

## “Knollwood Tract” Feedback and Questions

-Chris Smithson

10-16-12

*I have attempted to match my feedback to specific sections within the application to make it as easy as possible to follow along in a logical fashion. My comments and questions are in red.*

1.0 Purpose: “The proposed PUD zoning and land uses for the Knollwood Parcel are consistent with the Town's recently adopted Comprehensive Long Range Plan (CLRP) and promote its objectives.... The PUD zoning excludes very intensive commercial uses and heavy industry.”

The “purpose” says the proposed zoning “excludes intensive commercial uses,” but the requested uses include “high volume traffic generation” uses (2.1) and a fairly large square footage of retail (350,000 sq feet) for the area of the property. The last application (Pine Needles Village) included a maximum retail square footage of 200,000 in the same area, which would seem to be less intense and more in line with CLRP goals and policies which seek to steer significant and intensive commercial growth to more traditional areas and those designated for that type of growth.

2.2 Vision: “The vision for the project is to master plan and develop a high-quality, mixed-use community that will be carefully integrated into the surrounding area and compatible with the surrounding communities and the Pine Needles Golf Course.”

I agree that a project developed within the standards of this application MAY be consistent with the CLRP and MAY promote its objectives but I do not believe that the application’s parameters come close to ENSURING that a project WILL do so. My efforts then, will largely be focused on supporting the inherent flexibility of a PUD zoning while at the same time working to do whatever possible to bring the application more in line with the applicant’s stated vision and the vision of the Town’s CLRP.

2.4 Compliance: “All development within the site must adhere to the approved standards and conditions stated in this PUD document. The conditions and requirements stated in this PUD that vary from the UDO shall supersede the UDO.”

The Staff Report failed to address many of the differences between the application and UDO requirements. This document shall address but is not limited to addressing a number of the deviations from UDO standards that if approved will be the standards that an Incremental Master Development Plans shall be required to meet.

5.1 Development Program:

Assisted Living. Up to 300 units

The Town of Southern Pines, within its corporate limits, contains a significant number of assisted living units. Most of these units are located in two Continuing Care Retirement Communities (CCRC's)- St Joseph of the Pines and Penick Home. These two CCRC's are exempt from paying property taxes. According to public tax and property records, their combined real estate is valued at more than \$130 million, which is approximately 6% of the total \$2.15 billion taxable valuation of the Town. This exemption, even without consideration for other personal property in the facilities shifts a tax burden of over \$460,000 onto all of the non-exempt property owners in Southern Pines and additionally more than \$612,000 to all non-exempt property owners in Moore County.

A new facility in Southern Pines containing up to 300 units would appear, when compared to published numbers of units in existing facilities, to be as large or larger. St. Joseph's Belle Meade, across Camp Easter Road from the Knollwood Tract, appears to have 220+ units and a real estate property valuation of over \$75 million.

A purported benefit of allowing rezoning of the Knollwood Tract is the additional tax base development would bring. A large CCRC of up to 300 units would apparently not bring this benefit. Therefore, this requested use should be either eliminated or greatly reduced/constrained to avoid the negative implications of another large property tax exempt retirement facility in Southern Pines.

#### **Allowable Uses:**

The application should comply with the restrictions on allowable uses in the Town's Highway Corridor Overlay. At minimum, this would restrict uses such as use 2.111 Convenience Stores within the corridor boundaries and make any new development more consistent with new development elsewhere in town. The previous PUD application on this property, Pine Needles Village, also removed restaurants with drive through facilities from within the 200 foot corridor boundary.

#### **Building size:**

The application states that no single retail building shall be larger than 60,000 sq feet. Something in this size area seems reasonable in that it is not "big box" size (Wal Marts usually exceed 200,000 sq feet) while being in line with many modern grocery stores. As the CLRP would seem to push retail development in the project area towards a more "neighborhood" character, would the applicant be willing to restrict the number of large (maybe larger than 20-30,000 sq ft) buildings to perhaps one? This would allow for a grocery store while keeping the shopping area from straying from "neighborhood" into the high-intensity destination shopping center arena.

#### **Dimensional and Project Edge Standards:**

It would appear that the setback and other standards on the US-1 frontage differ significantly from both the HCO requirements and those of existing developed properties in the vicinity. Recognizing that the PUD ordinance allows that:

Alternative standards may be approved for development within the PUD District if they are demonstrated to meet or exceed the general intent of the UDO standards and be

appropriate given the specific mix of uses, character of the development, or as a means of achieving more efficient, safe or economical land use without detracting from the quality of the development or detrimentally impacting its surroundings.

I ask the applicant to address the apparent deviation using the context of the ordinance section noted above.

#### Table 5.0 - Open Space

The application commits to the minimum requirements open space. The previous application committed to 50% more open space. The applicant has stated their intent to have the property develop to standards higher than the Town's minimums. In light of this, is the applicant willing to commit to more open space?

5.5 Additional Design Conditions- The following additional development standards will control development on the site:

##### 5.5.1 Vehicular Circulation and Street Cross Sections

Traffic study. At the public hearing, the applicant verbally committed to a total theoretical trip generation (based on ITE manual) from the project of 15,886 Total Net New External Trips as well as the previously-approved (by NCDOT) mitigation steps. Please confirm this commitment in writing.

General street and sidewalk/greenway standards:

Applicant appeared to commit to UDO street and sidewalk standards except on main boulevard where they wanted no curb and only a trail on one side. Can we confirm this in writing? I believe the goals of CLRP would be better met (numerous goals and policies re: walkability, etc.) if at minimum there are pedestrian facilities (trails or sidewalks or some combination) on both sides of the road. Again, while the PUD and the UDO offer some flexibility on curb vs. ditch or sidewalk vs. trail, the application would seem to be more in line with the CLRP if pedestrian facilities were provided on BOTH sides of all roads in this case. Also if not installed by developer and Town accepts dedication of the streets, it will be the Town which bears the cost if they are added later. See Knoll road through Longleaf for example of inadequate pedestrian facilities that it will cost the Town significant money to remedy.

Parking:

As there appear to be no maximum parking space figures in the application, it would appear any regulations would be the same as the UDO. There are maximum standards in HCO areas.

##### 5.5.7 Signage

The signage program will be designed in conformance with the requirements of the Town of Southern Pines Unified Development Ordinance. The location of primary project signage is included on the Land Use Plan in Exhibit IX.

This is acceptable so long as referenced signage included in Land Use Plan is also in conformance with UDO (ie. the number of entrance signs does not exceed UDO standards).

## 7.0 ESTIMATED WATER AND SEWER DEMAND

While there may be plenty of water capacity regardless of the build-out, please provide information as to the basis for figures used in water usage table on page 17. Are these generic numbers or specific to SP general consumption, etc?

At the public hearing, the applicant appeared to commit to the provision that no private irrigation wells be allowed except to irrigate community-maintained non-golf common areas. Can we confirm this in writing?

### Commercial area:

The layout of the commercial area in the Conceptual Master Plan appears to be consistent with many provisions of the Town's CLRP. Other than that illustration, however, the application does not really speak to the layout. Is applicant willing to submit language speaking to the layout (gridded street pattern, etc.) in the commercial area to reflect the illustrated plan?

### General Comments:

The Conceptual Master Plan (CMP) appears to be generally consistent with the Town's CLRP. The development conditions elsewhere in the application do not appear to require that many of the positive and plan-conforming elements of the CMP become reality. As has been stated by the applicant a number of times, the CMP is reflective of their intent for how the property would develop. The applicant has also stated multiple times that it is their intent to generally exceed the minimum development standards of the Town's UDO.

What I hope we can accomplish with this process is an application modified to better reflect the stated intent of the applicant and consistent with the CLRP while still maintaining the flexibility for a project to adapt to evolving market demands. As per Section 325 of the Town's UDO indicates, the Council may not base a decision on the stated intent of an applicant if the application would allow something more or different.