The Town of Southern Pines Planning Board met on Thursday, August 24, 2017, at 7:00 PM at the Douglass Community Center, 1185 W. Pennsylvania Avenue, Southern Pines, North Carolina.

Planning Board members John McLaughlin, Chairman, Brittany Paschal, Vice Chairman, Bill Pate, Larry Harward, Mike Saulnier and Gary Carroll were present. Member William Ross was unable to attend.

Town staff members Chris Kennedy, Assistant Town Manager / Community Development Director, B.J. Grieve, Senior Planner, and Cindy Williams, Secretary to the Board, were also present.

The meeting was called to order at 7:05 PM.

APPROVAL OF MINUTES:

A motion was made by Gary Carroll, seconded by Bill Pate, to approve the Minutes of the July 20, 2017 meeting as written. The motion passed unanimously.

PUBLIC HEARING:

PD-01-17: Conceptual Development Plan for a Mixed-Use Master Planned Community; 558 Acres on US Highway No. 1 and SR 1853 (Camp Easter Road); Petitioner, Kelly Miller

On behalf of petitioner Mr. Kelly Miller, Mr. Bob Koontz of Koontz Jones Design, Inc. has submitted an application for a Planned Development (PD) project on approximately 558 acres of contiguous land on the east side of Southern Pines. The subject properties are located north of US Highway 1, east of Pine Needles Lodge & Golf Club, south of Camp Easter Road and west of the McDeeds Creek residential subdivision. The conglomeration of the subject properties are known as the Knollwood Tract and these properties have an existing Planned Unit Development (PUD) which was approved by the Town of Southern Pines on November 13, 2012 under a previous zoning ordinance.

The current application is requesting approval of a Planned Development (PD) to modify the existing Planned Unit Development (PUD) zoning. As part of the process of modifying the existing PUD zoning, the current application will bring the Knollwood Tract project into compliance with the PD standards in the current Town of Southern Pines Unified Development Ordinance (UDO). In addition to the changing to the current ordinance standards for which the Knollwood Tract project must adhere to, the petitioner is also proposing a variety of modifications. The most notable modifications in the current proposal are the addition of an elementary school to the list of
allowable uses and the addition of two access points to Camp Easter Road; the approved PUD does not allow elementary schools and limited the number of access points along Camp Easter Road to no more than one entrance. Other modifications include allowing buffer width reductions or alternative buffer designs adjacent to an elementary school, adjusting the approximate location of the main “spine road” proposed to bisect the subject property, reducing the prominence of a golf course and associated golf uses on the Conceptual Development Plan, and reducing the overall density if an elementary school is constructed.

Chairman McLaughlin asked if the Board had any conflicts of interest with regard to the application and there being none, he opened the public hearing.

**STAFF REPORT – Chris Kennedy, Assistant Town Manager / Community Development Director:**

Chris Kennedy provided an overview of the application, stating that this is a Conceptual Development Plan application for twenty-two (22) properties with a combined area of 558 acres commonly known as “The Knollwood Tract.” The petitioner is Mr. Kelly Miller, on behalf of the three property owners, and Mr. Bob Koontz of Koontz Jones Design has been appointed to act on their behalf.

Mr. Kennedy stated that the subject property that has gone through a series of applications in previous years. Most recently, rezoning application Z-04-12 came before the Planning Board and Town Council in 2012. A master plan was approved at that time under the previous version of the UDO. There was a provision in the previous UDO which stated that a petitioner had a three-year window in which to submit an incremental master development plan. The petitioner could request a one-time, one-year extension to submit an application for the first incremental master development plan or risk losing the vesting of the project. In 2015, the Town Council approved a one-year extension delay the expiration of the PUD to November 13, 2016.

The first incremental master plan was submitted and Town Council subsequently approved an 86-lot subdivision for single-family detached homes under the UDO originally adopted in December 1989. That project is currently vested and the zoning for Z-04-12 is in place. Should the Planning Board or Town Council deny this current project, the petitioner may proceed with the original plan under Z-04-12.

The petitioner is essentially going from a PD with a specific zoning and master plan to another PD with a different zoning and master plan. The current and previous projects are similar, but from a procedural standpoint, it would be a completely new development. The PD standards changed with the adoption of the current UDO in October 2013. A primary goal of the current application is to bring The Knollwood Tract Planned Development under the provisions of the current UDO rather than the previous version of the UDO, the pre-October 2013 version.

Mr. Kennedy stated that the *Comprehensive Long Range Plan (CLRP) Future Land Use Map* shows the future use of the property as Traditional Mixed Use. A PD includes a mixture of uses and the Conceptual Development Plan that has been submitted includes residential and commercial uses in addition to an elementary school. At the time the project was presented in 2012 there were
no plans to include an elementary school. Since that time, Moore County Schools has contemplated a new school in this area. The addition of an elementary school as an approved land use is deviation from the currently valid PUD zoning.

Under Z-04-12, there was a requirement that there be no more than one entrance off Camp Easter Road. The petitioner is proposing a main spine road, one secondary entrance to the residential development on the west side of the property, and an entrance dedicated to bus traffic for the school. However, the third entrance is not specifically designated as a bus entrance in the Conceptual Development Plan application so if the petitioner desires to have three general entrances, the application seems to allow for that option should the school not be approved or built.

The Town is required to notify Fort Bragg of any new land use applications. RLUAC acts on behalf of Fort Bragg to identify any potential impacts on military operations as well as the impact on any endangered species. RLUAC considered all twenty-two (22) parcels as one project. A copy of the comments dated August 22, 2017 from Mr. Jim Dougherty, RLUAC Director, was admitted into the record.

Mr. Kennedy read into the record an email correspondence from Ms. Susan Miller, Fish and Wildlife Biologist with USFWS, to Mr. Jim Dougherty stating that a red-cockaded woodpecker study is required prior to the removal of any trees. A red-cockaded woodpecker analysis was submitted with the Conceptual Development Plan; however, that analysis was only for the 65 acres and 86 homes that were approved earlier this year and may not be deemed sufficient for the entire 558 acres. A copy of the email was admitted into the record.

The project does fall within the Little River Intake #2 watershed. An allocation of the 5/70 exemption was provided for MUA-1 in the previously approved project. If the impervious surface will be 12% or greater, a project may go up to 24% if the developer obtains a State stormwater permit and provides engineered stormwater management. If the impervious surface exceeds 24% a developer must apply for the 5/70 exemption. If granted, the Town deducts the entirety of the project acreage from the 5/70 exemption acreage allotment. In some cases, as in this instance, the if the petitioner has a stormwater master plan approved by the state the Town can deduct sub-project areas rather than the entirety of the project acreage.

Mr. Bob Koontz of Koontz Jones Design, representing the Bell family and Mr. Kelly Miller, addressed the Board and stated that Moore County Schools had been considering a site further down Camp Easter Road toward Vass for a new elementary school. When that site was no longer an option, the School Board began searching for another site in that area and approached the Bell family regarding the possibility of building a school on this property. The original vested PUD did not include schools as a permitted use. One option was for Moore County Schools to apply for a rezoning of a specific portion of the property and the other option was to revise the existing PUD document and bring it up to the standards of the current UDO.

The vested PUD site comprises 558 acres zoned PD with a vested PUD that includes a maximum of 900 residential units, which may consist of any combination of single-family residences, assisted living units and hotel rooms. That plan also includes a maximum of 450,000 square feet of commercial retail and office space, resort and recreational facilities and golf course amenities,
greenway trails and 111 acres of open space, which meets the 20% open space requirement. The Incremental Master Plan that was approved in early 2017 includes 86 residential units. Development was placed on hold when Moore County Schools expressed an interest in the property as a possible location for an elementary school.

With regard to watershed, the original application was granted 90 acres of high-density watershed allocation for this development area and the remainder of the development had to adhere to the watershed restrictions and rules of a maximum of 24% impervious surface. The only modification is the addition of language to clarify that the MUA-2 area would be held to 24% impervious as a maximum.

Mr. Koontz next discussed the buffers, stating that Buffer Area 1 is a 50 foot setback, Buffer Area 2 is a 100 foot setback, Buffer Area 3 along the golf course boundary is a 50 foot setback and Buffer Area 4 is a 100 foot setback. These buffers will not change. The school is requesting the ability to modify the required landscaping, but not the buffer width, mainly along Camp Easter Road.

The first modification to the original plan is the relocation of utility connections. The second modification is the location of the roads, largely due to the addition of the school. The petitioner wanted a boulevard running through the development with large greenways along the edge of the school boundary to create a very walkable neighborhood. Open spaces are largely dedicated to wetlands along McDeeds Creek. The third modification is the addition of the elementary school to the list of potential uses.

Two additional entrances have been added. One entrance is largely due to the school wanting a bus access and the other will be a secondary access for emergency services and also for residents of the neighborhood to have a second means of ingress and egress when school is in session. The last modification is the addition of signage to allow Moore County Schools to place signage along Camp Easter Road.

Mr. Koontz provided an aerial map of the proposed school site. He said that an updated red-cockaded woodpecker study had been conducted for the area that was originally approved for the 86 units and is now the proposed location of the school. The petitioner will be required to provide a red-cockaded woodpecker study for the entire development area as part of the Preliminary Development Plan submittal.

Mr. Koontz provided an overview of the various proposed phases of development. A school adds to the mixed-use nature of the neighborhood and creates a strong community by allowing students to walk or ride their bicycles to and from school.

Brittany Paschal asked when a decision would be made regarding whether children from this development would attend the new school. Mr. Koontz responded that he would defer to Mr. John Birath of Moore County Schools for that information.

Chairman McLaughlin asked if the 900 residential units would be adjusted with the addition of a school. Mr. Koontz responded yes.
Chairman McLaughlin asked when discussions regarding the school were initiated.

Mr. Koontz responded that it was in the spring of 2017. When the site further down Camp Easter Road was no longer a viable option, Moore County Schools began looking at alternate sites. Discussions began around the time of vesting of the original plan.

Chairman McLaughlin asked if this site had ever been considered as a backup site in the event the original location fell through.

Mr. Koontz responded that he would let Mr. Birath respond to those questions, but he did not believe that was the case based on the short period of time they had to create the Conceptual Development Plan.

The elementary school would be a permitted use in the MUA-2 area on 37 +/- acres and if an elementary school is developed no combination of residential, hotel or assisted living units could exceed 800 units. The MUA-2 area would include 600 residential units, but with the addition of an elementary school that would be reduced to 500 residential units. The 700 hotel rooms would reduce to 500 rooms and assisted living units would reduce from 300 to a maximum of 250 units.

Mr. Koontz said development will occur in phases with a projected fifteen (15) year buildout. Since this is such a large project, it is very difficult to project sequentially what phase may or may not be developed at a particular time. He anticipates that Phase 1A, which includes the school, and 1B will be developed first. Phase 1B would include the subdivision that is currently part of the approved Incremental Master Plan.

The petitioner is requesting that development of each phase be based on utilities and infrastructure. They are proposing that infrastructure will be installed and sized appropriately to serve the entire development. The school and Phase 1B will require some improvement along Camp Easter Road, the extent of which will be addressed during the Preliminary Development Plan phase. Future residential development would likely trigger a connection to U.S. Highway 1. At that point and/or when development of any retail component occurs, the spine road connection will be made connecting US-1 to Camp Easter Road through the development.

Mr. Kennedy inquired as to the projected date of completion.

Mr. Koontz responded that they had not included a completion date for the initial phase, but that language could be added.

Mr. Kennedy said that there would need to be an established timeline for completion of each phase. It is not as great of a concern for the residential phases because the final plat would not be signed until all infrastructure was in place; however, with the commercial development there may or may not be a final plat that could be withheld. It may be a certain time period, maybe another event – building permit, et cetera – but in his interpretation of phasing as set forth in the UDO there needs to be an event certain as to when the improvements would be completed.
Discussion ensued regarding requirements of the UDO and an appropriate timeline that the Board deems appropriate.

Ms. Paschal asked if the development plan allows for simultaneous phasing and Mr. Koontz responded that it does.

Mr. Koontz stated that this application is really about the school because the subdivision has already been vested. If the school is not approved, the petitioner will move forward with the residential development approved under the previous Incremental Master Plan. The only modifications are the school and updates based on the new UDO. The original PUD included the previous matrix of uses. The list of land uses changed completely with the new UDO. Schools were added as a new use.

Changes to the additional design conditions were necessary to allow the school and additional access points which are both necessary for bus traffic and to provide a secondary access for emergency services. The language regarding open space has been modified to allow the school grounds to be counted toward the overall open space requirement for the entire development.

Moore County Schools would like to have the ability to request some reduction in landscaping requirements and in particular, along Camp Easter Road. A provision has been added that will allow the school to request a reduction in the landscaping standard. The provision does not state that the request must be granted. Moore County has submitted a landscaping plan to be reviewed during the Preliminary Development Plan process.

Mr. Saulnier asked if the wording could be changed from “will” to “may” in reference to the note that a school will be allowed to reduce landscaping in the Conceptual Development Plan documentation. Mr. Koontz agreed to change the word will to may.

Mr. Koontz continued the comparison of changes from the previous application.

Ms. Paschal asked how much of the property is not currently annexed into Town.

Mr. Koontz responded that almost all of the property is within the ETJ and annexation of each portion will need to be annexed prior to site plan submittal for each phase.

Mr. Kennedy stated that the wetland areas may or may not be included in a particular phase and the Town wants to make sure that the entire project will be annexed into Town due to open space requirements which allow the zoning to exist so they do not want any of those sections to be excluded. Therefore, the desire of the Town is to see the entire 558 acres will ultimately be annexed into Town.

Mr. Koontz stated the landowner will commit to annexing the entirety of the property and noted that once a Preliminary Development Plan was approved in MUA-1 and MUA-2 the entirety of the 558 acres would be annexed into the corporate limits of Southern Pines.
Mr. Koontz stated that this project remains in compliance with the UDO and it has been updated to the procedures of the current UDO. It still meets all of the goals of the Town’s Comprehensive Long Range Plan (CLRP). It is listed as Traditional Mixed Use on the CLRP Map and will remain as such. The school makes it even more of a mixed-use, walkable community and even more of a community asset. The CLRP encourages a variety of land uses and excludes intensive commercial and heavy industrial uses. The original PD is consistent with those uses as well.

Gary Carroll asked if the original PD would be governed by the previous UDO if the elementary school is not approved and the petitioner proceeds with the original plan.

Mr. Koontz responded that the original PD would be under the previous UDO and they would submit Incremental Master Development Plans, which would go directly to Town Council for review and approval.

Ms. Paschal asked for confirmation that there is already approval for 86 home sites. Mr. Koontz responded yes and showed the location of that site but said the location would change if the school is approved.

Ms. Paschal stated that there appeared to be higher density lots in the midsection, and asked if that would still be the case.

Mr. Koontz said they would like to have smaller, higher density lot units, which tend to have more children, closer to the school with green connections to the school to allow walkability and bicycling.

Mike Saulnier asked Mr. Koontz if the purpose of the school is to alleviate overcrowding elsewhere in the County.

Mr. Koontz responded that was correct.

Mr. Saulnier asked what would trigger redistricting by the School Board.

Mr. Koontz deferred to Mr. Birath.

John Birath, Executive Director of Operations for Moore County Schools, addressed the Board. He stated that should this Conceptual Development Plan be approved and they are able to move forward with the new school, it would open in August 2019. The Board of Education would determine the new attendance area for the school in the late spring or early winter of next year. This school would have an impact on the attendance area for Sandhills Farm Lake Elementary, Sandhills Farm Life Elementary and Vass Lakeview Elementary School as well as the Southern Pines attendance area. They do not have the district defined at this time because they still do not know if this will be the site for the new school.

Gary Carroll asked if he is saying there are no guarantees that the children residing in this neighborhood would attend this school.
Mr. Birath responded that he believes the Board of Education would support the statement that the children in this neighborhood would be going to this school.

Mr. Saulnier commented that you would expect that to be the case with 500 families in the neighborhood once it is fully developed.

Mr. Birath stated that he is confident that these children would be going to this school.

Mr. Koontz commented that one thing that he feels makes the school a great addition to this development and to the original PUD is that those children would not have to be driven to school.

Ms. Paschal asked what triggers annexation of the wetlands.

Mr. Koontz responded that the entirety of The Knollwood Tract, including the wetlands, will be required to be annexed into the Town of Southern Pines and will be done so once a Preliminary Development Plan is approved in both MUA-1 and MUA-2.

Mr. Carroll asked for clarification regarding the location of the 100 foot setback along the McDeeds Creek side of the property, which Mr. Koontz provided.

Bill Pate asked what prompted the addition of the third entrance.

Mr. Koontz responded that the third entrance is intended to serve mainly as an emergency access into the neighborhood.

Bob Ubbing, a resident of 275 Central Drive, addressed the Board and asked how long it would take for the state to approve a curb cut coming off US Highway 1. He is concerned about fire and safety access to the school and the homes, which will also impact their homeowners insurance depending on the estimated fire department response time. He asked if the Town Council would have any influence in accelerating approval of an access off of US Highway 1.

Mr. Kennedy responded that the Town is currently in the planning stages for a fire department substation. The Town is planning to go to bid with a project hopefully by the end of 2017 for a substation at the corner of NC Highway 22 and Waynor Road that will improve response time to this area in general and this proposed development specifically.

Mr. Bill Loeser, a resident of McDeeds Creek, addressed the Board and expressed concern regarding construction noise and the type of fence that will be constructed to serve as a buffer. He said he knows that earthen berms work, and he asked that the Board consider a ten (10) or twelve (12) foot berm to lessen the noise. Mr. Loeser also stated that he is concerned about the construction noise and added that the noise level will be increased by the students of the school.

Ms. Paschal inquired about hours of the day during which construction is allowed.
Mr. Kennedy responded that construction is permitted between the hours of 7:00 AM and 7:00 PM Monday through Friday. A special permit from a building inspector is required for any construction during the weekend or at alternative hours.

Mr. Loeser stated that the residents of McDeeds Creek are on well water and he is concerned with how pollutants in the water will be controlled. He asked if any wells will be drilled on the property.

Mr. Koontz responded that the only discussion regarding a well had been with regard to irrigation for the school.

Mr. Loeser said he is looking forward to the progress, but he is concerned about the increased traffic on McDeeds Creek Road.

Mr. Kennedy responded that a Traffic Impact Analysis (TIA) will be required with each phase of development.

Mr. Loeser requested that streetlights be hooded so that McDeeds Creek subdivision is not impacted.

Attorney Marsh Smith, representing the O’Connor family of 2741 Camp Easter Road, addressed the Board and stated that the O’Connor’s have extreme reservations about the new school. Traffic flow is already impacted by St. John Paul II Catholic School. With an addition of an 800-student school, traffic will increase substantially, making travel more difficult. He also asked why the school board was choosing not to renovate the existing schools. He has been assured by an architect that Southern Pines Primary School and Southern Pines Elementary School are structurally sound and could be renovated and there is an entire Town street block on Carlisle Street that is vacant. He stated that the school board has the power of eminent domain and can essentially pick their best sites for development and would like to see the areas around the existing schools improved to accommodate the students rather than building entirely new campuses. Mr. Smith provided a copy of North Carolina General Statutes Section 115C-517, which states that the School Board may take whatever property it needs and is not limited to willing sellers.

Mr. Smith stated that he was present to suggest that a school is a hugely inefficient extension of public facilities. Not only will it cause traffic that will be a huge burden to this area, but it will pull development vitality away from downtown Southern Pines and thrust it into the area where they do not want that vitality to degrade the area. Camp Easter Road is one of the last remaining thoroughfares. If you approve this school it will do damage to the Town’s future.

Mr. Smith said if the Board decides to allow this, the O’Connor family would like for the buffer to be fully vegetated and the fence to blend with the area and be located 100 feet from the property boundary. Mr. Lozier’s comment about people taking detours or driving through McDeeds Creek is quite important. It is not unreasonable to require the developer to install a developer-funded card gate. The O’Connor’s request that “Children at Play” signs be required on Camp Easter Road and McDeeds Creek Road. His clients have been told by surveyors that NCDOT is going to condemn a portion of their front yard to install a turn lane. They request that a turn lane be created by expanding the road in the other direction and take institutional property instead.
Mr. Smith said with regard to greenways, it would be nice to require a greenway as part of the first phase of development. He said the creeks currently have outstanding water quality and the O’Connor’s request that any land disturbing activity be limited to no more than twenty (20) acres at one time, which is what the previous UDO required.

Richard Dana, a resident of McDeeds Creek subdivision, addressed the Board and stated that it would be nice if irrigation wells could be limited as the residents of McDeeds Creek depend on wells for their water. He asked if the school’s open space will be applied to the open space requirement for the development.

Mr. Koontz said open space will be addressed in the Preliminary Development Plan.

Mr. Dana asked who will ultimately own the wetlands and the greenspaces.

Mr. Koontz responded that a homeowners association will be formed and will own those areas as well as the commercial areas.

Mr. Dana asked if provisions have been made for students to cross the road safely.

Mr. Koontz said crosswalks and other safety measures are required and will be in place.

Mr. Dana inquired about the materials to be used for the fence.

Mr. Birath stated that these issues will be addressed in the Preliminary Development Plan.

Mr. Dana said there have been two accidents at the entrance into the Catholic School. Camp Easter Road is a dangerous road. He does not have strong feelings one way or the other about the school itself but he feels traffic should be considered.

Mr. Kennedy stated that with regard to open space, the petitioner has suggested that the recreation areas of the school property would be part of the open space but in order for those areas to be counted it would have to be an agreed upon deviation from usable open space. The UDO requires that usable open space be deeded to its own lot and labeled open space on the plat, required open space cannot be a part of private property consumed with another use.

Brittany Paschal asked if the primary driving factor for this school is the overcrowding at Sandhills Farm Life Elementary and Vass-Lakeview Elementary Schools.

Mr. Birath responded that Sandhills Farm Life currently has over 700 students and Vass Lakeview has approximately 600 students.

Ms. Paschal asked what grades would attend this school.

Mr. Birath responded that the new school would include kindergarten through 5th grade.

Ms. Paschal asked if it is true that the School Board is planning to close the school on May Street.
Mr. Birath responded that Southern Pines Primary School and Southern Pines Elementary School will be combined into one school for 800 students and the existing buildings will be vacated.

Ms. Paschal asked for clarification as to whether those students would attend this new school.

Mr. Birath responded that those students will not attend this school. The Board of Education has purchased other property in Southern Pines for a new Southern Pines Elementary School.

Brittany asked if renovations are planned for Sandhills Farm Life and Vass-Lakeview Elementary Schools.

Mr. Birath stated that no renovations are planned at this time other than removal of the mobile classroom units that are currently in place due to overcapacity.

Mr. Carroll inquired as to the site of the new Southern Pines Elementary School.

Mr. Birath responded that the school will be part of Morganton Park North.

Chairman McLaughlin commented that the school issue is really impacting the overall development plan in his opinion and that was why he was interested in knowing when negotiations began with the Board of Education versus the overall development.

Suzanne Coleman, representing Steve Gent of McDeeds Creek, addressed the Board and stated that Mr. Gent’s property is one of two properties that will be the most affected by the location of the school and the proposed modifications to the 2012 development conditions. McDeeds Creek was platted in 1978. It is zoned Residential and contains twenty-eight (28) lots that range from five to twelve acres in size and has two access points to Camp Easter Road. Eight of those lots share the boundary between The Knollwood Tract and McDeeds Creek. Mr. Dent purchased Lot 14 in 1998 and applied for a permit to build a 48 x 28 two-story combination workshop/temporary living quarters so that he could live and work from there to construct his home. He began construction of his 3,400 square foot home in 2012 and he positioned his home based on the expectations that the developer would adhere to the 2012 approved development conditions regarding the perimeter landscape buffer of 100 feet in width, the spine road location and the single access point on Camp Easter Road.

Mr. Gent supports the addition of the elementary school as a permissible use, but he has strong concerns regarding the impact of the proposed modifications to this development and on his home in particular. The reduction of the landscape buffer from 100 feet to 20 feet in width, the relocation of the spine road closer to his property, and the proximity of the bus access to the McDeeds Creek entrance, especially because it is a 55 MPH road and there is a blind curve as you come from the McDeeds Creek entrance around toward St. John Paul II Catholic School. He is concerned about lighting at the school and the noise. He is specifically concerned about the language that changed in the application. In the 2012 application, it stated that landscape standards will meet or exceed the requirements of the Town of Southern Pines as incremental plans are developed. They added language to the 2017 application and the concern is that “schools will be permitted a reduction in landscaping requirements along the project edge buffers” and she appreciates the fact that Mr.
Saulnier raised that issue and that “will” has been changed to “may” and that the applicant is willing to accept that change. She would also like to add “may” in place of “will” as it pertains to Town Council approval.

Ms. Coleman continued, as part of the approval process, the Board must consider several criteria. Mr. Smith referred to items 3 and 4 and she wanted to review item 2, which states “The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town.” Chapter 4 of the Comprehensive Land Use Plan addresses Land Use Issues and it mentions “where there is a transition between uses, there should be an effort to minimize negative visual, noise and traffic impacts on neighboring properties.”

Ms. Coleman said the expectation for privacy, minimal noise and minimal lighting is pretty high based on the original plan. You can see in the current plan how close the school is located to Mr. Gent’s property. This development was originally intended to be a residential subdivision with generous greenspace.

Chairman McLaughlin asked Ms. Coleman to show the location of the residence and the accessory structure on Mr. Gent’s property, which she did. She also showed the change in location of the spine road.

Ms. Coleman requested confirmation of the size of the buffer area.

Mr. Koontz responded that there will be a 100-foot buffer so the spine road cannot be closer than 100 feet to the property boundary.

Ms. Coleman stated that, with regard to vested rights, it was her understanding that when the Incremental Master Plan was submitted in the fall that it was fully vested at that time. Vesting is so important because it guarantees the owner’s right to complete the development as originally proposed and with the conditions that were approved. Mr. Gent proceeded with his home in good faith and upon reliance on those development conditions. She asked that the Board give consideration to his concerns as an adjacent property owner. They have already approached the applicant with regard to some of their concerns. There has been some conversation about an earthen berm that could mitigate some of the noise from that school that could be part of the 100-foot buffer and minimize the light as well. They are very receptive to that and look forward to working with the applicant to resolve some of these issues, hopefully before the Preliminary Development Plan is presented on September 21, 2017.

Chairman McLaughlin stated that in order to build a berm, vegetation that we previously placed in the buffer area must be removed.

Ms. Coleman responded that they understand that and in her conversations with Mr. Koontz he had indicated that the school plans to put a fence around the school 100 feet from the property line that faces McDeeds Creek subdivision. The berm would be desirable closer to the fence then toward the McDeeds Creek boundary. With regard to Mr. Gent’s property, vegetation is so thin
and if there is a distance of 100 feet until you get to the fence, there is about 80 or 90 feet of open land with no vegetation or trees that would need to be removed.

Mr. Lane Kellson, a resident of McDeeds Creek, addressed the Board. He stated that he does not have anything new to add, nor is he against the proposed school but he shares the concerns of his neighbors, especially regarding the traffic. Any measures to reduce as much light and noise pollution as possible would be appreciated.

Ms. Paschal asked if there is ever a situation in which a TIA could be required and/or requested at the Conceptual Development Plan stage.

Mr. Kennedy responded that the Board is well within its rights to require a TIA for the Conceptual Development Plan process. The Board should keep in mind that the TIA will provided for the specific phases but it is no uncommon to ask for TIA, however the reliability of a TIA for the entire 558 acres may or may not be relevant as the property develops. A TIA is required by the UDO for each Preliminary Development Plan application and not required for the Conceptual Development Plan, but again, the Board may wish to ask for a TIA at this time.

Brittany asked if the TIA would take the entire development into consideration since it will be based on a fifteen (15) year buildout. Mr. Kennedy responded that it is possible.

Mr. Carroll commented that the residential development does not seem to be a concern and the school will create the most significant increase in the traffic.

Mr. Kennedy responded saying that assumption may be an over-generalization and that the school was the predominant topic of discussion because that is the one use that was not considered with the previous zoning. Mr. Kennedy said he would not advise to the Board that the residential component is not of concern.

A gentleman in the audience asked if the TIA would take into consideration the traffic from the school and the development would be coming off of US Highway 1.

Mr. Kennedy stated that a TIA looks at the distribution of traffic and explained the term level of service.

Mr. Koontz stated that a certain number of car trips generated by the development will trigger mitigation.

Ms. O’Connor stated that she was told by a NCDOT surveyor who was walking her property that NCDOT was going to take a portion of her property to widen Camp Easter Road and install a turn lane into the proposed development. She asked if Camp Easter Road will be considered for mitigation since it is in the ETJ.

Mr. Kennedy responded that the Town is not authorized to maintain Camp Easter Road because it is in the ETJ. Roads in the ETJ are either maintained privately or by NCDOT.
Mr. Koontz stated that a TIA would take the entire project into consideration and would not be of much value and that is one of the reasons the UDO does not require a TIA as part of the Conditional Development Plan submittal. A TIA was required for the 86 unit subdivision and was submitted and approved by NCDOT. Very few improvements or modifications along Camp Easter Road were required. The school will impact traffic, but the number of residential units will be reduced by 100 which would eliminate 1,000 car trips per day. Schools generate peak hour traffic, with a majority of elementary school traffic being in the morning, and schools are only open 180 days of the year. The TIA that will be submitted during the Preliminary Development Plan process and will require improvements but they are not sure what those improvements will be at this time. Under the approved plan the petitioner may build 900 residential units and 450,000 square feet of office and retail space which will generate traffic, including on Camp Easter Road. Developing the property incrementally is warranted given the traffic concerns.

Mr. Pate asked if any required mitigation based on the TIA must be completed in conjunction with development.

Mr. Koontz responded that a certificate of occupancy would not be issued for the school or a single-family residence in the first phase of the subdivision until the required improvements are in place.

Chairman McLaughlin stated that he believes everyone on the Board recognizes the substantial impact the school will have on traffic in that area.

Mr. Koontz stated that the previously sought location was further down Camp Easter Road in an area that may or may not see future growth. There are currently 900 homes approved for this property. It is in a growth corridor and it is sound planning whether or not it is downtown or elsewhere to put these schools in high growth areas. There will be 800 residences and a lot of children that will be able to attend this school.

Chairman McLaughlin reiterated that there is no guarantee that the children who live in this development will attend this school.

Mr. Koontz agreed and said from a planning perspective, this neighborhood needs to attend this school.

Mr. Dana asked if this school will be built to allow for future expansion.

Mr. Birath responded that the Board of Education has set a standard that elementary schools will not exceed 800 students so the school is designed based on that maximum capacity.

Mr. Koontz reiterated that this school is within a growth corridor. Having a school located in a new neighborhood is a very good planning principle overall. At this point they are looking at a reduction of 100 residential units. The School Board is in a difficult position since the previous location fell through and they are requesting a vote tonight, if possible, so they are able to move forward with the next step in the development plan process. Much more detail will follow in the Preliminary Development Plan phase.
Brittany Paschal stated that she inclined to leave the public hearing open because she felt she needed more information.

Gary Carroll stated that the fact that the school is in a “bind” is not necessarily the Planning Board’s bind and he did not feel comfortable making a decision with the lack of information that had been provided regarding traffic.

Mr. Koontz stated that the school cannot move forward on this site unless there is a vote tonight. They need to know whether they need to go find another site or if this will be the location.

Chairman McLaughlin stated that the Board had anticipated that they would be moving forward with the hearing on the Preliminary Development Plan immediately following the Conceptual Development Plan hearing.

Mr. Kennedy responded that it was mutually agreed upon between the petitioner and staff that it was best to continue the hearing on PD-02-17 until the September 21, 2007 Planning Board meeting in order to give the petitioner an opportunity to address any concerns raised during the hearing on the Conceptual Development Plan prior to presentation of the Preliminary Development Plan.

Chairman McLaughlin asked if there were any further comments from the Board.

Ms. Paschal responded that she felt the question was whether the Board felt they would gain any more information tonight that would assist them with a vote.

Mr. Koontz stated that if the information the Board is seeking pertains to traffic or a TIA for the entire property, there is no way the petitioner will be able to provide that prior to the September 21, 2017 meeting.

Ms. Paschal responded that in order to approve a concept that includes a school which was not previously proposed she feels that the Board needs to know more than the hypothetical traffic impact and TIA is needed.

Mr. Koontz stated that if it is determined in the TIA that a school is not feasible, then NCDOT will not allow the school to be built.

Ms. Paschal asked if it will be too late at that point if NCDOT allows a school in that location.

Mr. Koontz responded that if the TIA finds that the roads cannot support the traffic it will be up to NCDOT at that point to make a determination. They will be unable to obtain a driveway permit if the level of service fails and they cannot meet the standards of the UDO. Mr. Koontz said he is confident that the level of service will be maintained based on the preliminary numbers in the TIA that was previously submitted.

Mr. Kennedy said for clarification, there is a difference between “may” and “shall” or “will”. When you have a Table of Authorized Land Uses, whether it is in the UDO or whether it is in the
PD document, the uses that are permitted may be allowed. The uses are only allowed subject to the consistency with that PD document and the UDO.

Larry Harward made a motion, which was seconded by Mike Saulnier, to close the public hearing. The motion passed unanimously.

**PLANNING BOARD ACTION:**

**FINDINGS OF FACT:**

**FINDING OF FACT #1**

Mike Saulnier made a motion, which was seconded by Bill Pate, that as a finding of fact the application satisfies the four (4) criteria for approval of a Conceptual Development Plan found in UDO Sec. 2.18.4(G). The motion passed by a vote of 4 to 2, with Brittany Paschal and Larry Harward dissenting.

Chairman McLaughlin added a comment and stated that the issue is a timing concern related to the information provided to the Board and the rush is driven by deadlines created by Moore County Schools. Traffic studies cannot be completed within 30 to 60 days and that is unfortunate. It is not conducive to good planning.

Mike Saulnier made a motion, which was seconded by Bill Pate, to approve The Knollwood Tract Conceptual Development Plan under PD-01-17. The vote resulted in a tie, with Brittany Paschal, Larry Harward and Gary Carroll dissenting.

Discussion ensued regarding the possibility of receiving an opinion from a traffic engineer related to a school’s impact before the Conceptual Development Plan is approved.

Mr. Carroll asked Mr. Koontz if he is amenable to doing a geological study with regard to the well and the impact on the surrounding neighbors who are taking water from the same water table.

Mr. Koontz responded that rather than undergoing a geological study, the petitioner would agree to not to install wells on the property.

Gary Carroll made a motion, which was seconded by Mike Saulnier, to approve The Knollwood Tract Conceptual Development Plan under PD-01-17 with the following conditions:

- No wells will be installed in the development; and
- The petitioner address the concerns regarding noise and lighting with each submittal for a Preliminary Development Plan.

The motion passed by a vote of 4 to 2, with Brittany Paschal and Larry Harward dissenting.
PD-02-17 Preliminary Development Plan for a Portion of a Mixed-Use Master Planned Community; 558 Acres on US Highway No. 1 and Camp Easter Road (SR 1853); Petitioner, Kelly Miller

The petitioner submitted to the Town staff a written request to continue the public hearing for PD-02-17 to a later meeting to allow the petitioner to take into consideration any comments on PD-01-17 that may affect the application for PD-02-17. Chris Kennedy explained to the Planning Board that per the UDO, a request for a continuance is automatically granted if the request is received more than seven (7) days in advance of the public hearing. The petitioner has provided more than seven (7) days notice, therefore the public hearing for PD-02-17 is automatically continued to the next Planning Board meeting. However, staff requested that the Board open the public hearing and take a vote on the continuance. The continuance of the public hearing for PD-02-17 will be held September 21, 2017 at the regular meeting of the Planning Board to be held in this same location at 7:00 PM.

Brittany Paschal made a motion, which was seconded by Gary Carroll, to open the public hearing for PD-02-17. The motion passed unanimously.

Brittany Paschal made a motion, which was seconded by Gary Carroll, to continue PD-02-17 to September 21, 2017 at 7:00 PM at the Douglass Community Center. The motion passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

Chris Kennedy stated that there will be several items on the September 21, 2017 Planning Board agenda.

The meeting adjourned at 11:07 p.m.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board