

MINUTES

**Town of Southern Pines Planning Board Regular Meeting
Douglass Community Center, 1185 W. Pennsylvania Avenue
May 23, 2019 at 7:00 PM**

The regular meeting of the Town of Southern Pines Planning Board was held on Thursday, May 23, 2019, at 7:00 PM at the Douglass Community Center, 1185 W. Pennsylvania Avenue, Southern Pines, North Carolina.

Present: Chairman Bill Pate, Vice Chairman Gary Carroll, and Board members Larry Harward, Mike Saulnier, Diane Westbrook and Benjamin Greene.

Board member absent: William Ross.

Town staff present: Chris Kennedy, Assistant Town Manager/Community Development Director, BJ Grieve, Principal Planner, Suzy Russell, Planner, and Cindy Williams, Secretary to the Planning Board.

Chairman Pate called the meeting to order.

APPROVAL OF MINUTES:

Diane Westbrook made a **motion**, which was seconded by Mike Saulnier, to approve the Minutes of the March 21, 2019 meeting. **The motion carried unanimously.**

Benjamin Greene took the oath of office.

Chairman Pate confirmed there were no conflicts of interest among the members of Board with regard to application PD-01-19.

Mike Saulnier made a **motion**, which was seconded by Gary Carroll, to open the public hearing. **The motion carried unanimously.**

PUBLIC HEARINGS:

1. **PD-01-19: Planned Development-Conceptual Development Plan for a Multi-Family Residential Development and a Commercial/Office Outparcel; Applicant: Zimmer Development Company; Bob Koontz of Koontz Jones Design, PLLC, Authorized Agent**

Mr. Bob Koontz of Koontz Jones Design, on behalf of applicant Zimmer Development Company, has submitted an application for a Planned Development - Conceptual Development Plan pursuant to Section 2.18.4 of the Town of Southern Pines Unified Development Ordinance (UDO). The application is for a multi-family residential development and a commercial/office outparcel. The two parcels totaling 31.85 acres that are the subject of the application are currently zoned PD (Planned Development) and are located on the west side of

US Highway 15-501 between Applecross Road and Inverrary Road and are identified as PIN: 856220819203 (PARID: 00029985) and PIN: 856220808127 (PARID: 00024265). Per the Moore County tax records, the property owner is listed as Charles E. Grantham.

STAFF REPORT – BJ Grieve:

Mr. Grieve provided an overview of the application and stated that one of the subject properties is currently not within the municipal limits of the Town of Southern Pines and will need to be annexed. The proposed multi-family development will consist of 288 multi-family residential units within twelve (12) buildings with twenty-four (24) units per building. The subject properties are designated as *Commercial* on the Comprehensive Long Range Plan Future Land Use Map. Planned Development projects are required to provide 20% of open space (6.4 acres), half of which must be usable open space.

A portion of the southern parcel is located within the Special Flood Hazard Area and there are wetlands on a portion of both parcels. The applicants have stated that any disturbance to the wetlands will be limited to that which is required for site access. There will be direct gated access from US Highway 15-501 and from West Morganton Road and there will be a pedestrian “spine” sidewalk throughout the development.

The applicant is requesting one deviation from the standards of the UDO, which is to infringe upon the driveway side setback that is required within the Urban Village Highway Corridor Overlay in order to avoid the wetland. A biological assessment was submitted which stated that no cavity trees were being removed and the project may affect, but is not likely to adversely affect, habitat in the area.

APPLICANT PRESENTATION – Attorney Tom Johnson:

Mr. Johnson addressed the Board and introduced Mr. Lowell Zimmer of Zimmer Development Company, the applicant.

Mr. Zimmer shared the history of Zimmer Development Company and an overview of some of the projects their company has completed to date.

Mr. Bob Koontz addressed the Board and presented a PowerPoint of the proposed development which included the zoning of the surrounding properties and existing conditions on the site. The property is zoned PD (Planned Development). They are proposing a 3.3 acre commercial outparcel and the remaining 29.8 acres will be 288 apartment units. They are proposing gated access to the apartment community and access for emergency services.

The property is located within the Highway Corridor Overlay and the Morganton Road Overlay Districts. The property is not located in the High Quality Watershed. The only deviation that is being requested is the driveway setback. A running tabulation of open space will be maintained with each phase of development. The clubhouse will be located approximately 150 feet off of US Highway 15-501 and the closest apartment building will be approximately 700 feet off of

Morganton Road. Any development of the commercial outparcel will be required to meet the Highway Corridor Overlay minimum of 75 foot setback.

The apartment buildings and amenities will be the first phase of development and the commercial outparcel will be the second phase. Mr. Koontz shared renderings of the proposed architecture of the apartment buildings.

The Traffic Impact Assessment was submitted to NCDOT and they have responded with a few improvements. There will be a 100 ft. southbound right turn lane and appropriate taper added on US Highway 15-501. Striping will be required in the center lane for a left turn off of US Highway 15-501 as well as other improvements. Discussions between the applicant and NCDOT are ongoing.

The stormwater area is slightly within the floodplain. They are currently proposing a wet pond for that location.

Mike Saulnier asked if the wetlands could be excluded from the PD zoning.

Mr. Johnson responded that the Preliminary Development Plan will show that there will not be any development within the wetlands.

Discussion ensued.

Mr. Kuntz stated that there may or may not be minor impacts on the wetlands for the access road but they cannot confirm that until engineering plans have been completed.

Mr. Grieve stated that it would be best to designate the wetlands as being separate from the area that will be developed as multi-family.

Mr. Johnson stated that they were agreeable to the condition that there will be minor impacts on the wetlands. He stated that sufficient engineering had not yet been done to know the degree to which the wetlands will be impacted so it is hard to draw a boundary at this time.

Mr. Koontz stated that wetlands shift and change constantly so it is difficult to establish the exact boundary of the wetlands

Chris Kennedy suggested to the Board that they request that the applicant work with staff prior to the Town Council meeting to determine whether to create zoning for the wetlands themselves, acknowledging that there is going to be some margin of error.

Mr. Johnson said they have no problem with that and they plan to work to staff on the wording but they need to have flexibility for some deviations once they receive the engineering plans.

Mr. Grieve stated for the record that Section 4.3.1 of the narrative states: *Natural Features. It is intended that the property's wetlands will remain undisturbed and protected. If any wetland*

impacts occur they will be limited to allow access to the property or where on-site grading conditions and slopes require a minor impact.

Mr. Johnson stated that they appreciate the concern but that is exactly what they are wanting to do.

Mr. Saulnier asked when the emergency access would be built.

Mr. Johnson said the entire road will be completed as part of Phase One.

Mr. Saulnier stated that Phase One has a ten-year build out and asked if the road would be completed sooner.

Mr. Johnson responded that the road will need to be open when the first apartments are completed.

Mr. Johnson said the underlying infrastructure required for the complex will have to be completed up front and then the individual buildings will be connected as they are completed.

Gary Carroll asked Mr. Koontz what is on the property adjacent to where they are requesting a variance from the setback requirement for the driveway.

Mr. Koontz responded that there is a medical office building on the adjacent property.

Mr. Carroll asked how then intend to buffer this development from that property.

Mr. Koontz responded that there are currently a lot of trees in that area and additional landscaping will be added.

Chairman Pate asked how close the driveway would be to the property line without the variance.

Mr. Koontz responded that he was not certain as final engineering had not been completed.

Mr. Johnston stated that they are requesting flexibility to encroach into that setback given the fact that there is an existing buffer on the adjoining property and they are only building an access road and no buildings.

Mr. Carroll stated that he wanted to make sure that the neighbors would not be adversely affected.

Mr. Johnson said the deviation would only be what was necessary for the road.

Benjamin Greene expressed concerns about the safety of drivers making a left turn onto US 15-501 as well as onto Morganton Road with the additional traffic.

Mr. Jeff Hochanadel, Traffic Engineer, responded that both intersections were studied. For 288 apartment units in the AM peak hours, they estimate 100 vehicles exiting the complex which will be distributed among the two driveways with approximately two-thirds exiting onto 15-501 and one-third onto Morganton Road.

Dr. Greene stated that his concern was high school traffic.

Mr. Koontz responded Moore County Schools intends to eventually realign Voit Gilmore Road and move the traffic light.

Diane Westbrook asked what roads will be used for construction traffic.

Mr. Johnson responded that construction vehicles will use the main road through the development.

Adam Tucker stated that they are going to build seven (7) apartment buildings as the first phase. They are planning to grade, pave and landscape the entire site at one time so the only remaining development will be one quad of apartment buildings and the commercial outparcel. There will not be construction traffic for a ten (10) year period.

Ms. Westbrook expressed concern about residents and construction vehicles using the same access and asked when the amenities would be completed.

Mr. Tucker responded that they prefer to have the amenities completed prior to leasing the apartments.

Mr. Johnson stated that they are going to annex the parcel that is not currently in town. There will be encroachments in the floodplain with stormwater facilities and possibly some parking but none in the floodway. The proposal is consistent with the Comprehensive Plan and there will be minimal impacts to adjacent properties as buffering will be required. Commercial development will buffer the apartments from US 15-501. With regard to health, safety and wetlands there will be limited impacts. Regarding public policy, this will provide a mixture of housing units and housing availability. The size of the tract is well suited for commercial and multi-family uses. The project is consistent with surrounding development and there will be a large buffer from Morganton Road as a result of the wetlands.

Mr. Saulnier asked if Phase 1 will include the amenities and apartments as Phases 1A and 1B, and if Phase 2 will be the commercial development.

Mr. Kennedy stated that he has not found anything in the application that is consistent with the UDO with regard to phasing and recommended that the Planning Board request a phasing plan from the applicant.

Discussion regarding a phasing plan ensued.

Mr. Hochanadel said NCDOT will not issue a driveway permit unless all required improvements for mitigation have been completed.

Mr. Johnson said they would work with Planning staff and memorialize a phasing plan in writing.

Chairman Pate stated that the Board would include a comment in its recommendation to the Town Council that a phasing plan be provided prior to approval.

Mr. Grieve stated for the record that there was an error on page 9 of the Staff Memorandum where it was stated that the project is proposed to have a ten (10) year buildout.

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

Mr. John Biggar asked if he could make a comment.

Gary Carroll made a **motion**, which was seconded by Diane Westbrook, to reopen the public hearing. **The motion carried unanimously.**

Mr. John Biggar, 25 James River Place, Chairman of the Country Club of North Carolina (CCNC) Property Owners Association, stated that CCNC has no objections to the proposed development and provided a letter of support which was entered into the record as Exhibit A.

Mr. Don Hunter of 110 Highland Road, Chief Operating Officer of CCNC, addressed the Board and stated that CCNC has no objection to this project and see it as having minimal impact on the Club. The buffer and the retention pond are very important to them.

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

Mike Saulnier made a **motion**, which was seconded by Gary Carroll, that after considering the criteria for a Conceptual Development Plan as set forth in UDO §2.18.4, the Planning Board finds that the requested Conceptual Development Plan 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 PD-02-19. **The motion carried unanimously.**

Mike Saulnier made a **motion**, which was seconded by Diane Westbrook, to approve PD-02-19 with the following conditions:

1. The developer will work with staff to determine the best zoning for the wetlands to insure minimal impacts to the wetlands associated with construction.
2. The developer will work with staff to provide a more detailed phasing plan prior to presentation to the Town Council.

The motion carried unanimously.

2. **PD-02-19: Planned Development-Preliminary Development Plan for a 288-Unit Multi-Family Residential Development; Applicant: Zimmer Development Company; Bob Koontz of Koontz Jones Design, PLLC, Authorized Agent**

Mr. Bob Koontz has submitted an application for a Planned Development - Preliminary Development Plan pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development

Ordinance (UDO) for a 288-unit multi-family residential development with on-site amenities that is located on the west side of US Highway 15-501 between Applecross Road and Inverrary Road. The proposed Preliminary Development Plan is the first phase of a two-phase Planned Development. Access to the proposed development will be via full-motion entrances/exits on the north side to US Highway 15-501 and on the south side to West Morganton Road. All parking will be provided on-site, and the development will be served by extensions of Town of Southern Pines water and sewer facilities. The parcels that are the subject of the application are currently zoned PD (Planned Development) and are identified as PIN: 856220819203 (PARID: 00029985) and PIN: 856220808127 (PARID: 00024265). Per the Moore County tax records, the property owner is listed as Charles E. Grantham.

The oath of testimony was administered to those who intended to speak during the hearing.

STAFF REPORT – BJ Grieve:

Mr. Grieve entered Staff Memorandum PD-02-19 into the record and stated that the request is to build a 288 unit multi-family residential development on approximately 30 acres located near the intersection of US Highway 15-501 and West Morganton Road. The Preliminary Development Plan proposes 19.6 acres of open space, with 4.29 acres designated as usable open space. A majority of the wetlands may qualify as open space. The applicant has submitted a Traffic Impact Assessment which proposes a 50 foot northbound left turn lane, striping on 15-501 as well as extending the eastbound thru lane on West Morganton Road. A letter from NCDOT was also submitted which states that they agree to these improvements but would also like to see a 100 ft. southbound right turn on 15-501 as well as stem storage of 100 feet minimum, no left turn onto West Morganton, an exclusive westbound right turn with 50 feet of storage and stem storage of 100 feet.

Mike Saulnier asked if the Town's consulting engineer had seen the NCDOT report and Mr. Grieve responded yes, and that his comments provided prior to receipt of that letter remained unchanged. He recognized that given the amount of background traffic at that intersection, improving the level of service would be difficult regardless of the type of development.

The application states that there will be two phases of development – one is for the multi-family development and other will be the commercial outparcel. It states that the individual apartment buildings will be phased as well but the application does not speak to a timeline for development of those phases.

APPLICANT PRESENTATION – Attorney Tom Johnson:

Mr. Johnson addressed the Board and requested that the application for the Conceptual Development Plan, the Preliminary Development Plan and both PowerPoint presentations be admitted into the record.

Mr. Johnson stated that they were amendable to annexing the parcel that is outside of Town limits whenever Planning staff deems appropriate as a condition of approval.

Mr. Kennedy stated that he would defer to the Board for that timeline but requested that they annex the entirety of the subject property.

Mr. Johnson stated that whatever property is not currently annexed will be annexed.

Mr. Kennedy stated that the property needs to be annexed before sewer service will be provided and proposed that they state that the entirety of the subject property shall be annexed prior to the issuance of the first building permit.

Mr. Johnson acknowledged agreement.

Mr. Johnson said they would work with staff regarding the allocation of open space and how it is categorized. They will commit to having all of the infrastructure in place as part of Phase 1A, most likely within 36 months of issuance of the first building permit, and Phase 1B will be any remaining apartment buildings.

Mr. Bob Koontz provided a PowerPoint and stated that the parking standards will be met and they will work with Planning staff regarding usable open space. The plan remains as shown as part of the Conceptual Development Plan application.

Mr. Jeff Hochanadel, Traffic Engineer, stated that his firm had completed a traffic study of six intersections and provided an overview of recommended improvements for mitigation.

Chairman Pate asked for confirmation that development will not occur within the floodway.

Mr. Johnson responded that there will be some impacts to the floodplain with some parking and the stormwater pond, which require permits, but they will not interfere with the floodway at all.

Mike Saulnier asked Mr. Johnson to confirm that they are not requesting any deviations from what was approved for the Conceptual Development Plan.

Mr. Johnson confirmed.

Mr. Kennedy introduced a TARPO (Triangle Area Rural Planning Organization) report dated August 30, 2018 and entitled *NCDOT Releases List of Projects to be Funded from Regional Impact Category of STI* which was project H170751 and is the construction of an interchange project at US 15-501 NC/NC 211 and Morganton Road. The project is funded and details of the design will be forthcoming. The report was entered into the record and copies were distributed to members of the Board and the applicant.

Mr. Johnson stated that they were fine with the gates being a voluntary condition and that the gates will comply with the Town of Southern Pines Fire Department regulations.

Gary Carroll asked if the gates will be manned and Mr. Johnson responded no, that they will be automatic gates.

Mr. Kennedy said anytime there is a gate, the Fire Department requires that it be siren enabled.

Diane Westbrook asked how non-residents will gain access.

Mr. Tucker said there will be a call box and there will be a few spaces outside of the gate for visitor parking.

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

Mike Saulnier made a **motion**, which was seconded by Gary Carroll, to adopt Attachment "A" of the staff report as a finding of fact regarding the proposed Preliminary Development Plan PD-02-19. **The motion carried unanimously.**

Mike Saulnier made a **motion**, which was seconded by Gary Carroll, to recommend to the Town Council approval of PD-02-19 with the following conditions:

1. The applicant will apply for annexation prior to issuance of the first building permit.
2. Impacts will be limited to floodplain and there will be no impacts to the floodway.
3. The applicant will continue to work with staff on the open space tabulation.
4. The applicant will provide more definition regarding the driveway encroachment that has been requested in order to reduce impacts to the wetlands.
5. Gates will be installed at both entrances and they will be consistent with Town of Southern Pines Fire Department requirements.

The Planning Board is agreeable to any changes the applicant may coordinate with NCDOT regarding traffic mitigation. **The motion carried unanimously.**

Items entered into the record for PD-02-19:

- Exhibit A: PD-02-19 Staff Memorandum
- Exhibit B: PD-01-19 CDP Application
- Exhibit C: PD-01-19 CDP PowerPoint presentation
- Exhibit D: PD-02-19 Application
- Exhibit E: PD-02-19 PowerPoint presentation
- Exhibit F: TARPO Report dated August 30, 2018

OLD BUSINESS:

Mr. Kennedy welcomed Benjamin Greene to the Board.

Mr. Kennedy stated that Mr. Ross' second term had expired and thanked him for his service to the Town.

NEW BUSINESS:

Mr. Kennedy stated that the Town Council has moved the time of their meetings to 6:00 PM and asked the members of the Board if they would like to consider changing the time of the Planning Board meetings.

Gary Carroll made a **motion**, which was seconded by Mike Saulnier, to change the meeting time for the Planning Board regular meetings from 7:00 PM to 6:00 PM beginning in July 2019. **The motion carried unanimously.**

Chairman Pate expressed his appreciation to Mr. Ross for his service on the Board.

There being no further business the meeting adjourned at 9:20 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board