr. Chris Jordan.

Mr. Robinson requested that the Preliminary Development Plan and Preliminary Plat application materials, as well as anything reviewed or discussed by the witnesses during the hearing, be entered into the record.

Mr. Robinson asked Tim Carpenter to state his name and address for the record.

Mr. Carpenter: Tim Carpenter, 140 Aqua Shed Court, Aberdeen, NC.

Mr. Robinson: What is your job title?

Mr. Carpenter: I am one of the owners and the project manager on this project.

Mr. Robinson: How long have you been with LKC?

Mr. Carpenter: Almost eight (8) years.

Mr. Robinson: Can you tell the Board about your prior related experience?

Mr. Carpenter: Prior to LKC, I was with another firm for approximately 18 to 19 years practicing similar types of engineering and site planning.

Mr. Robinson: Could you give a brief summary of your educational background?

Mr. Carpenter: I have an AAS in Land Surveying and a BS in Engineering Technology from UNC Charlotte.

Mr. Robinson: Is it correct to say that this application is for a Preliminary Development Plan under Section 2.18.5 of the Southern Pines UDO?

Mr. Carpenter: Yes.

Mr. Robinson: Is it correct that this application involves two separate lots – Lot 7, which is a professional office, and Lot 6, which is a private recreation facility?

Mr. Carpenter: Yes.

Mr. Robinson: Describe in general terms for the Board your experience with this project.

Mr. Carpenter: I have participated with LKC staff regarding the site layout and due diligence for Lots 6 and 7, Lot 7 being a new office building for LKC Engineering. We think it is a great site for what we are after and very centrally located. Lot 6 being the Ascend Climbing Gym will also be situated in a good location and meets the criteria for Industrial zoning. We have participated in the preliminary site design and submitted all of the documents.

Mr. Robinson tendered Tim Carpenter as an expert in the field of site plan design and public engineering.

Chairman Carroll accepted Mr. Carpenter as an expert witness.

Mr. Robinson: Tim, did you assist in the preparation of the PDP application that was filed in February 2020?

Mr. Carpenter: Yes.

Mr. Robinson: Are you familiar with the entirety of the PDP application?

Mr. Carpenter: Yes.

Mr. Robinson: To the best of your knowledge, is the PDP application complete?

Mr. Carpenter: Yes.

Mr. Robinson: In fact, the PDP application was deemed complete on February 17, 2020, correct?

Mr. Carpenter: That is correct.

Mr. Robinson: I assume since you are going to put your future office building there that you are familiar with the proposed site and its location.

Mr. Carpenter: Yes.

Mr. Robinson: So you have been to the site?

Mr. Carpenter: Yes, approximately 10 to 15 times.

Mr. Robinson: Are you familiar with the properties that surround the site?

Mr. Carpenter: I am.

Mr. Robinson: Have you made yourself familiar with the Southern Pines UDO, particularly the requirements regarding a valid PDP under 2.18.5?

Mr. Carpenter: Yes.

Mr. Robinson: Have you reviewed the PDP application in light of those UDO requirements?

Mr. Carpenter: Yes.

Mr. Robinson: To the best of your knowledge, does the PDP application meet all of the requirements of the UDO?

Mr. Carpenter: Yes it meets the requirements of the UDO and we want to address at least one issue with regard to parking that Ms. Russell previously addressed.

Mr. Robinson: Section 2.18.5(H) Ms. Russell pointed out sets forth the criteria for approval of a PDP, correct?

Mr. Carpenter: Yes.

Mr. Robinson: Those are just four (4) criteria that are set forth. Does the application demonstrate that it will achieve the purposes of the Planned Development District and this section?

Mr. Carpenter: It does.

Mr. Robinson: Is the Preliminary Development Plan consistent with the Conceptual Development Plan and conform to all applicable provisions of the UDO?

Mr. Carpenter: Yes.

Mr. Robinson: Is the proposed development located in an area of the Town that is appropriate in your opinion?

Mr. Carpenter: Yes.

Mr. Robinson: And the proposed development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services?

Mr. Carpenter: That is correct.

Mr. Robinson: Can you elaborate on why there would be no inefficiency in the extension of public facilities and utilities?

Mr. Carpenter: Sure. The two lots will be located adjacent to Air Tool Drive, an existing road that was constructed in 2015. Public water, public sewer and public access exist so public utilities and infrastructure are already in place.

Mr. Robinson: Having heard the report of staff and with your knowledge of the application itself, based on your knowledge and experience, do you have an expert opinion as to whether the PDP as proposed meets the four criteria for approval of a PDP established under UDO Sec. 2.18.5?

Mr. Carpenter: Yes. We believe that it does meet the criteria.

Mr. Robinson: Are you familiar with the Major Subdivision Preliminary Plat application filed on February 24, 2020?

Mr. Carpenter: Yes.

Mr. Robinson: Did you assist in the preparation of that as well?

Mr. Carpenter: I did.

Mr. Robinson: To the best of your knowledge, is the Preliminary Plat application separate from the PDP application complete?

Mr. Carpenter: It is.

Mr. Robinson: Was it deemed complete on February 24, 2020 to the best of your knowledge?

Mr. Carpenter: That is correct.

Mr. Robinson: To the best of your knowledge does that application meet all of the requirements of the UDO?

Mr. Carpenter: It does.

Mr. Robinson: Specifically, Sec. 2.20.5(G) sets forth the six criteria for approving a preliminary plat, is that correct?

Mr. Carpenter: Yes.

Mr. Robinson: Would you agree with Planning staff that each of those criteria has been met by the submitted application materials?

Mr. Carpenter: We believe that it has, yes.

Mr. Robinson: Based on your knowledge, do you have an opinion as to whether the development as proposed meets the six (6) criteria for approval of a Major Subdivision Preliminary Plat established under UDO Sec. 2.20.5(G)?

Mr. Carpenter: Our opinion is that it does meet the criteria of Sec. 2.20.5(G).

Mr. Robinson: Those are all of the technical questions I have for you. Do you have anything else you want to add by way of description for the Board or any information that you would like for the Board to hear?

Mr. Carpenter: Again, we are very much looking forward to our office and I know that our other client who is building the climbing gym is also looking forward to moving forward with the project. We feel like it is a great location for all of us. I think Ms. Russell did a really good job of filling in most of the details but we are available for any questions.

Mr. Robinson stated that he had no further questions for the witness.

Chairman Carroll stated that it was pointed out during the agenda meeting that the parking lot itself is closer than the standard allowed for that area and asked Mr. Robinson to address that issue.

Mr. Robinson responded that they had talked with staff about that issue between the agenda meeting and the hearing and staff determined that staff had the discretion, based on Section 2.8.4, to discern the difference between what is in the CDP and the PDP and the extent to which any parking can be inside the 40 ft. building setback was not so significant so as to be a substantial difference from the CDP. They looked pretty carefully at the language of the CDP in addressing this question of whether or not parking would be allowed in the 40 ft. setback. The CDP was approved six or so years ago and to be perfectly honest, the language was kind of susceptible to two interpretations. One interpretation was that parking, loading and buildings would all be subject to whatever the setbacks are in the Industrial district. Another interpretation of the CDP language was that parking, buildings and loading would all be outside of the 40 ft. front setback in the Industrial district. Those turn out to be different interpretations because the Industrial zone in Southern Pines only has a 40 ft. setback for buildings. It does not have one for parking or loading so the applicant's position was that putting parking spaces in the 40 ft. setback is consistent with the Industrial zoning and therefore consistent with the CDP. Planning staff has not necessarily agreed with that but they have said that even if you interpret it the more restrictive way, this is not so substantial a change that it would be an impediment to approving the PDP under the previously approved CDP.

B.J. Grieve stated that he agreed with everything Mr. Robinson said with a clarification that it is staff's interpretation that the black and white language of the CDP does seem to indicate that buildings, parking areas and loading areas are subject to the setbacks of the Industrial zone. The main point was if someone just came in and asked for the setbacks in the Corporate Park that would be the response. However, since they are applying for a PDP and since this element is not an element that is applicable to the entire CDP, such as a road network or a trail network or open space, this issue is very unique to this PDP request, the Planning Board and ultimately the Town Council have the discretion to make the determination as whether or not it is consistent with the CDP and that flexibility, you might say, as part of this process is the flexibility under which they are requesting that relatively small modification but we would request that the Planning Board

discuss and consider the request and ultimately the Town Council will be asked to make a decision on whether or not they feel the modification is consistent with the CDP.

Tim Carpenter stated that the previously developed properties across Air Tool Drive from these two lots certainly encroach into the 40 ft. building setback so they feel like their proposal is not only consistent with the CDP but it is also consistent with the surrounding existing development.

Mr. Robinson stated that Mr. Carpenter was referring to other lots that are within the Corporate Park itself and also part of the CDP.

Diane Westbrook stated that she visited the site and came to the same conclusion that the site across the street looked like it encroached into the 40 ft. setback so she did not see this as inconsistent but since she did not actually measure it she was looking for verification that the parking lot across the street is within the 40 foot setback.

Mr. Carpenter shared a Google Earth image of the existing development and measured approximately 63 ft. from the centerline of the right of way to the parking area, which certainly encroaches into the 40 foot setback.

Mr. Robinson stated that the CDP states “*All structures, parking areas and loading areas shall maintain minimum setbacks from property lines as set forth below in the Industrial zoning classification.*” He assumed that meant that whatever the setbacks are for parking within the zoning classification would apply. There are no parking setbacks in the Industrial zone so to the extent a modification is needed, and given the fact that staff agreed that a modification is appropriate, they do not have a preference as to whether it is deemed a modification or the Board states to the Town Council that the Plan is entirely consistent with the PDP. He said either way was fine with them.

Mr. Robinson called Mr. Travis Fluitt as his next witness.

Mr. Robinson: Please state your name and address for the record.

Mr. Fluitt: Travis Fluitt, Kimley Horn and Associates, 421 Fayetteville Street, Raleigh, NC.

Mr. Robinson: What is your position with Kimley Horn?

Mr. Fluitt: I have been a traffic engineer with Kimley Horn for 16 years.

Mr. Robinson: Can you briefly describe for the Board your educational background?

Mr. Fluitt: I have a Bachelors and a Master’s Degree in Transportation Engineering from the University of Texas at Austin and I am a Professional Engineer in the State of North Carolina.

Mr. Robinson: Do you have any licenses that you have held or obtained?

Mr. Fluitt: Just the Professional Engineer in North Carolina.

Mr. Robinson: Do you have any prior experience with preparing TIA's for commercial projects?

Mr. Fluitt: Yes. I have prepared TIA's for probably over 100 commercial projects in North Carolina.

Mr. Robinson: In what capacity have you been engaged by the applicant for this project?

Mr. Fluitt: To review the traffic impacts and to prepare the TDA for this project.

Mr. Robinson: Have you completed those tasks for the applicant?

Mr. Fluitt: Yes we have.

Mr. Robinson tendered Travis Fluitt as an expert in the field of Traffic Engineering and Chairman Carroll accepted.

Mr. Robinson: Travis, has your firm prepared a Traffic Design Analysis for this site?

Mr. Fluitt: Yes we did. That was submitted to the Town in January of this year.

Mr. Robinson: What was your role in the preparation of the TDA for this site?

Mr. Fluitt: I oversaw the preparation of the TDA and signed and sealed the final document.

Mr. Robinson: So you are familiar with the findings and conclusions of the TDA?

Mr. Fluitt: Yes I am.

Mr. Robinson shared a letter from Kimley Horn dated January 17, 2020.

Mr. Robinson: Travis, do you recognize the letter dated January 17, 2020 as your traffic design analysis for this project?

Mr. Fluitt: Yes I do. That is the document.

Mr. Robinson: Is that your signature on the second page?

Mr. Fluitt: Yes it is.

Mr. Robinson introduced the letter dated January 17, 2020 from Travis Fluitt into the record.

Mr. Robinson: Travis, based on your TDA and the input of the acting Town Engineer and all of the other information and experience at your disposal that is pertinent to this

project, do you have an expert opinion based on a reasonable degree of engineering certainly as to whether this site is appropriate for the proposed projects based on traffic considerations?

Mr. Fluitt: I do. It is my opinion that the projects are appropriate for this area based on traffic considerations.

Mr. Robinson: Did you tender and submit this traffic analysis to the Town Engineer?

Mr. Fluitt: Yes we did. It was submitted in January of this year and I believe on January 30th Mr. James Michel with the Town responded that he approved this document.

Mr. Robinson shared the email from James Michel and tendered the email into the record as evidence for admission.

Mr. Robinson: Travis, based on your experience and review, do you have any reservations about approval of the requested PDP based on traffic concerns?

Mr. Fluitt: I do not.

Mr. Robinson stated that concluded his questions for Mr. Fluitt.

Chairman Carroll asked if members of the Board or anyone in attendance had any questions and there were none.

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

PLANNING BOARD ACTION:

Cooper Carter made a **motion**, which was seconded by Lemuel Dowdy, to adopt Attachment “A” to the staff report as their Findings of Fact regarding proposed Preliminary Development Plan PD-01-20 with a modification to the language of Finding of Fact #2, Criteria 1, to allow parking as shown on the site plan. **The motion carried unanimously.**

Cooper Carter made a **motion**, which was seconded by Kim Wade, to recommend approval of Preliminary Development Plan PD-01-20 with the condition that a modification to the parking setback be granted as shown on the site plan as submitted with the PDP application. **The motion carried unanimously.**

Cooper Carter made a **motion**, which was seconded by Lemuel Dowdy, to adopt Attachment “B” to the staff report as their Findings of Fact regarding the proposed Preliminary Plat S-09-20. **The motion carried unanimously.**

Cooper Carter made a **motion**, which was seconded by Lemuel Dowdy, to recommend approval of Preliminary Plat S-09-20. **The motion carried unanimously.**

2. **Z-01-20: Modification of Zoning Map Amendment Z-05-18; 1105 West Morganton Road; Applicant: Pines Funeral Services, LLC by Koontz Jones Design, Authorized Agent**

Mr. Robert Koontz of Koontz Jones Design, on behalf of Pines Funeral Services, LLC, has submitted a request for approval to modify the site plan submitted with Conditional Zoning District Z-05-18 which was approved by Town Council on March 12, 2019. The purpose of this request is to change the orientation and location of the proposed funeral home and to add 400 square feet to the crematorium building. The site is approximately 2.01 acres located off of Morganton Road between the intersection of Brucewood Road and US Highway 15-501 and is identified as PIN: 857100297376 (PARID: 00038504). Per the Moore County tax records, the property owner is listed as Pines Cemetery Services, LLC.

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

STAFF REPORT – Lauren Long:

Ms. Long stated that the property is currently zoned GB-CD. A Conditional District rezoning was approved on March 12, 2019 to allow a funeral home and a crematorium as permitted uses. This application was brought forward because any changes to the previously approved permitted uses or substantial changes to the development standards that were approved with Z-05-18 must be reviewed as a zoning amendment per UDO 2.17. The proposed changes to the orientation and location of the proposed funeral home, the addition of 400 additional square feet to the crematory building, site circulation and a reconfiguration of the parking lot which do not result in a change of the approved uses. The current number of spaces is 63 and they are proposing 66 spaces. There is a request to reduce the footprint of the funeral home from 6,050 SF to 5,800 SF.

Ms. Long shared the original site plan that was submitted with Z-05-18 and the revised site plan and pointed out the proposed changes.

Benjamin Greene inquired about the reason for the changes to the approved plan.

Ms. Long responded that the changes were due to the existing grade of the site.

Diane Westbrook commented that it was her understanding that the buildings would sit lower on the property as a result of the elevation.

Ms. Long entered staff report Z-01-20 into the record.

APPLICANT PRESENTATION – Bob Koontz

Mr. Koontz addressed the Board and stated that the purpose of the request was to modify the approved site plan only. There is quite a bit of topography on the site and Mr. Nunnaley wanted

to work with that topography to create something interesting and also to have less impact on the site.

Mr. Koontz shared a PowerPoint presentation of the site and stated that the property is currently zoned GB-CD and its uses are limited to as a crematorium and funeral home. The property is located within the Urban Village Highway Corridor Overlay which requires a maximum building height of 35 ft., a building setback of 40 ft. and a 40 ft. parking setback, all of which were provided previously and are provided on the modified site plan.

The new site plan moves the building down much lower on the site and works with the grade of the property and provides better circulation for funeral processions and a covered walkway connection to the crematorium. Three additional parking spaces have been added. The future driveway leading to Old Morganton Road still exists on the current plan. Working with the grade of the property enables them to save many of the existing large trees which will screen the building from Morganton Road. A retaining wall will be added in two locations and there is space to potentially create an outdoor garden. Mr. Koontz shared exterior elevations of the funeral home and stated that the building is oriented to take advantage of natural light and the surroundings.

The modifications are in conformance with the Comprehensive Long Range Plan. The total building square footage is 7,600 SF, which is an addition of 150 SF. As the crematorium was being designed it felt like more space was needed inside the building but the funeral home needed less space. The current configuration requires less land disturbance as the amount of impervious surface is reduced to .93 acres, or 26.5%, which is a reduction of 6% from the original plan.

A red-cockaded woodpecker habitat study was completed as part of the original application.

Lemuel Dowdy asked how much grading will be required for the parking area closest to the mausoleum.

Mr. Koontz responded that area will be relatively flat. The top of that hill will be removed and the parking will be quite a bit lower to meet the 5% maximum grade across the parking lot to the main entrance of the building.

Mr. Dowdy inquired about the reason for raising the height of the crematorium.

Mr. Koontz responded that the height of the crematorium has not been increased. The size has increased from 1,400 to 1,800 SF to improve circulation within the building and to add a family gathering space.

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

PLANNING BOARD ACTION:

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, that after considering the criteria for a Zoning Map Amendment found in UDO Sec. 2.17.9 the Planning Board finds that the requested Zoning Map Amendment is consistent with the Comprehensive Long Range Plan and the Planning Board adopts the Resolution that is included as Attachment “A” to the staff memorandum for Z-01-20 and therefore recommends approval of Z-01-20 to the Town Council. **The motion carried unanimously.**

3. **PD-03-20: Planned Development District - Preliminary Development Plan for a Medical Office Building; Applicant: Pinehurst Surgical Clinic Realty, LLC by Koontz Jones Design, Authorized Agent**

Mr. Robert Koontz, on behalf of Pinehurst Surgical Clinic Realty, LLC, has submitted an application for a Planned Development District – Preliminary Development Plan pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for a medical office building on the east side of Brucewood Road between Brucewood Road and South Henley Street. The subject parcel is zoned PD (Planned Development) and is identified as PIN: 857100596498 (PARID: 20190272). Per the Moore County tax records, the property owner is listed as Pinehurst Surgical Clinic Realty, LLC.

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

STAFF REPORT – Suzy Russell:

Ms. Russell entered Preliminary Development Plan Application PD-03-20 into the record and stated that Mr. Bob Koontz of Koontz Jones Design had submitted the request to build a 40,000 SF surgical office building on 6.10 acres within Morganton Park North. The subject property is the sixth phase of development of the Morganton Park North Conceptual Development Plan. Carlisle Street extension will be The applicant will be responsible for building the Carlisle Street extension as well as Patriot Way on the west side of the property and the undeveloped portion of Pavilion Way. The Technical Review Committee reviewed the application and noted that the end of Pavilion Way does not meet the standards for a dead end street per UDO Sec. 4.11.11 and that issue will be addressed during TRC site plan review if the application is approved.

Pedestrian access is provided throughout the site and vehicular access will only be from Pavilion Way. The applicant has stated that the required landscaping will be provided as well as the 40 ft. buffer along Morganton Road as required in the Highway Corridor Overlay. Ten (10) foot buffers have been provided in all of the parking areas.

Lighting will meet the requirements of the CDP and the UDO. Stormwater will be piped to the Morganton Park North stormwater pond.

The applicant is proposing to modify the parking requirements to allow for 267 parking spaces. In the Morganton Road Overlay District allows for four (4) parking spaces per 1,000 SF of gross floor area which equates to 160 parking spaces. The Highway Corridor Overlay allows a maximum of five (5) parking spaces per 1,000 SF of gross floor area which equates to 200 parking spaces. The building consists of 40,000 SF and the site plan shows 234 parking spaces. The applicant is requesting a deviation from the standards in order to develop up to 267 parking spaces, or one (1) space per 150 SF of gross floor area. UDO Sec. 4.5.4 allows for flexibility in administering the parking code due to particularities of any given development. Bicycle parking is not required for medical or dental offices.

The approved CDP states that all development will adhere to the dimensional standards and requirements of either the GB or the OS zoning district. The maximum building height in the GB zoning district is 45 ft., the maximum height in the OS zoning district is 35 ft., and the maximum height in the Urban Village Highway Corridor Overlay (UVHCO) is 35 ft. The applicant is requesting a deviation from the standards of the UVHCO to allow the 45 ft. building height as permitted in the GB zoning district. Per UDO Sec. 2.8.4, the applicant may request this modification.

Building and parking setbacks are dimensional standards that are found in both the GB and the OS zoning districts, as well as in the UVHCO. The applicant has stated in the narrative that the building and parking associated with the surgical office development will comply with the UVHCO. The building setback and the landscaping buffer along West Morganton Road are each 40 ft., side and rear yards are required to be 5 ft., and access driveways must be 75 ft. from an intersection within the UVHCO.

Undeveloped Pavilion Way and Patriot Way are to be constructed by the developer. There is a comment on sheet L-1.1 of the site plan which states that if the CDP is modified after the PDP is approved, Patriot Way would be developed as a minor street if approved in the CDP modification. Currently Patriot Way is to be developed as a collector street.

The applicant is a party to a Developers Agreement between the Van Camps and the Town of Southern Pines for construction of a shared use path along West Morganton Road.

Morganton Park North is required to have 23.3 acres of open space and 50% of that open space must be useable. However, the applicant is not required nor have they provide open space for this particular site. Mr. Koontz includes a running tally of open space on each site plan to track the amount of open space within the development.

The submitted Traffic Impact Analysis combined the Pinehurst Medical and Pinehurst Surgical sites. Both sites have the potential to generate 2,986 new trips on a typical weekday - 183 new trips during the AM peak hour and 273 trips during the PM peak hour.

The Town Engineer reviewed the TIA and stated that any changes to the proposed roadways would invalidate the current TIA and a new TIA would be required. The TIA recommends that the following improvements be constructed as part of the proposed projects: At Morganton Road and Patriot Way, an exclusive westbound right turn lane with 100 feet of storage and appropriate tapers

and that they construct the southbound Patriot Way approach as a right in and right out with one ingress and one egress and for Carlisle Street, that they construct that approach with one ingress and one egress lane. The other recommended improvements are already planned as separate projects.

The subject property is not within the municipal limits of the Town of Southern Pines. Annexation will be required prior to water and sanitary services being provided.

Robert Reeve, Director of Recreation and Parks has recommended a safe pedestrian and bicycle crossing at the new Patriot Way and Morganton Road intersection by placing a crossing indicator for the existing multi-use path.

RLUAC commented that the subject property is neither identified as critical or important to conserve on the Joint Study Land Use Map and it does not contain identified military impacts. Due to the proximity of known active red-cockaded woodpecker clusters, they do encourage the applicant to have the property surveyed.

The applicant has stated that the signage standards found in UDO Sec. 4.6 will be followed and that a Unified Sign Plan will be submitted but staff recommended that the applicant clarify whether they are going to follow the GB or the OS standards for signage.

Site plan review and an architectural compliance permit will be required prior to the approval of the building permit for the subject property.

Cooper Carter asked if the extension of Patriot Way on the north side of the parcel to Carlisle Street is the responsibility of the developer or the applicant.

Ms. Russell deferred to the applicant for that information.

APPLICANT PRESENTATION – Bob Koontz

Mr. Koontz addressed the Board and stated that the purpose of the application was to relocate the Pinehurst Medical building. Patriot Way will be constructed to connect to Carlisle Street as part of this project. Carlisle Street will connect to Brucewood Road and is currently under construction. Patriot Way will be required as a connection from Morganton Road to Carlisle Street.

The proposed site plan reflects a right in from Morganton Road and a right out onto Morganton Road. Vehicles would turn off of Patriot Way onto Pavilion Way and into the facility. A majority of the parking will be in the rear or on the sides of the building. There will be a patient pick up area in the rear of the building. There is a 40 ft. setback in the HCO which will be a landscape buffer along Morganton Road. Mr. Koontz shared architectural elevations of the building and stated that the applicant was requesting a modification to the 35 ft. height restriction. The building itself would be 35 ft. in height but architectural features would extend to about 45 ft. to add character and clearly define the main entrance.

When Morganton Park was developed as a whole, a large stormwater management pond was designed and built to accommodate stormwater for the entire development.

A Unified Sign Plan will utilize the GB zoning district standards and will be submitted at a later date.

The property owner will petition for annexation into the Town of Southern Pines.

The facility is requesting a modification to the parking standard to allow flexibility to adjust parking up to the maximum required by the UDO for medical/dental uses, which is 267 parking spaces.

Open space will not be provided within this particular site.

All traffic improvements recommended by the TIA will be completed. There will be 100 ft. storage lane with a right turn lane onto Patriot Way and a right out. There will be a connection back to Carlisle Street and Pavilion Way will be completed.

Cooper Carter asked for clarification regarding the location of parking.

Mr. Koontz responded that the intent is to have parking less visible from Morganton Road.

Mr. Carter asked where the additional parking spaces would be located.

Mr. Koontz responded that there was no intention at the present time to add additional spaces. They think 234 spaces are adequate for the facility but they wanted the ability to add the additional spaces without having to apply for a modification.

Andy Bleggi asked if Pavilion Way would be set up to be extended in the future and if it is available to other lots.

Mr. Koontz responded that Patriot Way is available to the lots next door and to provide direct access to the parcel to the north.

Mr. Bleggi asked if additional signage is planned on Morganton Road.

Mr. Koontz responded that they are considering a monument sign, a wall sign at the intersection of Pavilion Way and Patriot Way and building mounted signs.

Mr. Bleggi asked if the dumpster will be screened.

Mr. Koontz responded that screening of the dumpster is required and they will follow the standards of the UDO. The landscape buffer standards along Morganton Road and the buffer standards for the dumpster will need to be met.

Lemuel Dowdy asked if Patriot Way is going to be divided by a median or if it is going to be downgraded to a street with no median.

Mr. Koontz responded that they are not requesting that as part of the current application.

Cooper Carter expressed concern about ignoring the parking standards and resulting traffic impacts. He asked if a parking deck to be shared with Pinehurst Medical had been considered.

Mr. Koontz responded that had not been considered and that Pinehurst Medical will be located on the opposite side of Patriot Way.

Mr. Carter stated that the amount of parking being requested is substantially greater than what is allowed in the Morganton Park Overlay.

Mr. Koontz agreed and said he thought the original intent of the Morganton Park Plan and the Morganton Park Overlay District was focused more toward a lot of integrated mixed use, such as The Pavilion, where facilities are utilized at different times of the day as opposed to single use facilities.

Diane Westbrook asked if Patriot Way will go past Pavilion Way all the way to Carlisle Street

Mr. Koontz responded yes, that is one of the requirements of the TIA.

Ms. Westbrook as if there will be a divided median.

Mr. Koontz responded yes, as of right now. What they have stated in the document is that they will follow the CDP and if the CDP were to change, the changes would be followed.

Mr. Koontz stated that as of right now Patriot Way is considered a collector street. If the CDP were to ever be modified for any of the roadway cross-sections or for any other reason from a roadway perspective, the PDP would follow any approved modifications. It is currently designated as a median divided roadway.

Ms. Westbrook asked if Pavilion Way will be stubbed out at the end of this site.

Mr. Koontz responded that was correct and that it would not be extended as part of this application.

Chairman Carroll asked why Patriot Way was originally considered a collector street.

Mr. Koontz responded that was based on the Town Ordinance which states that anything over 800 trips per day is designated as a collector street.

Chairman Carroll asked if a bicycle and pedestrian crossing at Morganton Road had been considered.

Mr. Koontz responded yes, that would be part of site plan review and the requirements of NCDOT and the Town. The greenway trail has been installed all the way to Brucewood Road but anything that is required at that intersection will be worked through during the process.

Chairman Carroll asked for confirmation that there will be a 100 ft. turn lane to Patriot Way and also a 100 ft. merge lane coming out.

Mr. Koontz responded that NCDOT does not really do merge lanes anymore. They have found that they are more dangerous than coming to a stop and then turning.

Mr. Dean Peacock, lead architect for Pinehurst Surgical, stated for clarification that there will be a second tower on the SW corner facing the intersection of Patriot Way and Morganton Road that will also be 45 ft. in height. The remainder of the building will be 35 ft. in height.

Benjamin Greene made a **motion**, which was seconded by Lemuel Dowdy, to close the public hearing. **The motion carried by a majority vote.**

Discussion ensued among members of the Board with regard to building height and parking standards.

PLANNING BOARD ACTION:

Diane Westbrook made a **motion**, which was seconded by Kim Wade, to adopt Attachment “A” to the staff report as Findings of Fact regarding proposed Preliminary Development Plan PD-03-20 with the following changes:

1. Finding of Fact #2, Criteria 2, starting with the sentence “However, the applicant has requested deviation to the applicable standards for maximum parking *to be one (1) space per 150 SF of building, not to exceed 267 spaces and the maximum building height to be as per the applicant’s narrative under Architectural Characteristics found on page 40 of 178 of the Planning Board’s agenda packet.*
2. Finding of Fact #2, Criteria 2, add the following new sentence: *Signage will be as calculated per the Unified Sign Plan under General Business.* **The motion carried by a majority vote of 6 to 1 with Cooper Carter being opposed.**

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, to approve Preliminary Development Plan PD-03-20 with the changes adopted in the Findings of Fact and specifically Finding of Fact #2, item 2. **The motion carried by a majority vote of 6 to 1 with Cooper Carter being opposed.**

The Board wanted it to be noted that a safe bicycle and pedestrian crossing at Patriot Way and Morganton Road is expected and needs to be considered for approval.

4. **PD-04-20: Planned Development District - Preliminary Development Plan for a Medical Office Building; Applicant: Pinehurst Medical Group by Koontz Jones Design, Authorized Agent**

Mr. Robert Koontz, on behalf of Pinehurst Medical Group, has submitted an application for a Planned Development District – Preliminary Development Plan pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for a medical office building on the east side of Brucewood Road between Brucewood Road and South Henley Street. The subject parcel is zoned PD (Planned Development) and is identified as PIN: 857100590364 (PARID: 20190271). Per the Moore County tax records, the property owner is listed as Morganton Park Realty, LLC.

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

STAFF REPORT – Suzy Russell:

Ms. Russell entered Preliminary Development Plan Application PD-04-20 into the record and stated that Mr. Bob Koontz has submitted the request to build a 36,400 SF surgical office building on a 5.23 acre parcel within Morganton Park North. Pedestrian access has been provided throughout the site and will connect to the sidewalk along Pavilion Way. The applicant has stated that landscaping will be provided as required by the UDO and they will follow the Highway Corridor Overlay standards and have the 40 ft. buffer along Morganton Road. They are requesting that 243 parking spaces be permitted. The submitted plan shows 218 parking spaces. No bicycle parking is required for a medical or dental office. The applicant is also requesting a building height of 45 ft. as is permitted within the GB zoning district. Planning staff finds this request to be appropriate and UDO Sec. 4.5.4 does allow the Planning Director to deviate from parking standards.

The applicant has not confirmed whether they are going to follow the GB or the OS standards for signage.

The Traffic Impact Analysis combined this site with the Pinehurst Surgical site and the Town Engineer's comment was the same as for the previous application which was that if any deviations are made a new TIA will be required.

Town water and sewer exist at the end of Pavilion Way and the proposed connections are shown on the site plan.

Outside agencies were contacted for comment and Robert Reeve, Director of Recreation and Parks, made the identical comment that he is concerned about this area and recommended a safe pedestrian and bicycle crossing by placing a crossing indicator for the existing multi-use pathway.

RLUAC stated that the parcel is not critical or important to conserve on the Joint Study Land Use Map but it does contain identified red-cockaded woodpecker clusters so they are encouraged to have the property surveyed.

Site plan review and architectural compliance permit approvals will be required for this site prior to any building permit being issued.

Chairman Carroll stated that there had been some discussion about Patriot Way being a standard two-way road and not a collector street and asked Ms. Russell to elaborate on that issue.

Ms. Russell responded that would require an amendment to the approved Conceptual Development Plan and would need to be brought back to the Planning Board and approved by the Town Council. There is a note on the site plan that if the CDP is amended the applicant will follow whatever is within that CDP.

Mr. Carroll asked for confirmation that the roads need to be constructed for the buildings to be finished.

Ms. Russell responded yes.

Chairman Carroll asked who would pay for the roads.

Ms. Russell responded the developer.

Chairman Carroll asked if the developers are Pinehurst Surgical and Pinehurst Medical.

Ms. Russell responded yes.

APPLICANT PRESENTATION – Bob Koontz:

Mr. Koontz stated that he was present on behalf of Pinehurst Medical Clinic and their request for approval of a Preliminary Development Plan within Morganton Park North and shared a PowerPoint presentation of the site plan and supporting documentation. Access will be from Pavilion Way. Sidewalks will be installed along Pavilion Way and throughout the medical office development. Stormwater will connect back to the storm drainage system located along Pavilion Way and ultimately to the large stormwater basin that was developed as part of the original Legends project and designed to accommodate all of the stormwater in this area.

The proposed building will be very similar in appearance to the Pinehurst Surgical building. The majority of the building will be 35 ft. in height and the special architectural features would be 45 ft. in height.

The site consists of 5.23 acres and the proposed building will be 36,400 SF with the impervious surface being 3.15 acres or 60% of the overall property. No open space is being provided on this parcel. Water and sewer are available to the site but the property will need to be annexed into the Town in order for utilities will be provided.

Signage will utilize the GB zoning district as a baseline for the Unified Sign Plan.

The applicant is requesting a deviation from the parking standards. The total number of permitted spaces under the Morganton Road Development standards is 1 space per 250 SF, or 146 spaces. The current plan shows 218 spaces, or 1 space per 167 SF. The total number of spaces for medical and dental offices is 1 space per 150 SF or 243 spaces. The applicant is requesting the ability to develop up to 243 spaces. This is related to Pinehurst Medical's direct experience with their Heather Glen facility. The original facility has 226 parking spaces, or 1 space per 230 SF, but that was not adequate and has created challenging parking issues. In the past year they have added an additional parking area and added 70 additional spaces which has gotten them to 1 space per 177 SF which appears to be working well so this request is based on their direct experience.

Patriot Way will be constructed and Pavilion Way will be connected. A 100 ft. stacking turn lane will be added at Patriot Way. There will be a right in and a right out at Patriot Way. Patriot will connect to Carlisle Street with a full motion intersection and coming to a stop signs along Brucewood Road. Traffic signal modifications would occur in the process making traffic flow as well as possible and safe crosswalks will be provided.

Andy Bleggi asked Mr. Koontz if a second access into the parking lot has been considered for safety reasons since it is not on a dead end street.

Mr. Koontz responded that has been considered and the Fire Marshal has stated that would need to be reviewed during the site plan review process. Mr. Koontz requested the ability to add the second access if it is required by the Fire Marshal without coming back for a modification. Topography is one of the challenges of this site. There is a lot of grade and there is going to be a pretty steep hill in that location. Trying to find a second access on Pavilion Way that will grade and be accepted by the Fire Marshal will be difficult but that is something they will consider if it becomes an issue during the process. He reiterated his request that if they are required to add a second access that they have the flexibility to provide that access without having to come back through the approval process.

Cooper Carter asked if it makes sense to look at access between the parking lots between the two buildings.

Mr. Koontz responded that there is about 20 ft. grade at minimum and this parking lot will be at least 20 ft. above the other parking lot so there is really no way to make a connection between the two given the topography.

Diane Westbrook asked if the entrance into the parking lot will be a divided entrance.

Mr. Koontz responded that there is not a median.

Ms. Westbrook asked if there will be a median at the surgical clinic.

Mr. Koontz responded yes but the access to the Surgical Clinic is a little different because it lines up directly with the front of the building. A median would create a parking conflict in this situation.

Ms. Westbrook asked if there will be a pick up location at the rear of the building.

Mr. Koontz responded that it was his understanding that part of the reason they have a patient pickup are at Pinehurst Surgical is because they will perform surgeries in that building but surgeries will not be performed at this building.

Ms. Westbrook asked if the rear entrance will be a patient access since there is a lot of parking on that side.

Mr. Koontz responded that the intent is for staff parking to be located in the rear of the building and the other areas would be reserved for patient parking so the rear entrance would be for staff.

Dr. Brandon Enfinger stated there will not be a need for a second pick up area and the rear of the building will be for staff.

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

PLANNING BOARD ACTION:

Diane Westbrook made a **motion**, which was seconded by Benjamin Greene, to adopt Attachment “A” to the staff report as Findings of Fact regarding proposed Preliminary Development Plan PD-04-20 with the following changes to Finding of Fact #2, Criteria 2 2:

1. Parking spaces will be 1 per 150 SF of gross floor area of the Pinehurst Medical building for a maximum of 243 spaces.
2. The height of the building will be as per the narrative under Architectural Characteristics as specified on page 44 of 186 of the staff report.
3. A decision regarding a second entrance will be decided by the Technical Review Committee and the applicant shall comply with that decision and if a second entrance is required it must be located off of Pavilion Way.

The Planning Board finds that each of the deviation requests meets the respective criteria for approval of a deviation, and therefore the Planning Board recommends approval of the deviation requests.

4. Signage will be calculated based on the GB zoning district and the Unified Sign Plan.

The motion carried by a majority vote of 6 to 1 with Cooper Carter being opposed.

Diane Westbrook made a **motion**, which was seconded by Benjamin Greene, to recommend approval of Preliminary Development Plan PD-04-20 with the additional conditions specified in Attachment “A” Finding of Fact #2, Criteria 2. **The motion carried by a majority vote of 6 to 1 with Cooper Carter being opposed.**

NEW BUSINESS:

There will be a Planning Board meeting in May and most likely an agenda meeting – likely to be via webinar but subject to change.

The Gateway Small Area Existing Conditions Report – final draft being presented to the Town Council at the upcoming work session and said he would send a copy to the members of the Board.

OLD BUSINESS:

None.

Lemuel Dowdy made a **motion**, which was seconded by Cooper Carter, to close the meeting. **The motion carried unanimously.**

The meeting adjourned at 10:18 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board