

MINUTES
Town of Southern Pines Planning Board Virtual Meeting
May 20, 201 at 6:00 PM

The regular meeting of the Town of Southern Pines Planning Board was held virtually on Thursday, May 20, 2021 at 6:00 PM.

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

Town staff present: B.J. Grieve, Suzy Russell and Cindy Williams

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 April 22, 2021 regular meeting. **The motion carried unanimously.**

PUBLIC HEARINGS:

- 1. PD-03-21: Planned Development District - Preliminary Development Plan for a distilled spirits manufacturing facility and associated offices, retail sales and supplies, restaurant, cocktail bar and outdoor stage; Petitioners: Brad and Jessica Halling dba Rickhouse Properties, LLC by Neal Smith Engineering, Authorized Agent**

Mr. Neal Smith of Neal Smith Engineering, Inc., on behalf of Rickhouse Properties, LLC, has submitted an application for a Planned Development - Preliminary Development Plan pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for a new four-phased whiskey distillery. The applicant is proposing to construct a mixed use development to include a whiskey distillery along with retail, office, restaurant, bar, storage and manufacturing with onsite sales. The subject property is an undeveloped 15.04 acre parcel located on the north side of Yadkin Road between Trimble Plant Road and US HWY #1. The subject property is currently zoned PD and has an approved CDP, but the zoning map has not been updated in GIS and still shows the property as I (Industrial). The subject property is identified as PIN: 858200642631 (PARID: 00036849). Per the Moore County tax records, the property owner is listed as Rickhouse Properties, LLC.

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

Lemuel Dowdy made a **motion**, which was seconded by Benjamin Greene, to invoke UDO §2.5.2 allowing the Board to follow the rules for a legislative hearing. **The motion carried unanimously.**

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

APPLICANT PRESENTATION – Suzy Russell:

Ms. Russell addressed the Board and stated that the Preliminary Development Plan application included all four phases of the development. Existing public utilities are available to the property. Access will be off of Yadkin Road and also Trimble Plant Road. The CDP was approved with the condition that the applicants provide a detailed parking analysis, and that analysis has been submitted. Staff evaluated the analysis and recommends a reduction to 146 parking spaces. The applicants propose different surfaces for the parking lot and the Town Engineer and the Fire Marshal have implied that it is unlikely that those surfaces will be approved. The applicants have also proposed a deviation from the parking aisle width standards. Ms. Russell stated that a total of 74 parking spaces are proposed for Phase 1, which does not trigger landscape screening, but screening will be required with the 75th parking space and asked the Board to clarify the timeline for adding additional parking spaces with the applicant.

APPLICANT PRESENTATION – Jessica Halling:

Ms. Halling addressed the Board and stated that the site is part of an environmental revitalization project and they have met with the NC Department of Environmental Quality and the Brownfields Program. They have only received a preliminary summary report to date but it appears as though no remediation or any action on their part will be required and they will be allowed to move forward with their intended uses.

APPLICANT PRESENTATION – Neal Smith:

Mr. Smith addressed the Board and stated that no ten (10) ft. drive aisles were being proposed and the only 20 ft. aisle is in front of the rickhouses. All of the other aisles are the typical 24 ft. width and all of the parking meets Town standards. The 20 ft. aisle in front of the rickhouses is not really a travel lane and will just be used to access the rickhouses. They intend to develop the parking areas in three phases as submitted. Asphalt and gravel surfaces have been proposed for the parking lot but they will change the gravel surface to asphalt if they are required to do so by the Fire Marshal.

Ms. Halling stated that they will asphalt the turnaround if they have to and asked if that was a decision that could be made during plan review.

Chairman Carroll responded that he had read in the staff report that the Fire Marshal would like for the turnaround to be asphalt and deferred to Planning staff to determine what action was required by the Board.

Ms. Russell stated that staff recommended that the Board defer to the TRC to make the decision regarding the surface of the turnaround during site plan review.

Diane Westbrook referred to a comment from the Fire Marshal that was contained in the staff report and stated that the Fire Marshal requires a paved surface and not gravel.

Ms. Russell responded that the type of surface will be reviewed during TRC review. It may not be appropriate for the Planning Board to make a recommendation on something that Engineering and Fire will absolutely ensure is done correctly during site plan review.

Mr. Smith responded that they will work with the TRC during site plan review and that the Fire Marshal's concern regarding the gravel surface was due to the parking spaces at the end of the turnaround.

Cooper Carter asked if the parking spaces at the end of the hammerhead will be used for employee parking or for overflow parking in the future, and inquired about the plan for accommodating tour buses and other larger vehicles.

Mr. Smith responded that if buses started to come to the distillery they would modify the plan to accommodate them. The last rickhouse could be eliminated to create additional parking.

Mr. Galyeon stated that the current assumption is that the parking spaces in the hammerhead will be used for employee parking.

Chairman Carroll stated that he was confident that the applicants will do whatever is required for the turnaround.

Ms. Rebecca Hernandez, an adjacent property owner, inquired about traffic impacts.

Mr. Smith responded that they had submitted a preliminary traffic study and the Town Engineer disagreed somewhat with their calculations and the discrepancy will need to be resolved. They may be required to provide a traffic impact analysis but he did not think any mitigation would be required. Approximately 2,000 trips a day were counted on Yadkin Road. If the Town Engineer requires a traffic impact analysis it will be submitted to NCDOT for their determination of whether any improvements need to be made for traffic mitigation.

Ms. Halling stated that Mr. Smith and Mr. Tag Galyeon had put forth great effort to streamline the ingress and egress. There will be a one way drive off of Trimble Plant Road and Mr. Neal Smith has received a letter from NCDOT stating that the exit onto Yadkin Road being located across from Boiling Springs was recommended.

Chairman Carroll asked if they could comment on the volume of traffic they anticipate based on their study.

Mr. Smith said they estimated slightly more than 300 trips per day. Visitors will come in at different times to tour of the facility and the restaurant will be open for lunch and dinner. A traffic impact analysis might be required but he did not expect that NCDOT would require them to make

many changes. There might be a little more concentrated traffic for events and the goal is to have a lot of traffic.

Ms. Taniya Smith stated that she and Mrs. Hernandez both live across from the property and they are both concerned about the traffic and the noise that will be generated.

Ms. Halling responded that many of their events will occur within the facility itself, particularly in Phase 1 when they are only in the main building. They have attempted to tuck the development into the property not only to provide greenspace but also to be further away from the Boiling Springs properties.

B.J. Grieve commented that the Town has a noise ordinance.

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

Neal Smith stated that the only condition that he did not agree with was that the applicant would not be allowed a ten (10) ft. wide drive aisle for one-way traffic and a 20 ft. wide drive aisle for two-way traffic. The only 20 ft. wide drive aisle is the one by the rickhouses and they would like to reduce the width there because there will not be any traffic going there other than some business traffic in the future.

Mr. Brad Halling stated that the 20 ft. aisle is going to be used by forklifts to move barrels to and from the rickhouses.

Ms. Russell responded that she would recommend that the applicant be allowed to work these specific issues out with the TRC. When she took this plan to the TRC for preliminary review, a comment was made about alcohol being stored inside the rickhouses because alcohol is highly flammable. She could not speak for the Fire Marshal but she did not know if he would be okay with a 20 ft. aisle in front of the rickhouses or if he will require what is stated in the UDO, which is a 24' driveway but she felt that it would be wise to let that be addressed by the TRC.

Neal Smith stated that he was agreeable to the aisle width being approved at TRC site plan review.

Chairman Carroll stated that he calculated 147 parking spaces and requested that item 2 of Attachment "A" be changed accordingly.

ACTION OF THE BOARD:

Lemuel Dowdy made a **motion**, which was seconded by Andy Bleggi, to adopt Attachment "A" of the staff report with the changes detailed during the meeting as the findings of fact regarding proposed Preliminary Development Plan PD-03-21. **The motion carried unanimously.**

Lemuel Dowdy made a **motion**, which was seconded by Andy Bleggi, to recommend approval of Preliminary Development Plan PD-03-21 with the following additional conditions:

1. The applicants shall be allowed a parking reduction based on the parking analysis provided by the applicants, and to meet the parking requirements for 147 parking spaces.
2. Parking will comply with the UDO regulations and requirements put forth at site plan review with the Technical Review Committee and specifically:
 - a. Aisle width will be approved at TRC review.
 - b. Surface materials will be approved at TRC review
 - c. Per UDO §3.5.14(M)(4), the applicant shall meet off-street loading requirements.
3. The applicant will comply with the Town of Southern Pines landscape code found in UDO §4.3 and specifically landscape screening for the parking lot shall be provided in Phase 2 or when the 75th parking space is proposed.

The motion carried unanimously.

2. OA-02-21: Text Amendments to the Unified Development Ordinance; Petitioner: Town of Southern Pines Planning Staff

On July 11, 2019, Governor Roy Cooper signed Session Law 2019-111. This legislation made a variety of substantive changes to North Carolina state laws that govern local land development regulations, as well as reorganized land development statutes that had previously been located in many different chapters of state law into one chapter, North Carolina General Statute (NCGS) Chapter 160D. The new NCGS Chapter 160D became effective January 1, 2021 and local governments have until July 1, 2021 to revise local land development regulations.

Therefore, the Town of Southern Pines Planning Department has reviewed the Town's Unified Development Ordinance (UDO) and is proposing a variety of changes to comply with the requirements of NCGS Chapter 160D. Planning staff is proposing to change only that which is specifically necessary to comply with NCGS Chapter 160D and/or that which is necessary to improve the clarity of existing language in the UDO based on the changes to state law in NCGS 160D.

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

APPLICANT PRESENTATION – B.J. Grieve:

Mr. Grieve addressed the Board and provided an overview of the steps that were taken to ensure the accuracy of the proposed changes to the text of the UDO as set forth in staff report OA-02-21.

Diane Westbrook asked if these changes would have an impact on developers and builders, homeowners or the Town staff and how he would characterize the entire project relative to its impact – time or money - on those constituents?

Mr. Grieve responded that there will be no impact on a vast majority of the community. There are a number of things that will protect developers and builders. There are a number of changes that basically make it easier for Planning staff to do business because a number of details have been tidied up. He thinks that 95% of people will have no idea that these changes are in place as very few of these changes affect Zoning or Development and Design Standards (Chapters 3 and 4 of the UDO).

Ms. Westbrook asked if there were any changes that were mandated by the state and incorporated into the UDO that will or may result in reduced costs or time to the constituent groups.

Mr. Grieve responded that there were a number of places in the UDO where staff identified and corrected redundancy. When it comes to time savings, some things will get streamlined but some changes will increase administrative costs. Tracking permit choice and vested rights is going to take additional staff resources.

Ms. Westbrook asked if there are any changes that will increase costs to developers, builders, homeowners or the Town.

Mr. Grieve responded that the changes have the potential to decrease cost because, for example, there is a dramatic change to permit choice. Also vested rights and development approval timeframes are a lot longer.

Ms. Westbrook asked developers, builders and the community will be made aware of the changes.

Mr. Grieve responded that he sends an email to those individuals and companies that frequently interact with the Planning office whenever the UDO is revised. An email notification will be sent out on July 1, 2021.

Ms. Westbrook expressed her appreciation to Town staff for the time and effort invested in this project.

Chairman Carroll asked Andy Bleggi for his thoughts on the proposed changes.

Mr. Bleggi responded that he likes the changes and especially the change to the 24 month deadline, which is a major win for staff and developers.

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

PLANNING BOARD ACTION:

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, that after considering the criteria for the text amendments found in UDO §2.17.10, the first of which is consistency with the Comprehensive Long Range Plan, the Planning Board finds that the requested text amendments are consistent with the Comprehensive Long Range Plan and the Planning Board adopts the Resolution that is included as Attachment A in the staff report for OA-01-21. **The motion carried unanimously.**

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, to recommend approval of OA-01-21 to the Town Council. **The motion carried unanimously.**

UNFINISHED BUSINESS:

No unfinished business was discussed.

NEW BUSINESS:

Mr. Grieve stated that two Conditional Use Permits will be on the June 2021 Planning Board agenda.

UDO §2.5.2 has been revised to make it clear that advisory boards can look at quasi-judicial items but no part of their forum or recommendation can be used as the basis for a decision by the Town Council. The Town is currently trying to sort out what that means for the Planning Board.

The meeting adjourned at 7:45 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board