

MINUTES
Town of Southern Pines Planning Board Regular Meeting
via virtual meeting
May 21, 2020 at 6:00 PM

The regular meeting of the Town of Southern Pines Planning Board was held on Thursday, May 21, 2020, at 6:00 PM via video conference.

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

Board member absent: Cooper Carter.

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:

Kim Wade made a **motion**, which was seconded by Diane Westbrook, to approve the Minutes of the April 23, 2020 regular meeting. **The motion carried unanimously.**

Gary Carroll made a **motion**, which was seconded by Diane Westbrook, to hold all of the a public hearings on the agenda as legislative proceedings. **The motion carried unanimously.**

PUBLIC HEARINGS:

1. **Z-02-20: Request to rezone a 13.36 acre parcel and 22.07 acre parcel located at 200 Meyer Farm Drive from RS-3 (Residential Single-Family) to RM-2 (Residential Mixed-Housing); Applicant: Mr. Earl Ellis of Colony 9, LLC**

Mr. Earl Ellis of Colony 9, LLC requests to rezone a 13.36 acre parcel and a 22.07 acre parcel located within Forest Creek at 200 Meyer Farm Drive from RS-3 (Residential Single-Family) to RM-2 (Residential Mixed-Housing); The subject property is identified as PIN: 857300393172 (PARID: 00037691). Per the Moore County tax records, the property owner is listed as Colony 9, LLC.

STAFF PRESENTATION – Suzy Russell:

Ms. Russell entered file Z-02-20 into the record and stated that Mr. Bob Koontz had submitted a request to rezone Section 1 and Section 20 of the Forest Creek development from RS-3 (Residential Single-Family) to RM-2 (Residential Multi-Family). The subject property is identified as *Residential/Golf*, which includes private or public golf courses and residences, on the CLRP Future Use Map. The regulations of the RM-2 zoning district are intended to

encourage single-family and multi-family residences and new residential development that is compatible with the existing neighborhood.

APPLICANT PRESENTATION – Bob Koontz:

Mr. Koontz addressed the Board and stated that the purpose of the request was to allow the development of multi-family condominium units. A maximum of 30 condominium units within one or both sections would be developed over time and the remainder would be single-family residences. Section 1 consists of 13.361 acres and Section 20 consists of 22.07 acres. A letter of support from the Property Owners Association was submitted with the application.

Chairman Carroll asked Mr. Koontz if the Property Owners Association had notified the residents of the proposal.

Mr. Koontz responded that he thought letters were sent to all of the residents and property owners and the information was also shared with the residents at the annual meeting.

Diane Westbrook asked for confirmation that there would be a total of 30 condominium units.

Mr. Koontz confirmed that there would be a maximum of 30 condominium units in Forest Creek.

Mr. Henry Caldwell, owner of 11 Eastman Place, inquired about the architectural review process for the condominiums to ensure continuity with the rest of the development.

Mr. Koontz responded that the condominiums would undergo architectural review and would be required to follow Forest Creek architectural guidelines. The elevations would be presented to the residents for review.

B.J. Grieve stated that Mr. McCarty inquired about whether there would be any expansion of the west side of Section 20.

Mr. Koontz responded that there would be no development west of Meyer Farm Drive as part of the current application.

Ms. Ruth Doughty, 10 Kenwood Court, stated that she was surprised that notification had been sent out to the membership. Perhaps it was presented at the annual meeting but she was unable to attend, and that she was also not the only person to be puzzled about the presentation of information regarding Section 20 and stated that she would like that to be noted in the Minutes.

Chairman Carroll asked Ms. Doughty if she had a question regarding proposed development within Section 20.

Ms. Doughty responded that she did not have a question; she was just a little surprised that the POA had not shared information about Section 20 with the general membership. She said she was not the only one surprised to see that section included in the rezoning request and she would

like the POA to reach out to the membership to make sure there is a general consensus and not just the opinion of a small percentage of the population.

Chairman Carroll asked Mr. Koontz to comment on Ms. Doughty's concern regarding notification of the rezoning request for Section 20.

Mr. Koontz responded that it was his understanding that the proposal was part of the agenda and presented at the annual meeting. He also understood that notification was sent out, the proposal was presented at the annual meeting and the POA supported the application.

Chairman Carroll stated that the Planning Board is a recommending body only and that the request still needs to be approved by the Town Council. He suggested that Ms. Doughty attend the Town Council meeting and express her concerns at that time.

Benjamin Greene 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 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-02-20 and therefore she recommends approval of Z-02-20. **The motion carried unanimously.**

2. **CU-03-20: Conditional Use Permit; Major Amendment to CU-04-99; Increase in Intensity; Designation of Additional Land Uses; 35.43 Acres; Applicant, Colony 9, LLC Mr. Earl Ellis; Authorized Agent, Mr. Bob Koontz of Koontz Jones Design, PLLC.**

Mr. Bob Koontz on behalf of Mr. Earl Ellis, of Colony 9, LLC has submitted a Conditional Use Permit application for a major amendment to Conditional Use Permit CU-04-99 requesting approval to increase the overall total number of residential units permitted, 750 single-family lots, by 25 and also to add a multi-family condominium development as an allowable use for the property. The multi-family development would impact sections 1 and 20 in the Forest Creek development and would be limited to a total of 30 units. The applicant has also applied separately to rezone section 1 and 20 to RM-2 (Residential Mixed Housing). Currently the Forest Creek development is zoned RS-3 (Residential Single-Family). Section 1 is 13.36 acres and Section 20 is 22.07 acres. Section 1 lies east of Meyer Farm Drive and south of Forest Creek Drive with Section 20 also to the east of Meyer Farm Drive and north of Forest Creek Drive, within the Forest Creek development west of the clubhouse. Infrastructure was constructed during the overall development of Forest Creek and are readily available presently. The subject property is identified by the

following: PIN: 857300393172 (PARID 00037691) and the property owner is listed as Colony 9, LLC.

Chairman Carroll confirmed that there were no conflicts of interest among the members of the Board with regard to the project.

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 entered staff report CU-03-20 into the record and stated that Mr. Bob Koontz of Koontz Jones Design, on behalf of Mr. Earl Ellis of Colony 9, LLC, had submitted a Conditional Use Permit application for a major amendment to CU-04-99 to increase the overall density of Forest Creek by 25 units and to add a maximum of 30 multi-family condominiums units in Section 1 and Section 20 only. Town sewer and water are readily available. Per UDO Sec. 2.21.13, amendments to a Conditional Use Permit shall have no detrimental impact on any adjacent property caused by a significant change in the appearance or use of the property or any other contributing factor. Therefore, it is important to note that owners of any adjacent Forest Creek properties will not be impacted by this change as the appearance of Forest Creek will remain the same.

Chairman Carroll inquired about the number of property owners who were notified of the application.

Mr. Grieve responded that over 400 adjoining property owners were mailed a copy of the Public Hearing Notice.

APPLICANT PRESENTATION – Bob Koontz:

Mr. Koontz addressed the Board and stated that the request was for a major amendment to the previously approved Conditional Use Permit for the Forest Creek development which was approved in 1999 for 750 residential units. The request is for an additional 25 units, which is still well under one (1) dwelling unit per acre, and pertains specifically to Sections 1 and 20. The request would also allow up to 30 multi-family units in Sections 1 and 20. Any additional units beyond the 30 would be residential single-family. The request is in conformance with the CLRP as Residential/Golf and utilities are readily available. The Property Owners Association is in support of the major amendment. The proposal was presented at the annual meeting of the Property Owners Association.

Lemuel Dowdy 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 Lemuel Dowdy, to adopt Attachment “A” to the staff report as their Findings of Fact regarding proposed Conditional Use Permit CU-03-20. **The motion carried unanimously.**

Diane Westbrook made a **motion**, which was seconded by Kim Wade, to recommend approval of CU-03-20. **The motion carried unanimously.**

3. **CU-03-19 and S-48-19: A Conditional Use Permit and Major Subdivision Preliminary Plat for 58 Lots Within an Existing Residential Development; Applicants: Plantation Investors, LLC (Bob Levy); Bob Koontz of Koontz Jones Design PLLC, Authorized Agent**

Mr. Bob Koontz has submitted an application for a Conditional Use Permit and a Preliminary Plat for a major subdivision of 58 total lots on 23.64 acres zoned RS-2CD. The proposed subdivision is within an existing residential development presently called “Mid South” that was approved in 1988 for 647 dwelling units. The development is located on the east side of Knoll Road between Midland Road to the north and Morganton Road to the south. The preliminary plat is for two phases. Phase One will be located along the extension of Plantation Drive south of Claret Court and proposes 52 single-family lots along with open space. Phase Two proposes six single-family lots and one lot dedicated to open space east of the intersection of Plantation Drive and Hadley Court. The subject parcels are identified as PIN: 857200543226 (PARID: 20120323) and PIN: 857200614866 (PARID: 20071162). Per the Moore County tax records, the property owner is listed as Plantation Investors, LLC.

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

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

STAFF PRESENTATION – Lauren Long:

Ms. Long stated that the rezoning of 535 acres originally known as the Voit-Gilmore tract to RS-2CD was approved in 1988 (Z-15-87) for a residential subdivision with a golf course. Mr. Bob Koontz, on behalf of Plantation Investors, LLC, had submitted a request to develop 58 lots within the development which is currently known as Mid South. The applicant has proposed a two-phased development of 58 lots, with Phase One being a 52 lot subdivision located south of Claret Court on Plantation Drive and Phase Two being a six (6) lot subdivision located south of Hadley Court on Plantation Drive. The Mid South development, including the two proposed phases, is designated as Residential/Golf on the Comprehensive Long Range Plan Future Land Use Map and the proposed subdivision remains within the framework of the original master plan and does not require an increase in density to subdivide the proposed residential lots.

Existing utilities infrastructure can be accessed from Plantation Drive but Phase One will require an extension of water and sewer mains to service all of those proposed lots. The dedication of an

easement within Plantation Drive to service and maintain those lines will be required. There are storm drains within the existing limits of Plantation Drive. The proposed extensions of the stormwater infrastructure have been reviewed by the Town Engineer and he provided his comments in a letter to the Planning Department dated May 11, 2020.

Both phases will be accessed from Plantation Drive. A portion of Plantation Drive adjacent to Phase Two has already been built but an extension to serve the lots in Phase One will be required. The portion of Plantation Drive that has been completed has been built to the Town standard for a residential sub-collector street with regard to width of the travel lanes and its use of curbing. However, it is not built to the standards of the cross-section for a 60 foot right-of-way because no sidewalks have been installed. The preliminary plat also shows a residential local street ending in a cul-de-sac that is currently proposed to be named "Ambassador Court." Neither of the proposed streets specifies a design standard or a right-of-way to service the extension of public utilities. If the applicant intends to request that the extension of Plantation Drive and Ambassador Court be built to the existing standards for residential local and sub-collector streets, then that deviation must be specifically requested and only the Town Council has the authority to grant that request. The preliminary plat for Phase Two shows Plantation Drive as an existing street. The preliminary plat must specify that Plantation Drive is a private street and also that a right-of-way will be dedicated to the Town.

The applicant submitted a Traffic Impact Analysis (TIA) which has been reviewed by the Town Engineer, NCDOT and the Town Fire Marshal. The TIA designates Plantation Drive as the access to Phase One and Windsong Drive, an existing asphalt roadway, as the emergency access. On April 24, 2020, the Fire Marshal commented on the proposed plan and stated that Windsong Drive would not be considered an emergency access unless improvements were made to the existing road. It is impassable for large trucks in its current state and an additional access would be required if no improvements were made. The Fire Marshal suggested that West Michigan Avenue may be a better option due to it being shorter in length than Windsong Drive.

On May 11, 2020, the Town Engineer provided his comments regarding the TIA. He recommended that actions be taken to maximize site distance and stated that any engineering plans submitted need to include improvements to the existing intersection of Knoll Road and Palmer Drive to ensure that appropriate site distance is provided for a design speed of 40 MPH. Ms. Long stated that the applicant had submitted images of the current intersection of Palmer Drive and Knoll Road, as well as a diagram of the intersection with site distance triangles, but staff was unable to identify any explanation of the images.

Comments were received from a representative of U.S. Fish & Wildlife Service who stated that, due to the proximity of known active red-cockaded woodpecker clusters, the project proponent should have this property surveyed and the results of the survey should be sent to the Southern Pines US Fish and Wildlife Service office for review.

Chairman Carroll inquired about the proposed route of Plantation Drive.

Ms. Long responded that the current plan does not show Plantation Drive making a complete loop.

APPLICANT PRESENTATION – Bob Koontz:

Mr. Koontz addressed the Board and stated that he was present on behalf of Plantation Investors, LLC regarding their request for a Conditional Use Permit and Major Subdivision for Mid South East End. The original project was approved in 2015 to develop 647 units, 468 of which have been developed. Due to the infrastructure not being installed, no vesting being in place and a change in lot size, a new application was required. In addition, the original plans were designed by a firm that is no longer doing business in Moore County.

The request is for the approval of 49 additional lots. This is a decrease in the total number of units in this section, which originally called for 95 units but the new plan includes a total of 83 lots and the patio home lots have been replaced with village style homes on larger lots. The six (6) lots along Plantation Drive will have direct access off of existing roads and there are existing utilities.

Phase One will consist of 52 lots and Phase Two will consist of 6 lots, allowing 121 units remaining to be developed. Open space is covered by the overall community open space per the Conditional District. They will work with the Town Engineer during the site plan review process to make sure that all phases will tie into existing utilities. The request is to comply with the existing standard of the development which does not require street trees or sidewalks and is consistent throughout Mid South. All stormwater requirements will be met.

This property is within the red-cockaded woodpecker Safe Harbor Program and as such has been monitored by US Fish and Wildlife for several years and they will work with that agency as the new lots are developed.

A Traffic Impact Analysis has been completed and did not require any improvements but site distance modifications were recommended. A site distance study was conducted and it was determined that the right view was clear and traffic could be easily seen from the access but they did find that there was a bit of a visibility impediment on the left side due to a fence and pine trees. The developer plans to remove the three sections of fence and volunteer pine trees to provide a better view to the left.

There are currently two entrance gates. The main gate is located off of Knoll Road the other entrance is off of Felton Capel Drive onto Windsong Drive. Existing impediments would be removed to allow traffic and a lock box allowing emergency access would be installed. The Fire Marshal also mentioned the possibility of a potential connection on West Michigan Avenue. The applicant would like to explore that option further with the Fire Marshal during the site plan review process as that might be very viable alternative. There will definitely be a third point of ingress and egress for emergency vehicles.

A loop road was designed for the overall development. This section will ultimately be connected to that loop. There are two small sections that are being used for construction access and have not yet been improved with asphalt and curb and gutter.

Lemuel Dowdy stated that the lots that back up to Pine Street will also back up to a buffer area and asked Mr. Koontz what was planned for the buffer area.

Mr. Koontz responded that those lots are very deep and the plan is to have an undisturbed buffer along the back of those lots.

Mr. Dowdy asked if the buffer would be a width greater than the required buffer.

Mr. Koontz responded that there is a 25 foot buffer requirement around the property. At a minimum, that buffer will be 25 feet and based on the depth of the lots on that side, that would be the buffer width for that area. Those lots are very deep and he assumes there will be more trees remaining in that area than on some of the smaller lots.

Mr. Dowdy asked if a fence along Pine Street was planned.

Mr. Koontz responded that there is an existing fence along Pine Street on the Mid South side and the plan would be to maintain that fence and to leave that area undisturbed and natural for a minimum of 25 feet.

Kim Wade inquired about the number of access points.

Mr. Koontz responded that at least two access points are typically required for any development. Given the size of this development it makes a lot of sense to have a third access point and he believed the Fire Marshal wanted a third access as well. They have two good options that will be evaluated. There will definitely be a third access point.

Mr. Dowdy asked if the determination as to which of the locations would be subject to Planning Board review.

Mr. Koontz responded that the third access would be worked through with the Technical Review Committee during the detailed construction drawings review process.

Diane Westbrook asked if the third access would be completed as part of Phase One.

Mr. Koontz responded that the third access point and emergency egress would be part of the requirements for construction of the proposed phases.

Ms. Westbrook asked if the loop would be completed as well.

Mr. Koontz responded that the loop will be completed at some point during the next phase of development. There is currently a gravel road that will be used for construction traffic so that section will be built once construction is complete.

Ms. Westbrook inquired about requirements for the emergency access.

Mr. Koontz responded that the emergency access will need to be sufficient to support the weight of a fire truck and the Fire Marshal would have to sign off on the roadway and the cross-section.

Ms. Westbrook asked if there was an issue regarding stormwater management.

Mr. Koontz responded that stormwater has been accommodated by the ponds. Stormwater management will be discussed with the Town as they work through the detailed planning and engineering drawings.

Ms. Westbrook stated that she understood there would be no sidewalks as part of these two phases of development and that the streets would remain private. She asked Mr. Koontz how that relates to the standards for Town streets.

Mr. Koontz responded that the streets themselves will meet the Town of Southern Pines standards with regard to the amount of gravel, the road base and the amount of asphalt and there will be concrete curb and gutter throughout. These streets will not be dedicated to the Town of Southern Pines. There will be easements for the utilities that will be dedicated to the Town but, since these are private streets, they will not be dedicated to the Town. Sidewalks and street trees will not be installed since the original design of Mid South did not have street trees or sidewalks and this is a continuation of the development pattern for a consistent look throughout the neighborhood.

Ms. Wade asked how Michigan Avenue will affect the traffic flow into West Southern Pines.

Mr. Koontz responded that access from Michigan Avenue would be limited to emergency vehicles.

Chairman Carroll said he understood that it was a requirement that the streets be built to current Town standards, which includes sidewalks and a specific type of curbing unless a variance was requested but he did not see that request in the application.

Mr. Koontz responded that the deviation was not included in the written application but they wanted to formally make that request during the hearing.

B.J. Grieve confirmed that the Planning office had not received a written request but there are provisions for deviations from the standards of the UDO which may be granted by the Town Council if a request is made.

Mr. Grieve referenced a previous statement that was made by Mr. Koontz regarding the development being exempt from stormwater requirements due to the age of the development. The development is not exempt from Town stormwater requirements and stormwater management will be verified during the site plan review process.

Mr. Koontz stated that they will work through stormwater with the Town Engineer and formally requested the removal of sidewalks and street trees to be consistent with the rest of the

development. Mr. Koontz stated that a written request could be submitted prior to the Town Council meeting.

Clifford Doll, 115 Belfair Court, expressed concern about emergency access to these sections of the development given the distance from the front gate. The original approved plans for the development included a road that went completely around Mid South but that road has not been completed to date. He lives at the base of the gravel road and that road washes out every time there is a heavy rain so that is not a dependable access. There is also no completion of Windsong or any other road up to and including the new development so there is no way for the residents of the 130 houses to get out. With regard to the Michigan Avenue access, the residents he has spoken with wholeheartedly agree that should be done but they ask that it should be open to all vehicles as a means of egress in an emergency. He conducted a straw poll and 62 residents responded in one day that they would like for the Board to consider stipulating as part of this permit that the developer complete the construction of Plantation Drive to form circular access around Mid South as indicated in the previously approved Voit Gilmore development map and that the developer construct a road to provide vehicular access and egress from Plantation Drive to Palmer Reserve connecting to West Michigan Avenue. The community would like to see those improvements finished as soon as possible and possibly before construction starts because you could not get a construction vehicle to the construction site as it stands right now. He requested that the Board make a stipulation so it is in writing that the developer will be responsible for these things because they are a safety issue for the community.

Mr. Koontz responded that there will be a means of ingress and egress for emergency vehicles for both areas from Windsong Drive or potentially Michigan Avenue. The road will be paved as part of the next phase of development and connect Plantation Drive as originally planned. The Fire Department will definitely require a third means of ingress and egress for emergency vehicles which will occur as part of the current application.

Chairman Carroll said that Mr. Doll had stated that the gravel road is not sufficient.

Mr. Koontz stated that if the road cannot safely accommodate a 75,000 lb. fire truck the Fire Marshal will require improvements.

Chairman Carroll asked if they plan to just reinforce the road for the time being.

Mr. Koontz responded that the road is substantial enough to accommodate a fire truck now. Part of the problem is that there is some debris on Windsong that needs to be cleared out. The Fire Marshal made a suggestion in his comments that access off of Michigan Avenue may be a possibility.

Mr. Doll stated that he did not remember Windsong being connected to the new development as of yet.

Mr. Koontz responded that it is not connected to the area to be developed at this point but it will be in the future.

Mr. Doll asked the Board to stipulate that the road be constructed first so that it can be used for construction vehicles.

Mr. Koontz responded that it will be the construction access so it will need to be completed first. He said it will be improved with curb and gutter and asphalt pavement in the future but it will initially exist as a gravel emergency ingress/egress road and as a construction access.

Ms. Westbrook asked Mr. Koontz if he was saying that the gravel road would not be used by the residents of Mid South.

Mr. Koontz confirmed.

Mr. Doll said it was to serve two purposes – one was construction access but eventually an emergency access for the 130 homes that were part of the first phase of development and he wanted the Board to make sure there is a means of egress for the residents that live in that area.

Mr. Dowdy addressed Mr. Doll and stated that one of Mr. Doll's requests was that the Board consider the completion of Plantation Drive and asked if there was an estimate of the cost to complete the road.

Mr. Koontz responded that is a planning issue and planning for that section has not be completed so a cost estimate has not been obtained. Emergency ingress and egress will be provided as required by the Fire Marshal. Emergency vehicles would be able to enter and residents would be able to get out should there be an issue within the development. It is meant for ingress and egress for emergency services and that gate could be opened if residents needed to get out.

Chairman Carroll asked if emergency egress would only be allowed if there was an emergency vehicle there that was able to open the gate.

Mr. Koontz responded that the gate attendant or another individual associated with the development or the POA could also have a key to open that gate for egress in an emergency situation. On a day-to-day basis that gate would not be open for people to go in and out.

Mr. Koontz stated that the road would be constructed during the development of the section that is the subject of the application.

Chairman Carroll stated that he felt a time limit should be applied because development could take three to five years.

Mr. Koontz responded that section of road will be required to be constructed in order for construction in that section to begin.

Chairman Carroll asked Mr. Doll if that satisfies his requirement.

Mr. Doll said that means the construction vehicles will be off the streets and entering in the back and that will be fine. Also if it meets the standards for construction it should meet the standards

for getting people out. He asked if West Michigan Avenue would come with the Fire Marshal's requirement.

Mr. Koontz responded it may or may not. If Windsong will be a construction access long-term the emergency access could come from Michigan Avenue but that will be determined by the Fire Marshal during the design process.

Mr. Doll said so Windsong will be an access for construction vehicles at the beginning of the next phase then during or after construction, with the Fire Marshal's approval, there will be an exit to West Michigan.

Mr. Koontz responded not necessarily. It could remain at Windsong or it could be added at Michigan depending upon the Fire Marshal. One or the other will be required but construction traffic will be coming in off of Windsong and at a minimum that road will be constructed. The long-term determination of whether Michigan Avenue or Windsong makes more sense from a fire perspective will be up to the Fire Marshal.

Mr. Dowdy asked if the access to West Michigan Avenue will be for emergency access only if it is approved by the Fire Marshal.

Mr. Koontz confirmed.

Ms. Westbrook said she thinks what Mr. Doll was saying was that it would also be for emergency egress by the residents.

Mr. Doll confirmed but stated that completion of the road from that development all the way around the development the way it was originally planned in the original master plan so that needs to be the third part.

Mr. Koontz responded that is correct and that will occur in a future phase. The only portion of that roadway that will not be constructed with this phase of development will be the last section. That section of road will be part of the last section of development and the connection will be made and the vision for the loop road will be accommodated at that point in time.

Mr. Doll said just so the Board understands, his point is there are three pieces to his request - that the construction of the road going in at the beginning of construction with the Fire Marshal's approval be for emergency ingress and egress through West Michigan, and may be permanent if the Fire Marshal determines, and the final piece is the completion of Plantation Drive.

Chairman Carroll said he thought the Board understood Mr. Doll's request.

Nina Sellers, 98 Plantation Drive, asked the Board if they were willing to mandate that all construction vehicles during any portion of this phase enter and exit the community through Windsong, especially in light of the developer seeking a deviation from the Town of Southern Pines roadway requirements and the lack of sidewalks in the community it is a significant

concern that there will be many more construction vehicles entering through the front or the back gate.

Chairman Carroll asked Mr. Koontz to respond to Ms. Sellers' concern.

Mr. Koontz responded that it is no problem from the applicant's perspective to require that all construction traffic for this particular phase of development go through Windsong.

Ms. Sellers asked if the Board was willing to memorialize Mr. Koontz's statement and mandate in its approval that Windsong be passable by all construction vehicles and that that be required from the outset of construction.

Mr. Koontz responded that it is fine if the Board would like to do that. There is no other way to access the property other than Windsong without going through the main gate. The phase is going to be constructed in such a way that construction vehicles will not have to go through the existing development.

Ms. Westbrook asked if that would not be a responsibility of the homeowners association to operate the front gates if they find that construction traffic is trying to enter through the front gate.

Ms. Sellers said, from a resident's perspective, the developer is seeking a deviation with respect to what they are required to do to the roadway and what they are required to construct. They certainly do not want them deteriorating the existing roadways and the residents having to be responsible for their upkeep or repair.

Mr. Koontz stated that construction traffic will not be going through the development to construct this phase.

Chairman Carroll asked if the HOA or the POA has the authority to address that issue.

Mr. Koontz said he would think they would have the ability to make a complaint to the developer if they did see construction traffic going through the existing development.

Mr. Dowdy asked if there is an arm on the gate at the gatehouse entrance that has to be raised by the attendant to let vehicles in and if so, the gatekeeper does not have to open the gate and allow construction vehicles to enter.

Ms. Sellers said a person has to physically communicate with the vehicles that are entering the development unless they have a Mid South sign or a permit. They must have their identification checked and be associated with a particular property or have a purpose for entering the community. They do not want to be in a position of community resources being expended to address traffic issues such as this. They are just asking for the Board's assistance in making sure that this is never an issue that has to be addressed by the community. If it beyond the scope of what they are permitted to or comfortable with doing, Mr. Koontz has certainly made it clear and gone on the record multiple times with saying that this would never occur and it would not be an

issue. She was certainly not doubting his word, she was just looking for a means by which they could address this in the future if it unfortunately did arise.

Mr. Dowdy asked if there is an attendant at the gatehouse 24 hours a day.

Ms. Sellers responded yes.

Mr. Koontz stated that when he talks about construction, that includes infrastructure that occurs with the development of this section. There are homes being built throughout the entire development and those contractors may enter and exit from the two gates, and particularly the main gate and they would be permitted to come in by the attendant. That would be for home construction and not heavy construction equipment that would be required to accommodate installation of the infrastructure.

Gary Podlogar, 10 Plantation Drive, stated that the developer currently does not need to follow the Mid South Club ARB guidelines, site conditions or the preservation of trees on the building site. Many residents feel that those guidelines that must be followed for all other properties should be the same guidelines followed by the developer. He had submitted a formal letter and a photograph of lots that are being clear cut with no regard for any other trees. On an estate lot all trees are marked and those that are not within the footprint of the house cannot be removed. This creates stormwater issues and they feel that the developer should meet the same conditions that everyone else does.

Mr. Grieve stated that he made Mr. Podlogar's email available to the Board members.

Mr. Grieve stated that in the State of North Carolina local governments are precluded from having architectural control over single-family residential structures. Only in limited circumstances such as an historic district or possibly if there is some type of development agreement so that is something the residents would need to handle internally as a civil matter regarding architectural control for single-family residential structures.

Meredith Jones asked, as an owner of 1 Wake Forest and 2 Wake Forest Court she has a vested interest in ensuring that the development density and usage conforms with the section of the community it is close proximity to and does not further devalue property in the community. What are the plans to ensure that current property owners' investments are not unduly burdened by this development? What does the plan provide in terms of security or electronic surveillance of the proposed emergency egress points to prevent unauthorized access?

Chairman Carroll asked if this project is within the guidelines for Mid South.

Mr. Koontz responded that it is. These lots are the same size or larger than the lots that were developed in the previous phase which are in conformance with the overall master plan and the original Voight Gilmore Plan. The density, as you can see, is in conformance with the overall development and the original approved Conditional District.

Mr. Koontz stated that there would not be any video surveillance of the emergency access; however, those areas would be locked with either a gate or some type of access control that

would not allow vehicles at any time other than an emergency to have ingress and egress in those locations – whether it will be bollards, gates, fences or whatever it may be. He was not aware of a plan to have anything other than that in those locations.

Chairman Carroll asked if it would be a key access of some sort.

Mr. Koontz responded that it would be something that the Fire Marshal, the President of the POA or Mid South security could activate.

Ms. Jones asked that given the proximity to wetlands, protected species of birds and the potential for flooding and erosion, what is the plan to address and minimize the environmental impacts?

Mr. Koontz responded that there are no wetlands in this section. Mid South is within the red-cockaded woodpecker Safe Harbor program. All of those items would be addressed as well as stormwater management and sedimentation and erosion control would be addressed.

Chairman Carroll asked if someone from the Town visits the site to monitor sediment fences and things like that.

Mr. Grieve responded that Town construction inspectors frequently visit construction sites to ensure compliance with erosion control measures and appropriate construction methods and connection of all infrastructure during construction.

Gerald Feeny, President of the Mid South Club POA Board of Directors, addressed the Board and stated that the POA Board of Directors does support these plans. Their main concerns looking at these plans to begin with were 1) the type of structures that are going to be built in that it is a continuation of what had already been started in the Palmers Preserve area. They did have a problem with the type of homes that were planned for this location. They did have concerns regarding the traffic impact from additional housing which was taken care of by the traffic impact study. Whether they agree with everything contained in that study is a different question but they do agree that the NCDOT guidelines are being met. They were also concerned about close ingress ability of fire and rescue vehicles for the residents in the existing sections of the neighborhood as well as the new homes. He has met with Bob Levy and they were satisfied with whether the emergency ingress gate was at Windsong Drive or potentially Michigan Avenue both would work with their feeling that Michigan Avenue would really be ideal. They would also like to see emergency egress available there for the residents in that area but if that cannot happen they feel that once the road is in place for the new development that there would be an emergency path utilizing the stone road to get to the existing section of Plantation Drive so that folks could exit out of the gate at Felton Capel Road so that felt that there objectives for having emergency ingress and emergency egress for the residents were being met regardless of where those two locations are going to be. The next consideration was construction traffic and Mr. Levy was in total agreement that construction traffic should use Windsong Drive which had already occurred with construction of Eagle Point Cottages. They feel that rectifies the issue of at least heavy equipment coming through Mid South. He believes that heavy construction vehicles could be turned around at the gate and redirected to Windsong Drive. He is sure the property manager would agree with that. He was also told that construction of the new road in

the new area would start from Windsong Drive and work back to the existing section of Plantation. He was pleasantly surprised to hear that there is a future plan to fully extend Plantation Drive all the way around the community. In summary, the POA Board of Directors do support the proposed plans and the additional input that has been provided for this phase of the development.

Joseph Sellers submitted comments stating that Palmers Preserve has a bridge and there is no current egress if the bridge is compromised. Current investors have not addressed this. Is Mr. Koontz retracting his statement about the developers construction or the subcontractors construction vehicles entering through the front gate? The traffic impact analysis was conducted on February 4, 2020. This does not reflect the correct traffic during the golf season and we are a golf community, the home of American golf.

Mr. Sellers asked what the numbers from February 4, 2020 as far as traffic.

Mr. Koontz responded that Kimley Horn conducted the traffic impact analysis and obtained counts on February 4, 2020 and those counts were based on the traffic that day and also historical data from NCDOT.

Mr. Sellers asked Mr. Koontz if he believes that those numbers reflect the numbers that would be in the height of golf season at Mid South.

Mr. Koontz responded that those numbers are reflective of that particular day but historical data was also used. The calculations and numbers that they use typically tend to overestimate the amount of traffic and they use formulas to estimate traffic on high volume days.

Mr. Sellers said he would agree with that but the only data he saw from previous years was the seven (7) accidents that had occurred.

Mr. Koontz stated that was correct.

Mr. Sellers asked Mr. Koontz if he realized there was a bridge that has to be crossed to get into Palmers Reserve.

Mr. Koontz responded yes.

Mr. Sellers said he has lived at 98 Plantation Drive for two years and he has seen several trees fall across the road on the west side of the bridge. Once that bridge is incapacitated there is no way for people to get out of his community.

Mr. Koontz responded that is why the emergency ingress and egress will be created either at Windsong Drive or at Michigan Avenue so if that bridge is impassable for whatever reason, emergency ingress and egress can occur.

Mr. Sellers asked when during the implementation of the buildings will the emergency access be put in.

Mr. Koontz said no homes can be constructed in the new section of the development until such time as the roads are built to Town of Southern Pines standards and a final plat is created which is reliant upon the infrastructure being installed and meeting the design standards that are part of the site plan. Once the engineering calculations and all of those things are completed the roadway would be constructed. At the time it is approved and accepted by the Town of Southern Pines a final plat can be created and construction of houses in that section can begin. No additional houses can be constructed in that section until the emergency ingress and egress and the road are complete.

Mr. Sellers asked if whichever road will connect with where it is now on Palmers Reserve so that in the event of an emergency my family and those around me can get out of the neighborhood.

Mr. Koontz responded yes, that is correct.
And first responders can get to them also?

Mr. Koontz responded yes, that is correct.

Mr. Sellers said it almost seemed like he retracted his statement about construction vehicles coming in the front gate.

Mr. Koontz said the retraction he made was specific to the construction of individual residences. The construction of the roadways and utilities will come in off of Windsong and ultimately connect to this section. He stated for a point of clarification that currently there are residential home construction vehicles that are going in and out of the main entrance – whether it be a landscape contractor or a plumber or an HVAC technician. Those vehicles can still come in during home construction but the heavy equipment coming in for this section would come in off of Windsong Drive.

Mr. Sellers said to the Board that all construction for Phase One would come in that gate and not through the main entrance – not just heavy vehicles once the road is done, but the actual construction vehicles. If there is a gate there, why don't they use it?

Mr. Carroll said the Board would take that under consideration.

Mr. Koontz stated that was something that could be discussed with the POA Board. As of right now, construction vehicles use the main gate and there is some availability of the attendant to let people into the development. If all home construction vehicles came in through the back gate there would not be any type of security.

Gerald Feeney asked why heavy deliveries such as lumber and trusses utilize the construction gate.

Chairman Carroll responded that he thought that had been covered.

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

Andy Bleggi commented that he felt the construction entrance issues should be left to the Property Owners Association since it is a private road. The other members agreed.

PLANNING BOARD ACTION:

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, to adopt Attachment “A” to the staff report as their Findings of Fact regarding proposed Conditional Use Permit CU-03-19. **The motion carried unanimously.**

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, to recommend approval of CU-03-19 with the following conditions:

1. If Windsong Drive is maintained as the emergency access for Phase One the recommended improvements of the Town Fire Marshal must be completed. If West Michigan Avenue is utilized as an emergency access then any recommended improvements by the Fire Marshal must be completed. These required improvements pertain to the built standard for the road as well as those for securing the access for emergency vehicles.
2. Based upon the recommendations made by the N.C. Sandhills sub-office of the U.S. Fish and Wildlife Service that the property be surveyed by personnel experienced in management and monitoring of active red-cockaded woodpecker clusters prior to the removal of any trees the Planning Board recommends that it be a requirement that the results of this survey be sent to the US Fish and Wildlife Service office located in Southern Pines, NC for review prior to administrative site plan approval.
3. The Planning Board supports the request to waive the requirement for sidewalks and street trees be waived so that the new section of Plantation Drive is consistent with the existing sections of Plantation Drive and the rest of the community.
4. The Planning Board recommends that heavy construction equipment relative to the building of infrastructure for Phase One use the Windsong Drive access. The Planning Board recognizes that all other construction vehicles are under the control of the Mid South Property Owners Association.

The motion carried unanimously.

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, to adopt Attachment “B” to the staff report as their Findings of Fact regarding Preliminary Plat S-48-19. **The motion carried unanimously.**

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, to recommend approval of Preliminary Plat S-48-19. **The motion carried unanimously.**

OLD BUSINESS:

No old business was discussed.

NEW BUSINESS:

Mr. Grieve stated that the three agenda items would proceed to the June 9, 2020 Town Council regular meeting.

Benjamin Greene made a **motion**, which was seconded by Andy Bleggi, to close the meeting.
The motion carried unanimously.

The meeting adjourned at 9:23 PM.
Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

DRAFT