

*Below is my statement on the “Knollwood Tract” PUD zoning at the 11-13 Council meeting.*

*-Chris Smithson, Southern Pines native, resident, and Councilmember*

According to the Southern Pines Unified Development Ordinance, “One of the key elements of a successful PUD regulation is the ability to depart from established standards as a means of encouraging innovation, creativity and a higher level of quality.” Additionally, our ordinance states “the central issue before the council is whether the proposed amendment advances the public health, safety or welfare.”

This is a bad application. Bad applications are future bad laws.

-The required applicant-provided traffic study is deficient, mainly recycled from a five year old report, and does not address the actual traffic numbers or impacts an approval tonight would permit.

-The development standards in the application mainly either barely meet town minimums or fail to meet them at all.

-Approving this application means ignoring the will of the people of Southern Pines as expressed in our Comprehensive Long Range Plan

-Approving this application ignores the fact that we are more than halfway through a complete rewrite of our development ordinance and requires we keep our old ordinance alive for as long as it takes this property to develop.

-The question tonight is not whether this property should be developed to a fairly high intensity. Our plans tell us we want growth to go here and it should be developed to “urban levels.”

-The question is whether this property will develop in a way that is consistent with our adopted plans and in a way that benefits the property owner and the community overall. We don’t have the information we need in order to make an informed decision in confirmation of that.

-The law is clear that the character of an applicant and/or their stated intent are not relevant in a land use decision.

-The law is clear that an approval tonight ends the Council’s zoning authority on this property for years, if not forever. Assuming that the Council, after approval, can make zoning decisions on this matter without the consent of the property owner is contrary to local and state law and any attempt to act on that assumption will likely end up losing in the courts.

-A proper application in this case would have a relevant traffic study. It would have development conditions that ensure consistency with our ordinances and plans. It would be flexible in the numbers and in the types of uses, but not in the quality and character of the outcome.

I believe we should deny this application not because of what the applicant says they intend to do. I believe we should deny this application because there are too many unanswered questions and little as far as standards go to ensure that things turn out as intended.