Worksession of the Southern Pines Town Council
Wednesday May 28, 2014, 3:00 PM
Community Room, Southern Pines Police Department
450 West Pennsylvania Avenue

1. **Townhouse Project (Page Street) – Dean King**

2. **Fiscal Year 2014-2015 Budget**

Work Session Agenda Item

To:	**Reagan Parsons, Town Manager**
Via:	**Bart Nuckols, Planning Director**
From:	**Chris Kennedy, Planner**
Subject:	**Request to Discuss the potential for a Conditional Use Permit Application, Major Subdivision for Townhomes along N. Page St.; Petitioner, Pine Group Ventures LLC**
Date:	**May 28, 2014**

On behalf of Pine Group Ventures LLC, petitioner Pete Mace is requesting to be heard in front of the Town Council to discuss a Major Subdivision for eight (8) townhomes along N. Page St. Per Section 2.20 Major Subdivisions of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit. The proposed development will require a CUP. The subject property is comprised of 1.215 acres and according to the density allowed in the RM-2 zoning classification the property would be permitted eight (8) lots given the density of 5-7 dwelling units per acre permitted in the RM-2 zoning classification. The property is comprised of three parcels identified by the following: PIN: 858106390954 (PARID: 00038954); PIN:858218301044 (PARID:00031134); PIN:858218302173 (PARID:00031133). Per the Moore County Tax records, the property owner(s) are listed as Robert E. & Donna M. Carter and Karl L. Martin. The property is along the frontage of N. Page St. between W. Connecticut Ave. and W. Vermont Ave.

Analysis:

The subject property is identified as Residential in the CLRP. Per the ***Comprehensive Long Range Plan 2010***:**Residential designation** encompasses the majority of Southern Pines' residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to 12 units per acre in places that are clearly more urban.

Staff Comments:

- The Petitioner submitted a similar project that was scheduled to be heard by the Town Council in May 2014. The Petitioner withdrew his Conditional Use Permit (CU-01-14) application as well as the Rezoning Petition (Z-02-14) prior to Town Council action.
- Per Section 2.20.5 (H) The Town Council shall conduct a quasi-judicial hearing and shall approve, conditionally approve or deny the Preliminary Plat based on the preceding criteria. The Town Council also shall approve, conditionally approve or deny the CUP based on the criteria established in the preceding paragraphs and in Section 2.22.7. The CUP shall not become effective until the Town Council grants approval of the Final Plat.

- Per Section 2.20.5 a Preliminary Plat must satisfy the following criteria: A Sketch Plat shall be required when an Applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership.*

2.20.5 (G) Criteria

The application is consistent with the approved Sketch Plat, if applicable. *Not applicable in this request

1. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;
2. The proposed subdivision complies with the UDO and applicable state codes;
3. The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;
4. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties;
5. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development;
6. The application complies with adopted plans, policies, rules and regulations for stormwater management, Watersheds, flood hazards and other environmental factors;
7. Any land located within Zone A on the adopted flood boundary and floodway maps of the flood insurance study, is determined to be suitable for its intended use, and the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, or any other floodplain-related risks to the health, safety, or welfare of the future residents of the proposed subdivision in a manner consistent with the UDO;
8. The proposed name of a subdivision does not use a word that is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the Town of Southern Pines except for the words “court,” “addition,” “place,” “heights,” “hills,” “pine” and similar words, unless the land platted is contiguous to and platted by the same Applicant who platted the existing subdivision bearing the name, or the Applicant has obtained the written consent of the party who platted the subdivision bearing that name, or the Planning Director requires the use of the same name for purposes of clear identification; and
9. To the extent that the application deviates from the requirements of this UDO, the Board of Adjustment has approved applicable variances in accordance with this Chapter. Variance requests for subdivision designs should be sought prior to Preliminary Plat hearings and must be approved prior to Final Plat approval.

- Per Section 2.21.7 an Application for a Conditional Use Permit must satisfy the following criteria:

2.22.7 Criteria

A Conditional Use is permitted only if the Applicant demonstrates that:

a. The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;
b. The proposed conditional use shall conform to the character of the neighborhood in which it is located. The proposal, whether in the same district or different district than neighboring properties, shall adequately mitigate any potentially adverse effects on health, safety, or comfort of persons living or working in the neighborhood. In making such a determination, consideration shall be given to:
    1. The location, type, orientation, design and height of buildings or structures;
    2. The type and extent of landscaping and screening on the site; and
    3. Whether the proposed use is consistent with any policy of the Comprehensive Plan that encourages mixed uses and/or densities;
c. Adequate public facilities shall be provided as set forth herein;
d. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;
e. The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood;
f. The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district;
g. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and
h. The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

- Comprehensive Long Range Plan Future Land Use Map depicts this block as Residential.
- The setbacks for the property in the RM-2 zoning classification would be:
    - Front: 25.0’; Side: 10.0’; Exterior Side: 15.0’; Rear: 30.0’
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed.
- This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality watershed. The Watershed Protection Permit if approved will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.

Attachments:

- GIS Location
- Site Plan
- Written Metes and Bounds
- Future Land Use Map

The Town Council may wish to take one of the following actions:

1. No action;
2. Allow the petitioner to pursue this development project through the required Major Subdivision and CUP application processes as outlined in the Town of Southern Pines Unified Development Ordinance;
3. An action listed above with the following conditions…
4. Action not listed above…

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Pine Group Ventures

PIN:858106390954 (PARID:00038954); PIN:858218301044 (PARID:00031134); PIN:858218302173 (PARID:00031133)

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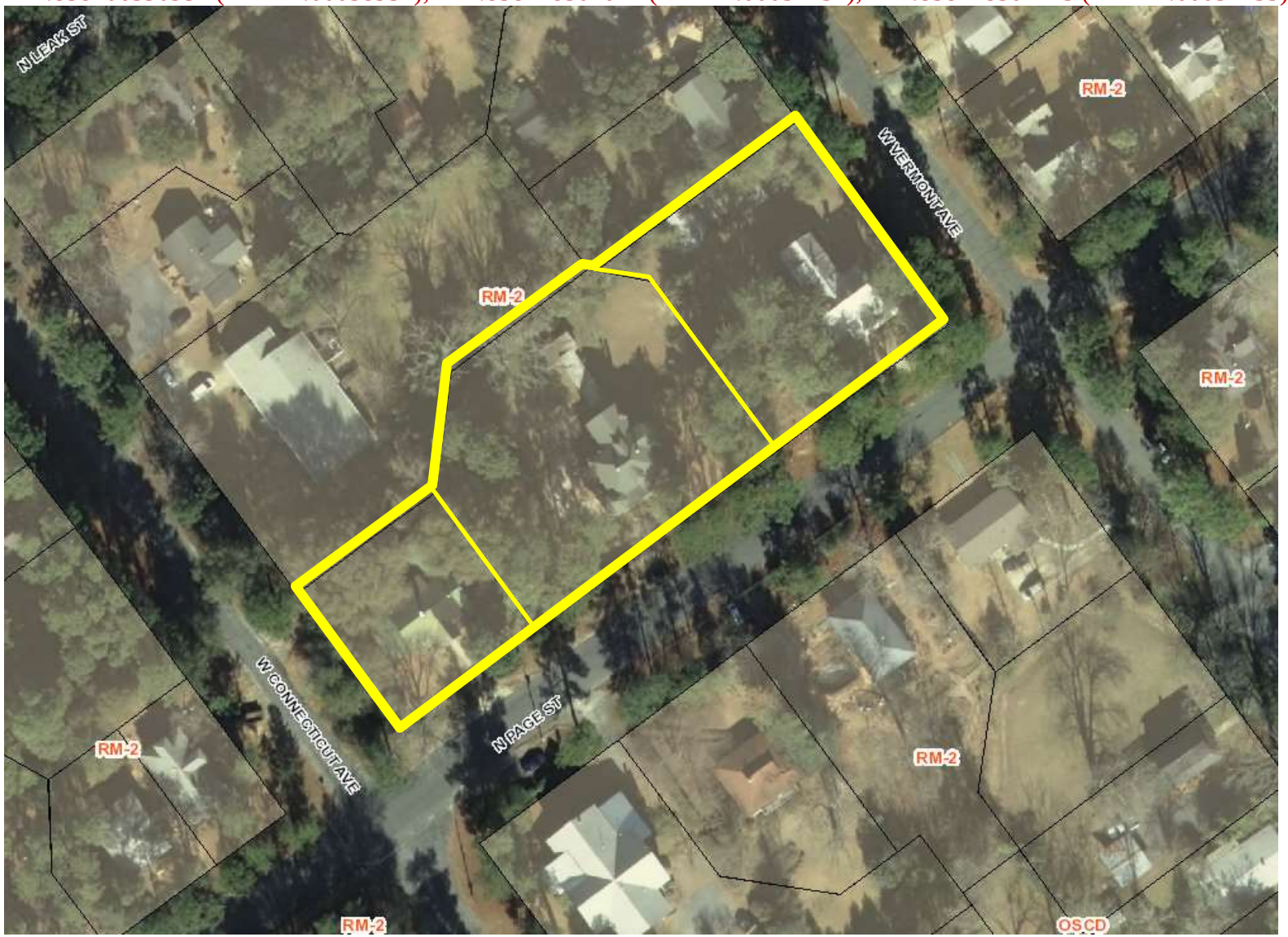

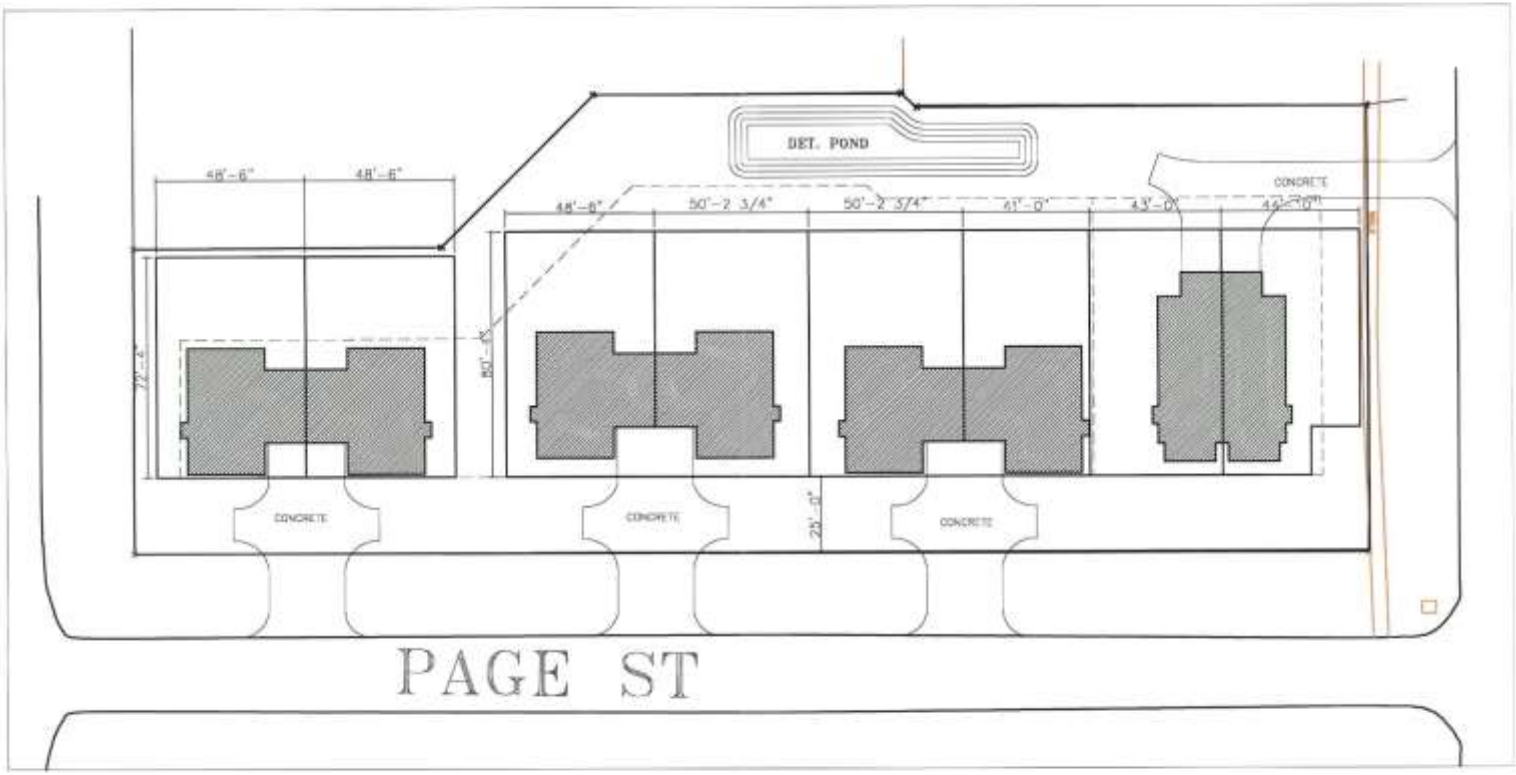
DET. POND
48'-6"
48'-6"
48'-6"
50'-2 3/4"
50'-2 3/4"
41'-0"
43'-0"
CONCRETE
CONCRETE
CONCRETE
CONCRETE
25'-0"
PAGE ST

Lots , 8, 9 and part of 6, Block I&6 Town of Southern Pines

BEGINNING AT THE EAST CORNER OF LOT NO. 8 IN BLOCK I&6, TOWN OF SOUTHERN PINES, N. C.; RUNNING THENCE AS THE LINE OF PAGE STREET, S53°15'00"W 123.00 FEET TO A CORNER IN THE CENTER OF THE FRONTAGE OF LOT NO. 6; THENCE LEAVING THE STREET, N36°45'00"W 123.00 FEET TO A CORNER IN THE COMMON LINE OF LOTS 6 AND 9; THENCE AS THE COMMON LINE OF LOTS 6 AND 9, N81°45'00"W 32.53 FEET TO THE COMMON CORNER OF LOTS, 6, 9 AND 10; THENCE AS THE COMMON LINE OF LOTS 9 AND 10 N53°15'00"E 146.00 FEET TO THE EAST COMMON CORNER OF LOTS 9 AND 10; THENCE AS VERMONT AVE. S 36°45'00"E 146.00 FEET TO THE BEGINNING, CONTAINING 0.42 ACRE, MORE OR LESS.

Lots 1 & 2, block I&6 Town of Southern Pines
0.23 acre

BEGINNING AT THE SOUTH CORNER OF LOT NO. 1 IN BLOCK I&6, TOWN OF SOUTHERN PINES, N. C. AS RECORDED IN MAP BOOK 1, PAGE 70 IN THE REGISTER OF DEEDS OFFICE FOR MOORE COUNTY, N. C . AT THE INTERSECTION OF THE NORTHEAST LINE OF CONNECTICUT AVENUE WITH THE NORTHWEST LINE OF PAGE STREET; RUNNING THENCE FROM THE BEGINNING AS THE SOUTHWEST LINE OF LOT NO. 1 AND CONNECTICUT AVENUE N36°45'00"W 100.00 FEET TO THE CORNER OF LOT NO. 1 THENCE AS THE LINES OF LOT NO. 1 AND 2, N53°15'00"E 100.00 FEET TO THE COMMON CORNER OF LOTS 2, 3 AND 23; THENCE AS THE COMMON LINE OF LOTS 2 AND 3 S36°45'00"E 100.00 FEET TO THE COMMON CORNER OF LOTS 2 AND 3 IN THE LINE OF PAGE STREET; THENCE AS THE LINE OF PAGE STREET S53°15'00"W 100.00 FEET TO THE BEGINNING, CONTAINING 0.23 ACRE, MORE OR LESS.

LOTS 3, 4, 5, HALF OF 6 AND ALLEY, BLOCK I&6 Town of Southern Pines

BEGINNING AT THE COMMON CORNER OF LOTS 2 AND 3 IN THE LINE OF PAGE STREET AND RUNNING THENCE AS THE COMMON LINE OF LOTS 2 AND 3, N36°45'00"W 100.00 FEET TO THE NORTHWEST COMMON CORNER OF LOTS 2 AND 3; THENCE 08°15'00"E 70.71 FEET TO A CORNER OF THE CENTER SQUARE; THENCE N53°15'00"E 100.00 FEET TO A CORNER OF THE CENTER SQUARE; THENCE S81°45'00"E 38.18 FEET; THENCE S36°45'00"E 123.00 FEET TO A CORNER IN PAGE STREET; THENCE S53°15'00"W 177.00 FEET TO THE BEGINNING, CONTAINING .57 ACRES, MORE OR LESS.

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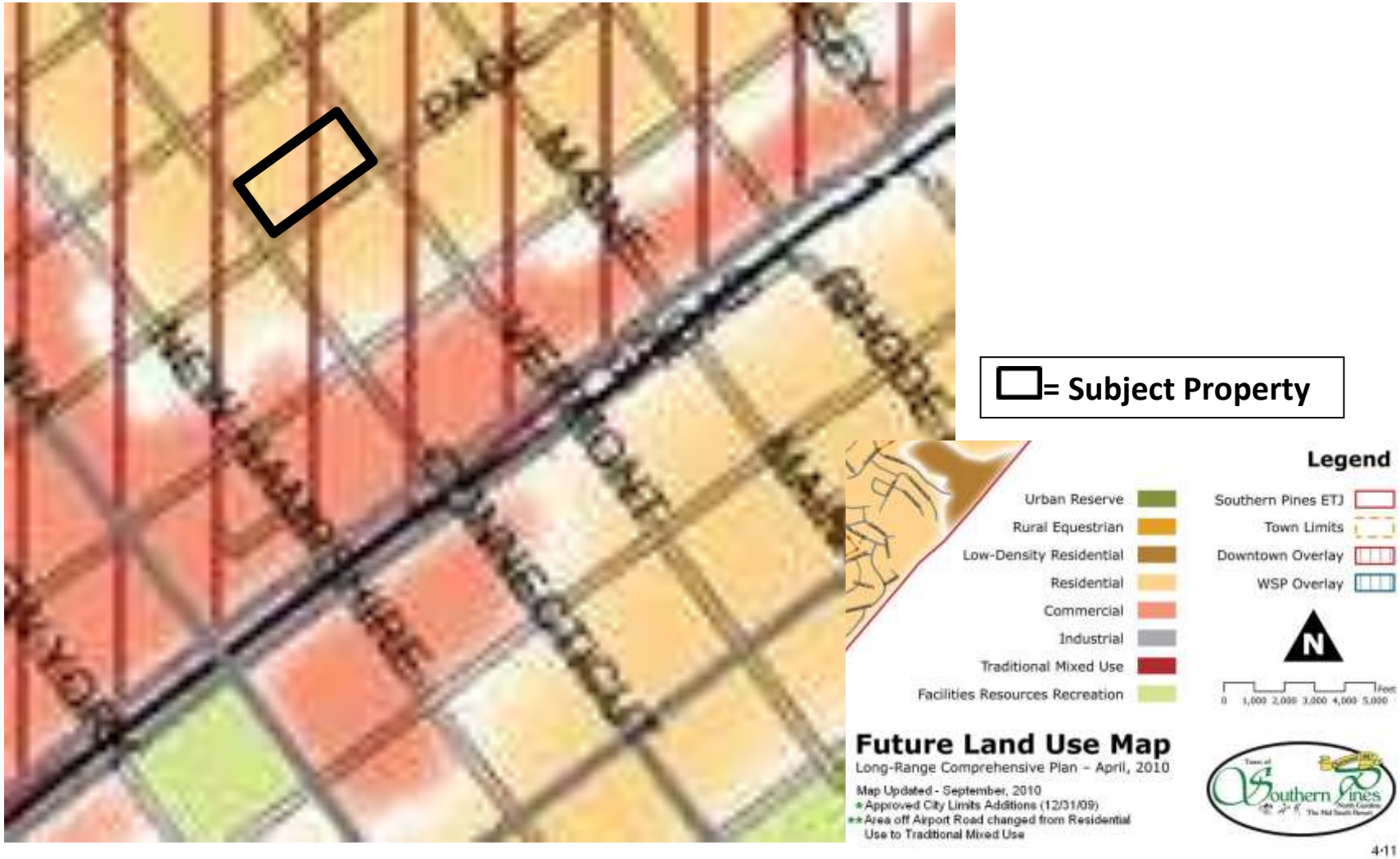
Future Land Use Map: Townhomes along N. Page St.

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