

Agenda Item

To: Reagan Parsons

Via: BJ Grieve, Planning Director

From: Lauren Long, Planner I

Subject: CU-07-20 and S-36-20, Conditional Use Permit and Major Subdivision Preliminary; Camp Easter Cottages

Date: January 6, 2020

I. SUMMARY OF APPLICATION REQUEST:

Tim Carpenter, agent to Marcel Goneau on behalf of Silver Ridge Holdings, LLC has submitted an application for a Conditional Use Permit and Major Subdivision Preliminary Plat. The proposed subdivision is a single phase thirteen-lot single-family residential development on 12.87 acres currently zoned Rural Residential (RR). The subject parcels can be identified as PIN 859310277006 (PARID 00031884) and PIN 859310279384 (PARID 00038672). The Property owner, according to the Moore County tax records, is R. Leonard Seward.

II. TOWN COUNCIL ACTION:

A public hearing for this item was originally scheduled and legally-noticed for the November 10th, 2020 Town Council meeting. On November 06, 2020 the Planning Department received an email from a legal representative of the Moore County Wildlife and Conservation Club contesting the Public Hearing occurring on an electronic platform in accordance with N.C.G.S. 166A-19.24(f). At the Public Hearing the legal counselor for the Moore County Wildlife and Conservation Club, Mr. Andrew Petesch, established his client's standing and requested a continuance of the request to the December 8, 2020 meeting. The applicant's legal counsel, Mr. Nick Robinson, agreed to a continuance to the December 8, 2020 agenda meeting of the Town Council. The public hearing was then continued upon the motion and unanimous vote to continue the application request for CU-07-20 and S-36-20 to the December 8, 2020 agenda meeting of the Town Council.

At the December 8, 2020 Agenda Meeting of the Town Council Planning staff presented a review of the Conditional Use Permit application for a Major Subdivision Preliminary Plat. Planning staff reviewed details of the project and discussed compliance with the Unified Development Ordinance (UDO). Staff noted agency requests that the applicant would need to meet during site plan review with the Technical Review Committee and the staff proposed conditions that were generated from the agency referrals during administrative review of the request.

Mr. Nick Robinson, legal representative for the applicant, presented an overview of the history of the project and explained the applicants outreach and involvement with the Moore County Wildlife and Conservation Club and introduced Mr. Andrew Petesch, legal

representative of the Conservation Club. Mr. Robinson explained the reasoning for the initial continuance and detailed the resolution that had been reached between his client and the Conservation Club as well as the other adjoining property owners represented by Mr. Petesch. Mr. Robinson explained that as part of the agreement the developer had agreed to design the stormwater drainage to the 25-year storm standard and that the landscaping along Camp Easter Road would be supplemented by voluntary landscaping to protect the viewshed of the adjacent properties as well as the intent to preserve some of the existing vegetation along Camp Easter Road. Mr. Robinson also explained that part of the agreement was to include a notice of the proximity of the development to the Moore County Wildlife and Conservation Club within the covenants for the Homeowners Association.

Mr. Petesch re-introduced himself and explained that he was present to represent the interests of the Conservation Club, as well as adjacent property owners John Snipes, Bill Rock, and Sheila Rock. Mr. Petesch agreed that a resolution between the developer and his client(s) had been agreed upon and were reflected in the conditions that had been drafted between Mr. Robinson and Himself. He thanked the Town Council and Administrative Staff for their patience while discussions between the two parties took place.

Mr. Robinson asked on behalf of his client if the request could go to the December 10, 2020 Special Meeting of the Town Council once language for the proposed conditions could be finalized. The Town Manager Mr. Reagan Parsons explained that although he understood the desire to be on the agenda for the Special Meeting that the Planning Staff would not have the necessary time to update the reports and review the language for the proposed voluntary conditions.

A unanimous vote of the Town Council closed the Public Hearing until January 6, 2020 to allow for Public Comment in accordance with G.S. §166A-19.24(e) requiring a minimum of 24 hours following the remote public hearing for submittal of written comments.

III. PLANNING BOARD ACTION:

At the October 22, 2020 Regular Meeting of the Planning Board, the Planning Board, with two members absent (Mr. Ben Greene and Ms. Diane Westbrook), in accordance with UDO § 2.5.2, voted to observe the procedures defined in UDO § 2.13.2 for Legislative Public Hearings. The Planning Board heard from staff as well as those in attendance regarding application CU-07-20 and S-36-20. Planning staff presented a review of the Conditional use Permit application for a Major Subdivision Preliminary Plat. Planning staff reviewed details of the project and discussed compliance with the Unified Development Ordinance (UDO). Staff noted agency requests that the applicant would need to meet during site plan review with the Technical Review Committee.

Mr. Nick Robinson, the attorney representing the applicant, presented an overview of the project. Mr. Robinson then established Tim Carpenter of LKC Engineering as an expert witness and asked a variety of questions of Mr. Robinson concerning the criteria of the preliminary plat as well as the conditional use permit criteria. Mr. Carpenter also addressed the NCDOT requirements and the Town engineer's requirements and stated they will meet

both requirements. Mr. Robinson presented the three (3) planning staff recommended conditions and Mr. Carpenter accepted all three (3) conditions. Mr. Bleggi, Planning Board member asked Mr. Carpenter if a soil type analysis was performed and Mr. Carpenter stated that Hal Owen, out of Pittsboro NC, performed the analysis and only lot 1 came back as marginal. Mr. Nick Robinson then presented and called forward Mr. Travis Fluitt and established him as an expert witness in traffic engineering. A trip generation analysis was presented, was not part of the file, and a copy was received at the meeting to add to the master file. A copy of the trip generation analysis is attached to this staff report. Mr. Bleggi requested the peak trip generation in reference to Niagara Carthage Road. Mr. Fluitt stated that there are 590 trips per day with a total volume of 20,800 trips per day 2019 total volume.

Mr. Robinson then presented how the proposed development is consistent with the CLRP. Mr. Lem Dowdy asked if the Town was in agreement with that determination and asked if subdividing the parcel is consistent with the CLRP. Ms. Long stated that a title search was not performed to adequately determine if the land is being further subdivided from previous ownership, however, the Town finds that the proposed subdivision and the size of the lots are generally consistent with what surrounds it.

The Planning Board closed the public hearing. Cooper Carter made a motion to Adopt Attachment "A" of the staff report as our Findings of Fact regarding the proposed Conditional Use Permit CU-07-20. Andy Bleggi seconded the motion and the motion carried with a vote of 5-0. Cooper Carter moved to recommend approval of the Conditional Use Permit for CU-07-20 with the following additional conditions, as approved by the applicants:

1. The driveways for lots 3 and 12 be located so as to provide access internally to the subdivision by connecting to the proposed private street and not directly accessing Camp Easter Road.
2. Driveways for lots 1,3, and 12 be located as far away as possible from Camp Easter Road to allow for stacking of cars trying to turn on to Camp Easter Road from within the subdivision without blocking any driveways. The driveway for lot 1 be located as far away as possible from the intersection of Niagara-Carthage Road and Camp Easter Road.
3. All extensions of the town water system be made within the right-of-way for Camp Easter Road. No Service laterals are to be created that do not access water from the extension of the main line that is to be located on Camp Easter Road.

Mr. Lem Dowdy seconded the motion and the motion carried with a vote of 5-0. Mr. Cooper Carter moved to adopt Attachment "B" of the staff report as our Findings of Fact regarding the proposed Preliminary Plat S-36-20. Mr. Lem Dowdy seconded the motion. The motion carried with a vote of 5-0. Mr. Cooper Carter recommended to approve Preliminary Plat S-36-20. Ms. Kim Wade seconded the motion. The motion carried with a vote of 5-0.

IV. PROJECT INFORMATION:

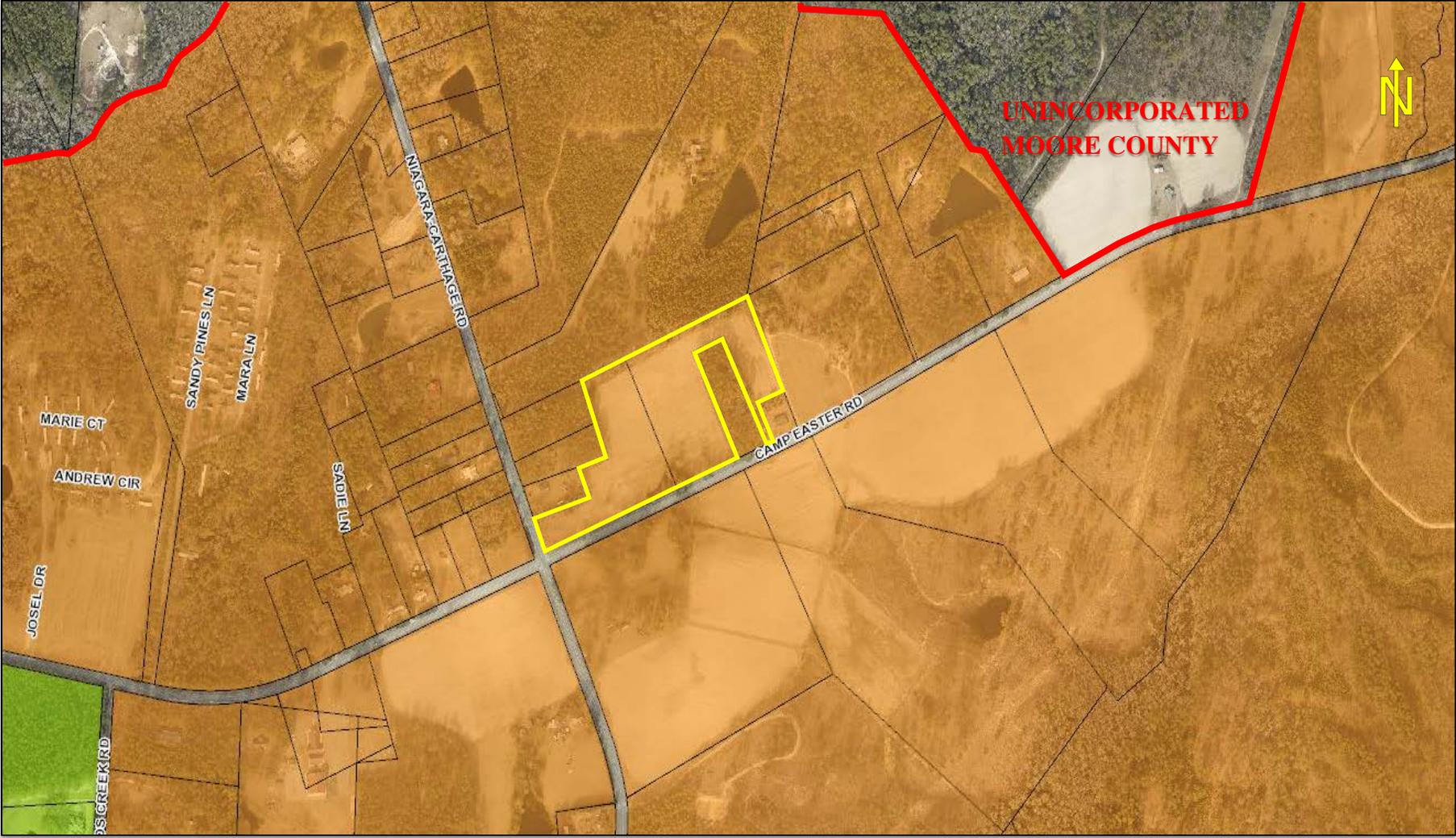
A. Property Owner & Applicant Information:

- i. Property Owners:**
George Ferrell c/o estate for R Leonard Seward
129 Bird Yancey Pass Road
Clinton, NC 28328

- ii. Applicant:**
Marcel Goneau
Silver Ridge Holdings, LLC
PO Box 4839
Pinehurst, NC 28374

- iii. Authorized Agent:**
Tim Carpenter
LKC Engineering
130 Aqua Shed
Aberdeen, NC 28315

Figure 1: Vicinity & Zoning Map (Proposed Subdivision Highlighted in Yellow)



■ RS-3, Residential Single Family ■ RR, Rural Residential

B. Project History and Site Information:

i. Location:

The site is located east of Niagara-Carthage Road and north of Camp Easter Road.

ii. Zoning:

The site is currently zoned Rural Residential (RR). To the north, east, south, and west of the site is also Rural Residential (RR) (See Figure 1). The

V. STAFF REVIEW:

A. Application Review Dates:

- Major Subdivision Preliminary Plat Application and Conditional Use Permit Submitted: September 15, 2020
- Application Complete: September 21, 2020
- TRC Review: September 22, 2020
- Notice of Planning Board Public Hearing:
 - Posted On-site: October 1, 2020
 - Mailed: October 1, 2020
 - Internet: October 1, 2020
- Planning Board Agenda Meeting: October 15, 2020
- Planning Board Public Hearing: October 22, 2020
- Notice of Town Council Public Hearing:
 - Posted On site: October 1, 2020
 - Mailed: October 19, 2020
 - Internet: October 19, 2020
 - Newspaper: October 7, 2020
October 14, 2020
- Town Council Agenda Meeting: November 4, 2020
- Town Council Public Hearing: November 10, 2020
(Continuance requested)
- Town Council Agenda Meeting: December 2, 2020
- Town Council Regular Meeting: December 8, 2020
(24-hour period allowing for public comment in accordance with G.S. §166A-19.24(e))
- Town Council Agenda Meeting: January 6, 2020

B. Criteria for Review:

i. Conditional Use Permit (UDO §2.21.7):

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 and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;*

- C. Adequate public facilities shall be provided as set forth herein;
- D. The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;
- E. 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,
- F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

ii. Major Subdivision Preliminary Plat - UDO §2.20.5(G):

- 1. The application is consistent with the approved Sketch Plat, if applicable.
- 2. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;
- 3. The proposed subdivision complies with the UDO and applicable state and federal regulations;
- 4. 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;
- 5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and
- 6. 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.

C. Project Details and Compliance with the UDO:

i. Description of Proposed Subdivision:

The proposed subdivision is 13 single family lots to be developed in a single phase within the Town's Extra-Territorial Jurisdiction. The tract is approximately 12.87 acres and the proposed subdivision would create lots that are a minimum of 30,000 square feet, with lot sizes ranging from .71 of an acre to 1.3 acres.

ii. Existing and Proposed Public Infrastructure:

a. Utilities:

The applicant is requesting to connect to the town's water system, however, does not wish to connect to the town's sewer system. Mandatory connection to water is regulated by the Town Code of Ordinances §50.035, requiring all development within 300 linear feet plus 100 linear feet multiplied by the number of additional dwellings proposed be required to connect to the town's water system. The proposed subdivision falls within 50 linear feet of the existing water

system. This is well within the distance for which new development is required to connect to water. The Town Engineer has reviewed the proposed subdivision and recommends that the waterline extension be made within the right-of-way of Camp Easter Road and not through the use of a service lateral located at the rear of the subdivision.

The mandatory connection to the town's sewer system is regulated by §50.059 and establishes the same distance for mandatory connections. The existing sewer system extends as far as Gossman Drive (see figure 2) and is over 4,800 linear feet away from the proposed subdivision. The applicant is proposing that the subdivision be served by septic, which is regulated and permitted by Moore County.

b. Stormwater:

There is no existing stormwater infrastructure near the proposed subdivision site, however, all stormwater improvements to the site will be reviewed administratively during the site plan review process by the Technical Review Committee and must comply with the regulation set forth in the Unified Development Ordinance (UDO) and with the state standards for stormwater management.

c. Streets and Access

The proposed subdivision will be located on Camp Easter Road, which is a state road facility. A private street is proposed to create access for the lots 3-12 and three separate driveway permits will be requested to provide access to the lots 1,2, and 13. The District Engineer for the Department of Transportation has provided his comments for the proposed connections to Camp Easter Road and for all the work proposed to take place within the Department of Transportation's R/W. The District Engineer has stated that direct access onto Camp Easter Road through the use of a driveway will not be permitted for lots 3 and 12 and requests that the driveway connections be made as far away as possible from Camp Easter Road to allow a minimal amount of stacking for cars trying to turn onto Camp Easter Road without blocking any driveways.

The private street that is proposed is a cul-de-sac and meets the requirement that Culs-de-sac be no longer than 500 linear feet. The private street must be built to the Residential Local Standard as illustrated in figure 4-17 and the applicable sections of §4.11.10 of the UDO and to the standards and specifications of Appendix C. The estimated trip generation for this subdivision is approximately 130 trips per day, which is below the threshold requiring a Traffic Design Analysis.

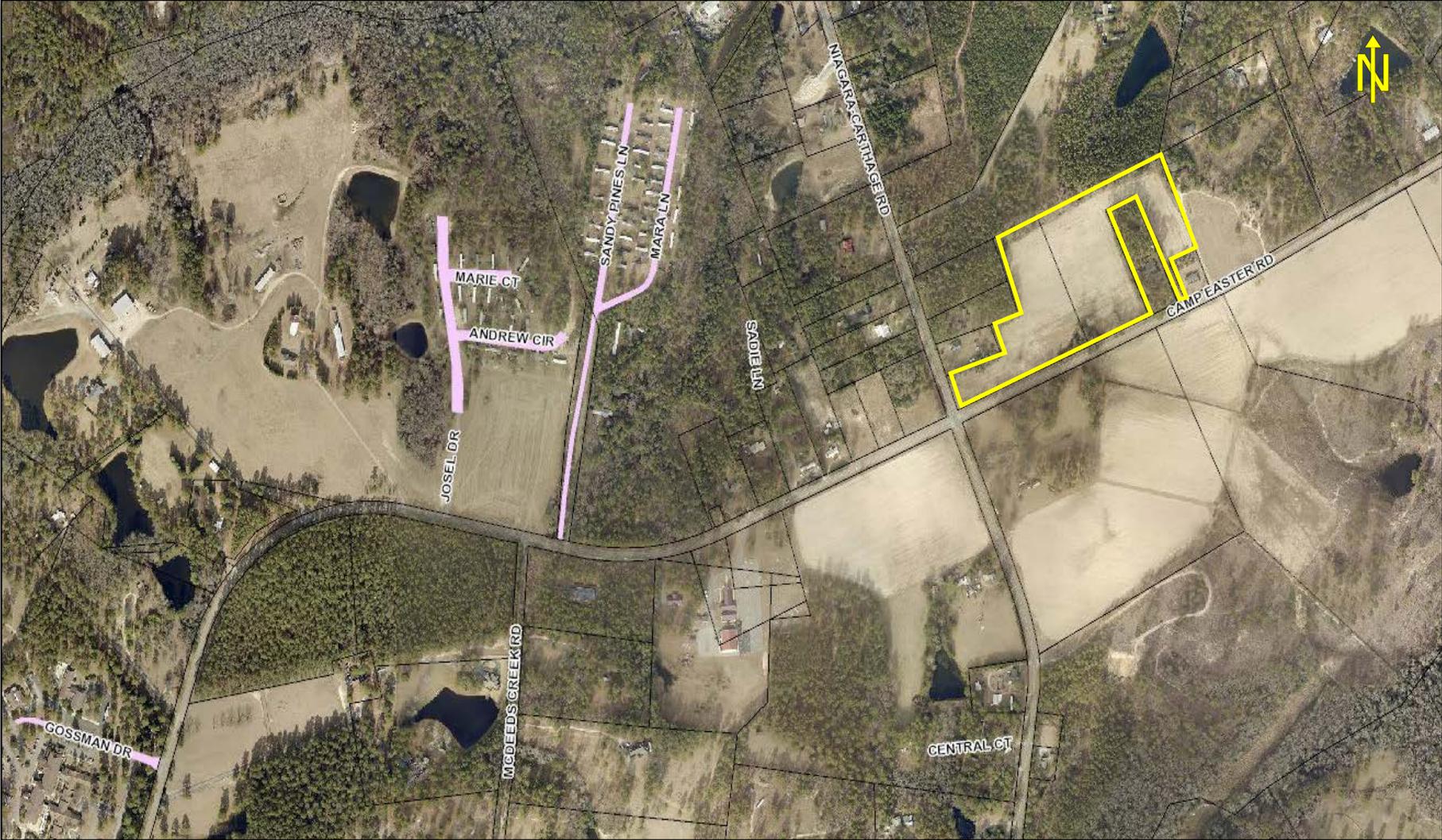
d. Buffers and Open Space

There are no landscape buffers required by the Town's development standards as no proposed change has been requested to the density of development or the zoning district and the site is surrounded by the same zoning district and intensity of development. The proposed subdivision shows approximately 1.42 acres of open space on the preliminary plat that is compliant with the criteria established in §4.9.1 and §4.9.7 regulating the dedication of open space. However, due to the size of the development and the number of lots, the proposed subdivision is exempt from the open space requirements according to §4.9.1 (D).

Figure 2: Utilities and Stormwater Infrastructure (Proposed Subdivision Outlined in Yellow)

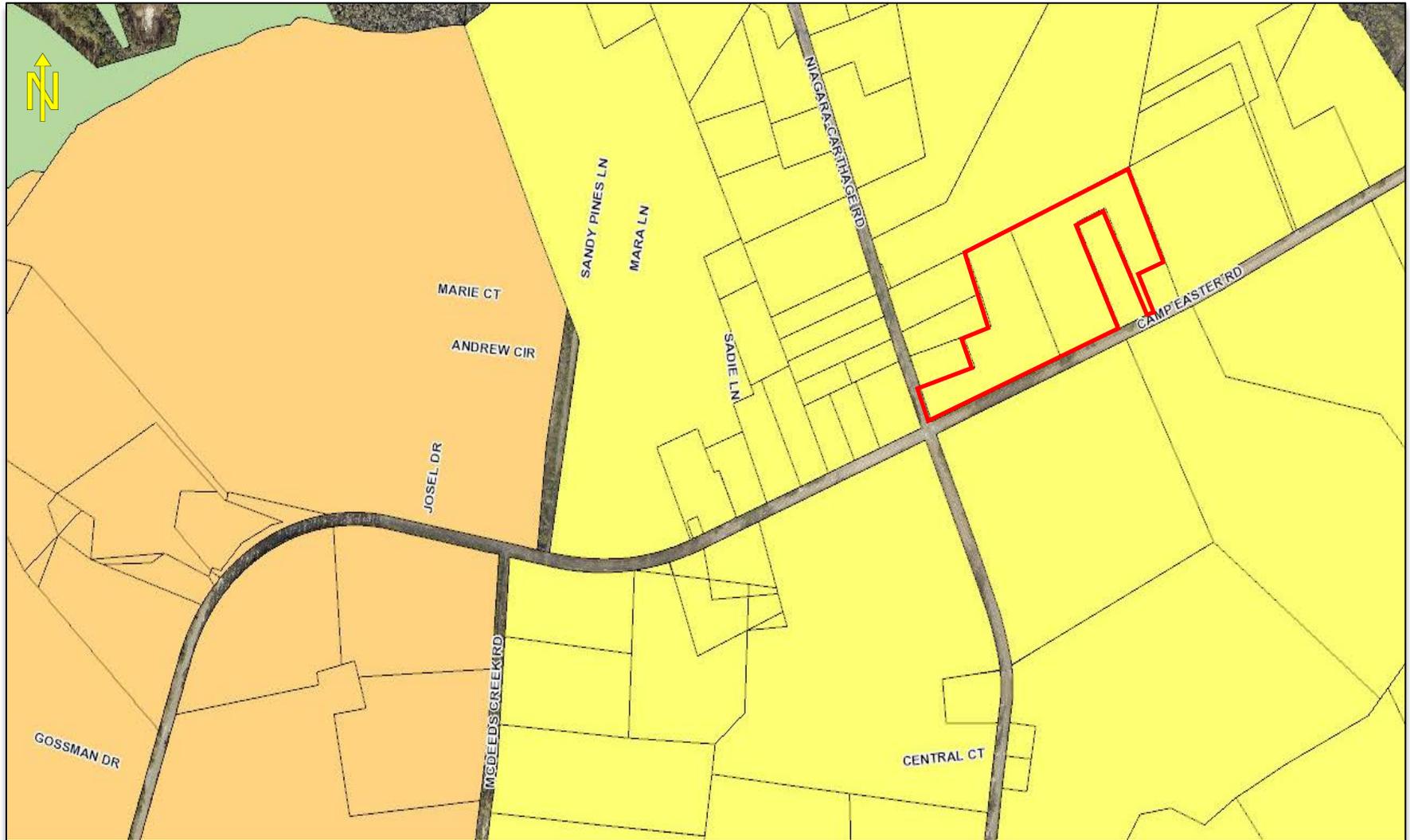


Figure 3: Streets and Access (Proposed Subdivision Outlined in Yellow)



■ State System Streets ■ Unpaved Town Streets ■ Paved Town Streets ■ Private Streets

Figure 4: Comprehensive Land Use Plan (CLRP) (Proposed Subdivision Outlined in Red)



- Parks / Open Space
- Residential / Golf
- Rural Equestrian
- Urban Reserve
- Low Density Residential
- Residential
- Commercial
- Traditional Mixed Use
- Industrial

iii. Compliance with the Comprehensive Land Use Plan (CLRP) and other Town adopted plans.

a. Compliance with the CLRP

The tract is designated as Low Density Residential on the Future Land Use Map. The proposed subdivision is consistent with the Future Land Use Category's description of intent to provide lots with development densities ranging between one residential unit for every three quarters of an acre to one unit for every five acres. However, it is not consistent with the category's intent to limit the further subdivision of residential lots between five and twenty acres.

The applicant has provided a narrative addressing a justification for compliance of the Conditional Use Permit Amendment with the CLRP and the narrative has been included as an attachment to this memo.

b. Compliance with Other Adopted Plans

The Comprehensive Recreation & Parks Master Plan does not contain any recommendations for the site of the proposed subdivision.

iv. General Staff Comments

- The specific review process and criteria for a Conditional Use Permit and a Major Subdivision are found in §2.21.3 and § 2.20 of the UDO. The applicant has submitted a narrative addressing compliance with the criteria, a copy of which is attached to this report.
- The location of the proposed subdivision is within a High-Quality Watershed (HQW). The restrictions on development within a HQW limit the number of dwelling units as well as the built upon area to one dwelling unit per acre or 12% built upon land area unless the development disturbance area is less than one acre or an approved stormwater management practice is used. The applicant has provided a stormwater management practice area that will be reviewed at site plan to comply with these additional requirements on development.
- The proposed subdivision will require site plan review by the Town of Southern Pines Technical Review Committee. Once the site plan is approved the required infrastructure must be installed per the approved plans or waived by the Town Manager pursuant to a Subdivision Improvement Agreement (UDO §2.20.7) or addressed through a Development Agreement (UDO §2.20.8). Only upon completion or other satisfaction of the required infrastructure and approval of said infrastructure installation by the Town may the applicant apply for Major Subdivision Final Plat approval.

D. Outside Agency Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission on September 29, 2020. Any comments received after the publishing of this report will be forwarded to the Town Council at the public hearing as an exhibit.

- Comments were received from the Town of Southern Pines Town Engineer on October 12, 2020. The comments state as follows:
 1. *The eastern most lot should be served by a main extended along the ROW of Camp Easter Road and eliminate the long lateral from the back of the lot.*
 2. *The nearest sewer line is approximately 4,500 LF away. This distance exceeds the requirement for mandatory connections to the Sewer system set forth in §50.059 MANDATORY CONNECTIONS (C) (2) of the Sewer System Use Ordinance.*

- Comments from the N.C. Sandhills Sub-Office of the U.S. Fish and Wildlife Service were received on May 7, 2020. The comments state as follows:
 1. *No known cavity trees occur on or near these parcels, therefore I have no comments related to red-cockaded woodpecker recovery efforts.*

- Comments from the Regional Land Use Advisory Commission were received on September 29, 2020. The comments state as follows:
 1. *The parcels are identified as IMPORTANT to conserve on the Joint Land Use Study maps due to their location within an area designated as High Quality and Outstanding Resource Waters (HQORW) and,*
 2. *There are no military impacts.*
 3. *RLUAC encourages the Town to consider this HQORW designation during the rezoning review process.*

- Comments from the North Carolina Department of Transportation were received on September 29, 2020. The comments state as follows:

1. *A driveway permit will be required for the proposed road and for the individual lots.*
2. *We will not look to permit access on Camp Easter Road for lots 3 and 12, they will have to access the interior road. Their respective driveways should also be as far from Camp Easter Road as possible. This will allow for a small queue of cars before any driveways are blocked and the queue allows cars to stack nicely before entering the main road.*
3. *Driveways will be reviewed as the permits come in. For lot 1, the driveway connection should be as far from the intersection as possible.*
4. *They will need an encroachment for the waterline work inside the ROW.*
5. *They will need to contact Kevin Reddinger for the driveway permit and encroachment.*

VI. ATTACHMENTS:

The following materials are provided as attachments to this staff memorandum:

1. Attachment A and B: Findings of Fact for CU-07-20 and S-36-20
2. Written Decision for CU-07-20 and S-36-20
3. Conditional Use Permit Application
4. Preliminary Plat Application
5. Preliminary Plat
6. Narrative
7. TOSP Engineer Comments
8. U.S. Fish and Wildlife Service Comments
9. NCDOT Comments
10. RLUAC Comments
11. Trip Generation Analysis (submitted at October 22, 2020 Planning Board meeting)

TOWN COUNCIL ACTION:

TOWN COUNCIL ACTION FOR CONDITIONAL USE PERMIT:

To approve or deny a **Conditional Use Permit** application, the Town Council shall make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.21.7(A-F) Criteria for a Conditional Use Permit, Criteria A-F. The Town Council may choose one of the following motions or any alternative they wish:

I move to:

1. Adopt Attachment “A” of the staff report as our Findings of Fact regarding the proposed Conditional Use Permit CU-07-20.
2. Adopt Attachment “A” of the staff report as our Findings of Fact regarding the proposed Conditional Use Permit CU-07-20 with the following changes_____.

Next, the Town Council shall vote on whether to approve, deny, or approve with conditions the proposed Conditional Use Permit. The Town Council may choose one of the following motions, or any alternative they wish:

I move to:

1. Approve the Conditional Use Permit CU-07-20.
2. Deny the Conditional Use Permit CU-07-20
3. Approve the Conditional Use Permit for CU-07-20 with the following additional conditions....

Staff Recommended Conditions:

1. *The driveways for lots 3 and 12 be located so as to provide access internally to the subdivision by connecting to the proposed private street and not directly accessing Camp Easter Road.*
2. *Driveways for lots 1,3, and 12 be located as far away as possible from Camp Easter Road to allow for stacking of cars trying to turn on to Camp Easter Road from within the subdivision without blocking any driveways. The driveway for lot 1 be located as far away as possible from the intersection of Niagara-Carthage Road and Camp Easter Road.*

3. *All extensions of the town water system be made within the right-of-way for Camp Easter Road. No Service laterals are to be created that do not access water from the extension of the main line that is to be located on Camp Easter Road.*

Applicant Proposed Conditions:

4. *Stormwater drainage for the subdivision shall be designed and constructed to the 25-year storm standard (rather than the 10-year storm standard).*
5. *Landscaping along Camp Easter Road: Applicant acknowledges a street tree requirement of a rate of one street tree for every thirty (30) feet of road frontage along Camp Easter Road. Applicant will implement landscaping in accordance with the applicable provision of Section 4.3.3 Street Trees of the Unified Development Ordinance. Existing vegetation may be credited toward the requirements for street trees insofar as it meets the standards for Existing Vegetation Credits in Section 4.1.13 of the Unified Development Ordinance. The additional landscaping volunteered by the applicant and shown on the attached Private Landscape Plan (the "Plan") will be shown on the applicant's construction drawings and implemented by applicant; provided, however, that where there is existing natural landscaping to satisfy and substitute for new plantings shown on this plan, additional landscaping will not be required. Such landscaping will be shown on the construction drawings and shall be implemented prior to final plat recordation.*
6. *Landscaping along Niagara-Carthage Road (Lot 1) Frontage: Applicant acknowledges a street tree requirement of a rate of one street tree for every thirty (30) feet of road frontage along Niagara-Carthage Road. To the extent approved by Town Planning Staff, Applicant will concentrate as many of the required street trees along Niagara-Carthage Road such that they are (1) no more than twenty-five feet from the edge of pavement and (2) located between the façade of the home on Lot 1 and Niagara Carthage Road. The intent of this condition is to concentrate the trees to facilitate screening of the residence from the road rather than evenly spacing the street trees every thirty feet along the Niagara-Carthage Road frontage. Such landscaping will be shown on the preliminary plat, the construction drawings and shall be implemented prior to final plat recordation.*
7. *Applicant agrees to include within the declaration of covenants for the Camp Easter Cottages Subdivision (which will be recorded prior to the first sale whether it be a lot or a home) the following notice to lot and home purchasers:*

The Moore County Wildlife and Conservation Club, Inc. (the "Wildlife Club"), which in 2020 has a membership of approximately 600 families, is located east-northeast of this Subdivision. The Wildlife Club owns four parcels totaling approximately +/- 81 acres. The nearest parcel is located in excess of 325 feet from this Subdivision.

The Wildlife Club is a nonprofit outdoor recreation and nature conservation organization focused on the education and training of youth and adults in outdoor sports activities as well as the preservation of fields, forest, fish, and

wildlife. While the majority of the property remains in its natural state, the Club offers fishing, archery, firearms education, gun safety courses, and recreational shooting facilities, including outdoor firearms ranges, which produce sounds and noises associated with the discharge of firearms.

For more information, contact:

Moore County Wildlife & Conservation Club, Inc.

1820 Camp Easter Road

Carthage, NC 28327

www.mcwcc.org

TOWN COUNCIL ACTION FOR MAJOR SUBDIVISION:

To approve or deny a **Preliminary Plat** application, the Town Council shall make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6. The Town Council may choose one of the following motions or any alternative they wish:

I move to:

1. Adopt Attachment “B” of the staff report as our Findings of Fact regarding the proposed Preliminary Plat S-36-20.
2. Adopt Attachment “B” of the staff report as our Findings of Fact regarding the proposed Preliminary Plat S-36-20 with the following changes_____.

Next, the Town Council may vote on whether to approve, deny or approve with conditions the proposed Preliminary Plat. The Town Council may choose one of the following motions, or any alternative they wish:

I move to:

1. Approve the Preliminary Plat S-36-20.
2. Deny the Preliminary Plat S-36-20
3. Approve the Preliminary Plat for S-36-20 with the following additional conditions....

TOWN COUNCIL ACTION FOR WRITTEN DECISION:

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

I move to:

1. No action;
2. Approve the Written Decision for CU-07-20 and S-36-20 as prepared by Town Staff;
3. An action listed above with the following conditions...
4. Action not listed above...

ATTACHMENT “A”
Draft Town Council Findings of Fact
Conditional Use Permit Application CU-07-20

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Conditional Use Permit approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that:

A. The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

1 The Town Council finds that the application CU-07-20 does not deviate from any of the
2 standards summarized in §3.5.2 *Residential Rural Development Standards* of the Unified
3 Development Ordinance. No evidence of extraordinary circumstances which may allow
4 the standards to be modified has been presented and the applicant must adhere to the
5 applicable development standards established in the UDO.

B. The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

6 The Town Council finds that the proposed subdivision is in character with the existing
7 surrounding development. The proposed subdivision would have parcels ranging from .74
8 of an acre to 1.13 acres and the existing parcels surrounding the proposed subdivision range
9 from .6 of an acre to 1.9 acres. Therefore, the character of the surrounding development
10 would be maintained as exclusively residential in nature at a similar density range.

C. Adequate public facilities shall be provided as set forth herein;

11 The Town Council finds that the proposed extension of the town’s water system to service
12 the proposed subdivision meets the standards established in the Town Code of Ordinances
13 §50.035, requiring all development within 300 linear feet plus 100 linear feet multiplied
14 by the number of additional dwellings proposed be required to connect to municipal water.
15 However, the distance between the proposed subdivision and the town’s existing
16 infrastructure for sewer does not invoke the requirement to connect to the Town’s Sewer
17 System, established in §50.059 of the Town Code of Ordinances. The proposed cul-de-sac
18 street and the additional driveways required to access lots 1,2, and 13 will provide adequate
19 ingress and egress if the cul-de-sac street is built to the standards established for a
20 Residential Local Street as illustrated in figure 4-17 and the applicable sections of §4.11.10
21 of the UDO as well as to the standards and specifications of Appendix C and the driveways

22 on lots 1, 3, and 12 are located to the furthest extent possible away from Camp Easter Road.
23 The proposed stormwater management will be addressed at TRC during final site plan
24 review and must comply with the current development standards.

D. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

25 The Town Council finds that the proposed subdivision will likely not have detrimental
26 impacts on the permitted uses of adjacent properties or impair property values because it
27 is consistent with the existing zoning and density of development. The Town Council also
28 finds that the proposed development is located where water service can be extended and
29 does not impede the orderly development of surrounding property.

E. The establishment, maintenance or operation for the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and

30 The Town Council finds that the proposed subdivision will not have detrimental impacts
31 on the safety, comfort or general welfare because this subdivision will be required to adhere
32 to all site development standards and building standards, including, but not limited to
33 compliance with the building and fire code. The applicants will be required to meet all
34 conditions imposed as well as meet all regulatory measures set forth at final site plan
35 review.

F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;

36 The Town Council finds that the proposed subdivision complies with applicable standards
37 and regulations found within the Town of Southern Pines UDO that are based on the public
38 interest and welfare.

ATTACHMENT “B”
Draft Town Council Findings of Fact
Preliminary Plat Application S-36-20

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that:

1. The application is consistent with the approved Sketch Plat, if applicable;

39 The Town Council finds that this application does not require a sketch plat because it does not
40 involve subdividing less than the entire contiguous land area held in common ownership.

2. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;

41 The Town Council finds that the proposed Preliminary Plat is generally consistent with the
42 standards set forth in the CLRP because the subdivision provides a housing option that is
43 compatible with the surrounding development that fits within the existing street network.

3. The proposed subdivision complies with the UDO and applicable state and federal regulations;

44 The proposed preliminary plat is for a residential development that will not be granted Site
45 Plan approval per UDO §2.48 without necessary approvals from applicable state and federal
46 agencies. The burden of demonstrating compliance with applicable state and federal
47 regulations rests with the applicant per UDO §2.5.6.

4. 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;

The proposed subdivision would have lots ranging from .74 of an acre to 1.13 acres, which is consistent with the surrounding development, with the nearest surrounding parcels ranging from .6 of an acre to 1.9 acres. The size of the lots and the current zoning will maintain the rural residential character of the existing surrounding development. The proposed means of access is compatible with the existing street network and would be compatible with future development in the area.

5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

The Town Council finds that the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties because the land use is compatible with existing and allowable uses on adjacent properties per the zoning map and the development is consistent with the CLRP's intent to provide development densities in areas designated 'Low Density Residential' ranging between one residential unit for every three quarters of an acre to one unit for every five acres.

6. 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;

48 The Town Council finds that public water is available and can be extended to service the
49 proposed subdivision and that all proposed infrastructure will meet the normal an emergency
50 demands of the proposed development because a Site Plan will be required to comply with the
51 town's development standards established in the UDO.

TOWN OF SOUTHERN PINES

AGENDA MEETING OF THE TOWN COUNCIL

January 6, 2020

6:00 pm

Interactive Live Webinar hosted on the GotoMeeting Platform

DECISION OF THE BOARD

Petitioner: Silver Ridge Holdings, LLC

Case Number: CU-07-20 and S-36-20

A public hearing regarding the proposed Conditional Use Permit and Major Subdivision Preliminary Plat was held on December 8, 2020. The meeting was called to order with five (5) members present and the Mayor declared a quorum. The oath was administered to all witnesses choosing to speak. The Town Council received evidence from those in attendance regarding CU-07-20 and S-36-20. Ms. Lauren Long, Planner I for the Town of Southern Pines, presented the staff report. Mr. Nicholas Robinson, of Bradshaw, Robinson, Slawter LLP, the legal representative of Silver Ridge Holdings LLC presented on behalf of the petitioner. Mr. Andrew Petesch of Petesch Law presented on behalf of the adjacent property owners.

Matter at Issue:

CU-07-20 Conditional Use Permit and S-16-20 Preliminary Plat; Application for a Conditional Use Permit Amendment for a Major Subdivision; Applicant, Silver Ridge Holdings, LLC

Tim Carpenter, agent to Marcel Goneau on behalf of Silver Ridge Holdings, LLC has submitted an application for a Conditional Use Permit and Major Subdivision Preliminary Plat. The proposed subdivision is a single phase thirteen-lot single-family residential development on 12.87 acres currently zoned Rural Residential (RR). The subject parcels can be identified as PIN 859310277006 (PARID 00031884) and PIN 859310279384 (PARID 00038672). The Property owner, according to the Moore County tax records, is R. Leonard Seward.

A public hearing for this item had been originally scheduled and legally-noticed for the November 10th, 2020 Town Council meeting. On November 06, 2020 the Planning Department received an email from a legal representative of the Moore County Wildlife and Conservation Club contesting the Public Hearing occurring on an electronic platform in accordance with N.C.G.S. 166A-19.24(f). At the Public Hearing the legal counselor for the Moore County Wildlife and

Conservation Club, Mr. Andrew Petesch, established his client's standing and requested a continuance of the request to the December 8, 2020 meeting. The applicant's legal counsel, Mr. Nick Robinson, agreed to a continuance to the December 8, 2020 agenda meeting of the Town Council. The public hearing was then continued upon the motion and unanimous vote to continue the application request for CU-07-20 and S-36-20 to the December 8, 2020 Regular Meeting of the Town Council.

Therefore, at the December 8, 2020 Agenda Meeting of the Town Council Planning staff presented a review of the Conditional Use Permit application for a Major Subdivision Preliminary Plat. Planning staff reviewed details of the project and discussed compliance with the Unified Development Ordinance (UDO). Staff noted agency requests that the applicant would need to meet during site plan review with the Technical Review Committee and the staff proposed conditions that were generated from the agency referrals during administrative review of the request.

Mr. Nick Robinson, legal representative for the applicant, presented an overview of the history of the project and explained the applicant's outreach and involvement with the Moore County Wildlife and Conservation Club and the adjoining property owners as well as introduced Mr. Andrew Petesch, legal representative of the Conservation Club. Mr. Robinson explained the reasoning for the initial continuance and detailed the resolution that had been reached between his client and the Conservation Club as well as the other adjoining property owners represented by Mr. Petesch. Mr. Robinson explained that as part of the agreement the developer had agreed to design the stormwater drainage to the 25-year storm standard and that the landscaping along Camp Easter Road would be supplemented by voluntary landscaping to protect the viewshed of the adjacent properties as well as the intent to preserve some of the existing vegetation along Camp Easter Road. Mr. Robinson also explained that part of the agreement was to include a notice of the proximity of the development to the Moore County Wildlife and Conservation Club within the covenants for the Homeowners Association.

Mr. Petesch re-introduced himself and explained that he was present to represent the interests of the Conservation Club, as well as those of the adjacent property owners John Snipes, Bill Rock, and Sheila Rock. Mr. Petesch agreed that a resolution between the developer and his clients had been agreed upon and were reflected in the conditions that had been drafted between Mr. Robinson and Himself. He thanked the Town Council and Administrative Staff for their patience while discussions between the two parties took place.

Mr. Robinson asked on behalf of his client if the request could go to the December 10, 2020 Special Meeting of the Town Council once language for the proposed conditions could be finalized. The Town Manager Mr. Reagan Parsons explained that although he understood the desire to be on the agenda for the Special Meeting that the Planning Staff would not have the necessary time to update the reports and review the language for the proposed voluntary conditions.

A unanimous vote of the Town Council closed the Public Hearing until January 6, 2020 to allow for Public Comment in accordance with G.S. §166A-19.24(e) requiring a minimum of 24 hours

following the remote public hearing for submittal of written comments. After a period of 24 hours following the December 8, 2020 Regular Meeting of the Town Council, no additional testimony or public comment was provided by members of the public.

Town Council Action:

Therefore, having heard all evidence submitted by the petitioner and those in attendance at the December 8th, 2020 public hearing, and withholding action until a 24-hour period was observed for Public Comment in accordance with G.S. §166A-19.24(e), the Town Council closed the public hearing. The Town Council now makes the following findings of fact on the application:

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO §2.21.7 and §2.20.5(G), respectively:

Conditional Use Permit Application and Preliminary Plat CU-07-20 and S-36-20

Finding of Fact #1: By a vote of 5-0, the Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Conditional Use Permit and Preliminary Plat approval have met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2: By a vote of 5-0, the Town Council finds that the application complies with UDO §2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that:

A. The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

The Town Council finds that the application CU-07-20 does not deviate from any of the standards summarized in §3.5.2 *Residential Rural Development Standards* of the Unified Development Ordinance. No evidence of extraordinary circumstances which may allow the standards to be modified has been presented and the applicant must adhere to the applicable development standards established in the UDO.

B. The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

The Town Council finds that the proposed subdivision is in character with the existing surrounding development. The proposed subdivision would have parcels ranging from .74 of an acre to 1.13 acres and the existing parcels surrounding the proposed subdivision range from .6 of an acre to 1.9 acres. Therefore, the character of the surrounding development would be maintained as exclusively residential in nature at a similar density range.

C. Adequate public facilities shall be provided as set forth herein;

The Town Council finds that the proposed extension of the town's water system to service the proposed subdivision meets the standards established in the Town Code of Ordinances §50.035, requiring all development within 300 linear feet plus 100 linear feet multiplied by the number of additional dwellings proposed be required to connect to municipal water. However, the distance between the proposed subdivision and the town's existing infrastructure for sewer does not invoke the requirement to connect to the Town's Sewer System, established in §50.059 of the Town Code of Ordinances. The proposed cul-de-sac street and the additional driveways required to access lots 1,2, and 13 will provide adequate ingress and egress if the cul-de-sac street is built to the standards established for a Residential Local Street as illustrated in figure 4-17 and the applicable sections of §4.11.10 of the UDO as well as to the standards and specifications of Appendix C and the driveways on lots 1, 3, and 12 are located to the furthest extent possible away from Camp Easter Road. The proposed stormwater management will be addressed at TRC during final site plan review and must comply with the current development standards.

D. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

The Town Council finds that the proposed subdivision will likely not have detrimental impacts on the permitted uses of adjacent properties or impair property values because it is consistent with the existing zoning and density of development. The Town Council also finds that the proposed development is located where water service can be extended and does not impede the orderly development of surrounding property.

E. The establishment, maintenance or operation for the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and

The Town Council finds that the proposed subdivision will not have detrimental impacts on the safety, comfort or general welfare because this subdivision will be required to adhere to all site development standards and building standards, including, but not limited to compliance with the building and fire code. The applicants will be required to meet all conditions imposed as well as meet all regulatory measures set forth at final site plan review.

F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;

The Town Council finds that the proposed subdivision complies with applicable standards and regulations found within the Town of Southern Pines UDO that are based on the public interest and welfare.

Finding of Fact #3: The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #4: The Town Council finds that the application complies with UDO §2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that:

1. The application is consistent with the approved Sketch Plat, if applicable;

The Town Council finds that this application does not require a sketch plat because it does not involve subdividing less than the entire contiguous land area held in common ownership.

2. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;

The Town Council finds that the proposed Preliminary Plat is generally consistent with the standards set forth in the CLRP because the subdivision provides a housing option that is compatible with the surrounding development that fits within the existing street network.

3. The proposed subdivision complies with the UDO and applicable state and federal regulations;

The proposed preliminary plat is for a residential development that will not be granted Site Plan approval per UDO §2.48 without necessary approvals from applicable state and federal agencies. The burden of demonstrating compliance with applicable state and federal regulations rests with the applicant per UDO §2.5.6.

4. 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;

The proposed subdivision would have lots ranging from .74 of an acre to 1.13 acres, which is consistent with the surrounding development, with the nearest surrounding parcels ranging from .6 of an acre to 1.9 acres. The size of the lots and the current zoning will maintain the rural residential character of the existing surrounding development. The proposed means of access is compatible with the existing street network and would be compatible with future development in the area.

5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

The Town Council finds that the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties because the land use is compatible with existing and allowable uses on adjacent properties per the zoning map and the development is consistent with the CLRP's intent to provide development densities in areas designated 'Low Density Residential' ranging between one residential unit for every three quarters of an acre to one unit for every five acres.

6. 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;

The Town Council finds that public water is available and can be extended to service the proposed subdivision and that all proposed infrastructure will meet the normal and emergency demands of the proposed development because a Site Plan will be required to comply with the town's development standards established in the UDO.

Decision of the Council:

By a vote of 5-0, The Town Council approves the Conditional Use Permit CU-07-20 and Preliminary Plat S-36-20. The approval of the Town Council includes seven (7) conditions of approval. The seven (7) conditions of approval are as follows:

1. *The driveways for lots 3 and 12 be located so as to provide access internally to the subdivision by connecting to the proposed private street and not directly accessing Camp Easter Road.*
2. *Driveways for lots 1,3, and 12 be located as far away as possible from Camp Easter Road to allow for stacking of cars trying to turn on to Camp Easter Road from within the subdivision without blocking any driveways. The driveway for lot 1 be located as far away as possible from the intersection of Niagara-Carthage Road and Camp Easter Road.*
3. *All extensions of the town water system be made within the right-of-way for Camp Easter Road. No Service laterals are to be created that do not access water from the extension of the main line that is to be located on Camp Easter Road.*
4. *Stormwater drainage for the subdivision shall be designed and constructed to the 25-year storm standard (rather than the 10-year storm standard).*
5. *Landscaping along Camp Easter Road: Applicant acknowledges a street tree requirement of a rate of one street tree for every thirty (30) feet of road frontage along Camp Easter Road. Applicant will implement landscaping in accordance with the applicable provision of Section 4.3.3 Street Trees of the Unified Development Ordinance. Existing vegetation may be credited toward the requirements for street trees insofar as it meets the standards for Existing Vegetation Credits in Section 4.1.13 of the Unified Development Ordinance. The additional landscaping volunteered by the applicant and shown on the attached Private Landscape Plan (the "Plan") will be shown on the applicant's construction drawings and implemented by applicant; provided, however, that where there is existing natural landscaping to satisfy and substitute for new plantings shown on this plan, additional landscaping will not be required. Such landscaping will be shown on the construction drawings and shall be implemented prior to final plat recordation.*
6. *Landscaping along Niagara-Carthage Road (Lot 1) Frontage: Applicant acknowledges a street tree requirement of a rate of one street tree for every thirty (30) feet of road frontage along Niagara-Carthage Road. To the extent approved by Town Planning Staff, Applicant will concentrate as many of the required street trees along Niagara-Carthage Road such that they are (1) no more than twenty-five feet from the edge of pavement and (2) located between the façade of the home on Lot 1 and Niagara Carthage Road. The intent of this condition is to concentrate the trees to facilitate screening of the residence from the road rather than evenly spacing the street trees every thirty feet along the Niagara-Carthage Road frontage. Such landscaping will be shown on the preliminary plat, the construction drawings and shall be implemented prior to final plat recordation.*

7. Applicant agrees to include within the declaration of covenants for the Camp Easter Cottages Subdivision (which will be recorded prior to the first sale whether it be a lot or a home) the following notice to lot and home purchasers:

The Moore County Wildlife and Conservation Club, Inc. (the "Wildlife Club"), which in 2020 has a membership of approximately 600 families, is located east-northeast of this Subdivision. The Wildlife Club owns four parcels totaling approximately +/- 81 acres. The nearest parcel is located in excess of 325 feet from this Subdivision.

The Wildlife Club is a nonprofit outdoor recreation and nature conservation organization focused on the education and training of youth and adults in outdoor sports activities as well as the preservation of fields, forest, fish, and wildlife. While the majority of the property remains in its natural state, the Club offers fishing, archery, firearms education, gun safety courses, and recreational shooting facilities, including outdoor firearms ranges, which produce sounds and noises associated with the discharge of firearms.

For more information, contact:

*Moore County Wildlife & Conservation Club, Inc.
1820 Camp Easter Road
Carthage, NC 28327
www.mcwcc.org*

This, the ____ day of January, 2021.

FOR THE TOWN COUNCIL:

Carol Haney, Mayor

CU- 0720

Date Received: 9/15/2020

**Application for Conditional Use Permit
Town of Southern Pines**

To the Planning Board and Town Council:

I, the undersigned, do hereby make application to and petition the Planning board and town Council to grant a Conditional Use Permit as required in the zoning Ordinance. In support of this application, the following facts are shown:

The property sought for Conditional Use is located on the North side of Camp Easter Rd (Street/Avenue), between NA (Street Avenue) and Niagara Carthage Rd (Street/ Avenue). The address is 1986 Camp Easter Rd (closest Addressed Parcel), also known as LRK # 00031884, 000038672 and PIN # 859310277006, 859310279384. It has a frontage of approx 1,240lf feet and a depth of 640 lf feet, containing 13 acres.

The Conditional Use sought is based on Section(s) 2.20.5(G) Preliminary Plat and 2.21.7 Conditional Use Permit of the Town of Southern Pines Unified Development Ordinance. The property in question is located in a Rural Residential (RR) zoning district and is proposed for the following use:

A Rural Residential subdivision containing 13 lots, having access to public water and private septic

The following are all individuals, firms or corporations owning property 200 feet adjacent to both sides and rear, as well as the property across the street/highway from the property described above or at least the 10 nearest property owners. Please see Town Staff for details on how to compute the required adjacent property list.

List of Adjacent Properties

1. Property owners' name: See Attached List

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

2. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

3. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

4. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

5. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

6. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

7. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

8. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

9. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

10. Property owners' name: _____

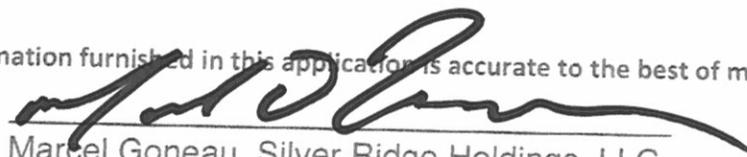
Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

Please note that if you have more than (10) ten adjacent property owners, please use additional sheets, if necessary. Please include a stamped envelope addressed to each adjacent property owner with the following return address: Town of Southern Pines, Attn: Planning Department, 180 SW Broad Street, Southern Pines, NC 28387

I certify that all information furnished in this application is accurate to the best of my knowledge.

Petitioner Signature: 

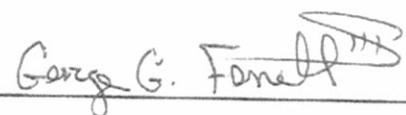
Petitioner's Name: Marcel Goneau, Silver Ridge Holdings, LLC

Petitioner's Mailing Address: Please Print
PO Box 4839
Pinehurst, NC 28374

Petitioner's email marcel@goneauconstruction.com

Petitioner's Phone # _____

Cell# 910-585-0618

Property owner's signature:  (EOE)

Property owner's signature: _____

Property owner's Mailing Address: Please Print
129 Byrd Yancey Pass Road
Clinton, NC 28328

P.O. Box 95 Spring Lake, NC, 28390

Property owner's email _____

Property owner's Phone # _____

Cell # 910-527-0828



Major Subdivision Preliminary Plat Application

RECEIVED
SEP 15 2020
BY: _____

Date Received: _____ Case No.: S-____-____

Subdivision Name: Camp Easter Cottages Street Address: 1986 Camp Easter Rd, Southern Pines
PIN: 859310279384, 859310277006 Parcel ID: 00038672, 00031884 Zoning District: RR
Project acreage in: Lots 10.59 + Roads 0.66 + Open Space 1.0 + Common Area 1.39
+ Other (describe) _____ = Total Project Acreage 13.64
Number of Lots: 13 Minimum Lot Size: 0.72 Setbacks: F-40/65 S-15/40 R-15
Highway Corridor Overlay: Yes/No no If yes, Urban Village _____ Urban Transition _____ Rural Hwy _____
Watershed: Yes/No yes If yes, LR #2: x LR Vass: _____ Nicks Creek: _____ HQW: Yes/No yes
Does the site contain a Special Flood Hazard Area: Yes/No no Does the site contain wetlands: Yes/No no

Applicant:

Name: Sliver Ridge Holdings, LLC, Marcel Goneau
Phone: 910-585-0618 Email: marcel@goneauconstruction.com
Mailing Address: PO Box 4839, Pinehurst, NC 28374

Contact Person, if different from Applicant:

Name: Same
Phone: _____ Email: _____
Mailing Address: _____

Legal Property Owner(s), if different from Applicant:

Name(s): Leonard Seward
Phone: _____ Email: _____
Mailing Address: 129 Byrd Yancey Pass Road, Clinton, NC 28328

Date: 9/15/2020


Signature of Applicant

I, JEFFREY L. GREEN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM A SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION REFERENCES AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND (REFERENCES AS SHOWN); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 21ST DAY OF SEPTEMBER, A.D., 2020

Jeffrey L. Green
 PROFESSIONAL LAND SURVEYOR
 L-3972
 LICENSE NUMBER



COUNTY OF _____ REVIEW OFFICER OF _____ COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____

DATE _____

I, JEFFREY L. GREEN, PROFESSIONAL LAND SURVEYOR, NO. L-3972, CERTIFY TO THE FOLLOWING AS REQUIRED IN G.S. 47-30(f)(11):

THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

Jeffrey L. Green
 SURVEYOR
 9/21/2020
 DATE

CERTIFICATE OF EXEMPTION

I HEREBY CERTIFY THAT THIS PLAT IS EXEMPT FROM THE DEVELOPMENT ORDINANCE UNDER DEFINITIONS OF EXEMPTION CONTAINED IN 2.19.2 IN THE TOWN OF SOUTHERN PINES UDO:

(A) THE COMBINATION OR RECOMBINATION OF PORTIONS OF PREVIOUSLY SUBDIVIDED AND RECORDED LOTS WHERE THE TOTAL NUMBER OF LOTS IS NOT INCREASED AND THE RESULTANT LOTS ARE EQUAL TO OR EXCEED THE STANDARDS OF THIS UDO.

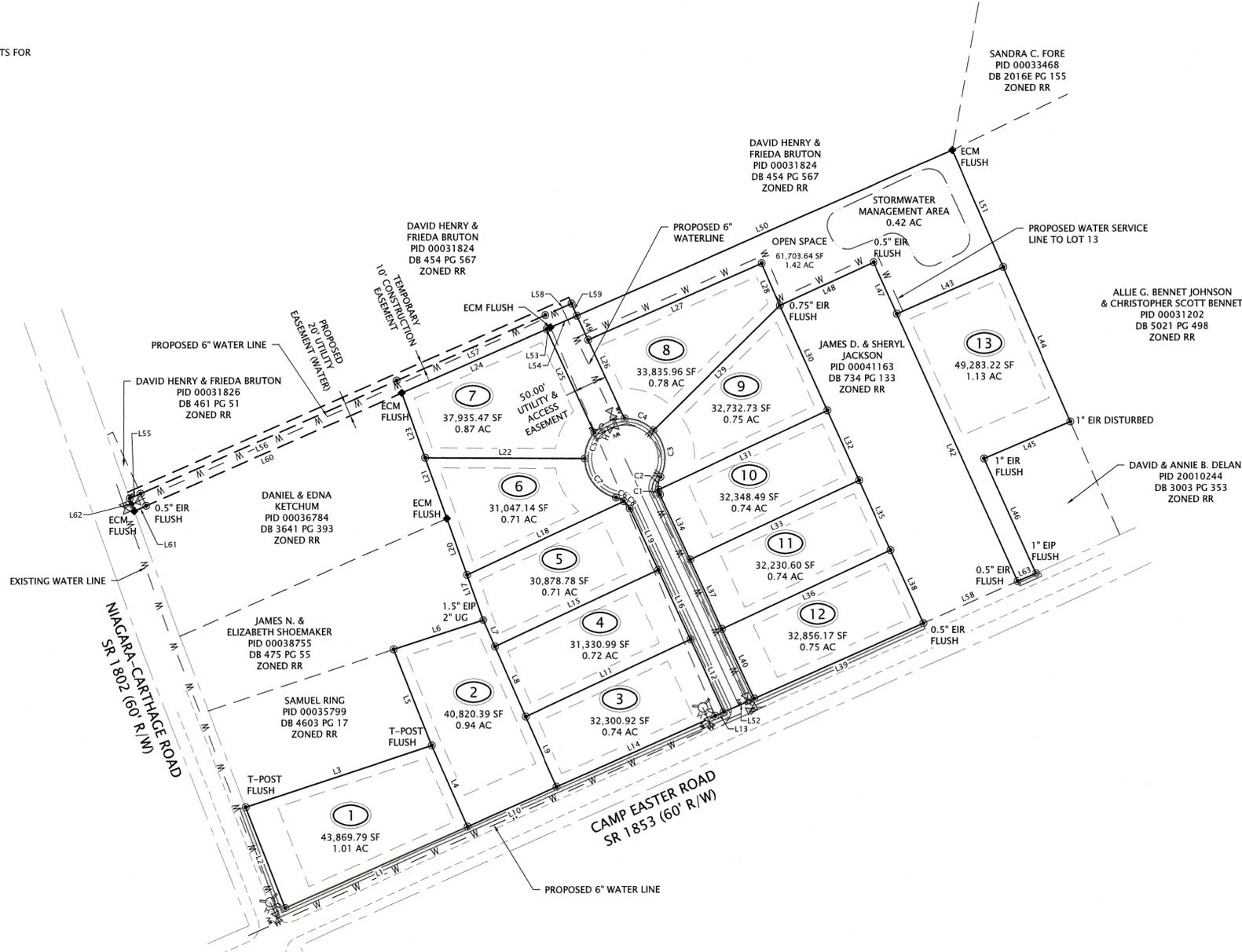
TOWN ADMINISTRATOR _____

DATE _____

Line #	Direction	Length
L1	S66°16'53"W	300.38
L2	N21°19'24"W	162.24
L3	N71°56'13"E	294.97
L4	S23°44'43"E	133.03
L5	N21°31'25"W	155.06
L6	N72°07'02"E	141.68
L7	S23°43'12"E	43.55
L8	S23°43'12"E	115.02
L9	S23°43'12"E	115.00
L10	S66°16'53"W	146.83
L11	N65°11'25"E	273.54
L12	S24°48'35"E	120.23
L13	S66°17'26"W	14.27
L14	S66°16'53"W	261.51
L15	N65°11'25"E	271.35
L16	S24°48'35"E	115.00
L17	N19°34'04"W	71.76
L18	N65°11'25"E	260.63
L19	S24°48'35"E	101.26
L20	N19°34'04"W	89.96
L21	N19°36'47"W	96.71
L22	S89°32'18"E	240.77
L23	N19°36'47"W	103.29
L24	N66°32'13"E	237.70
L25	S24°48'35"E	171.14
L26	N24°48'35"W	129.98
L27	N66°29'46"E	285.05
L28	S23°30'14"E	68.84
L29	S45°41'30"W	267.17
L30	S24°17'19"E	172.90
L31	S65°11'25"W	280.87
L32	S24°17'19"E	115.00

Line #	Direction	Length
L33	S65°11'25"W	280.79
L34	N24°48'35"W	107.45
L35	S24°17'19"E	115.00
L36	S65°11'25"W	279.74
L37	N24°48'35"W	115.00
L38	S24°17'19"E	120.36
L39	S66°17'26"W	278.70
L40	N24°48'35"W	115.00
L42	N24°17'21"W	440.22
L43	N66°29'05"E	174.76
L44	S23°30'55"E	252.93
L45	S67°04'14"W	141.44
L46	S24°19'16"E	189.03
L47	N24°17'21"W	85.00
L48	S65°34'03"W	155.01
L49	N24°48'35"W	40.01
L50	N66°29'46"E	616.90
L51	S23°29'39"E	191.29
L52	N66°17'26"E	50.01
L53	N66°32'11"E	6.85
L54	N66°29'46"E	43.17
L55	S66°32'03"W	17.84
L56	S66°32'03"W	420.91
L57	S66°32'13"E	244.43
L58	S66°29'46"W	43.27
L58	S66°17'24"W	155.02
L59	N23°30'17"W	20.00
L60	N66°32'03"E	420.62
L61	N66°24'04"E	19.42
L62	S19°46'54"E	20.06
L63	S67°04'07"W	30.03

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	7.63	30.00	14.57	N17°31'21"W	7.61
C2	19.77	30.00	37.76	N8°38'33"E	19.41
C3	75.22	60.00	71.83	N8°23'39"W	70.39
C4	48.04	60.00	45.88	N67°14'49"W	46.77
C5	42.00	60.00	40.10	S20°30'50"W	41.14
C6	13.12	30.00	25.07	S64°36'26"E	13.02
C7	81.26	60.00	77.60	S38°20'21"E	75.19
C8	14.28	30.00	27.26	S38°26'31"E	14.14



SURVEY OF SEWARD TRACTS

MCNEILL TOWNSHIP, MOORE COUNTY
 JUNE 18, 2020 SCALE 1" = 100'
 FIELD SURVEY: JUNE, 2020

TITLE REFERENCE

SEWARD TRACT
 PID 00031884
 DB 2753 PG 511
 ZONED RR
 5.71 ACRES
 SEWARD TRACT
 PID 00038672
 DB 306 PG 163
 ZONED RR
 7.16 ACRES
 TOTAL ACREAGE:
 12.87

OWNER:
 LEONARD R. SEWARD
 129 BYRD YANCEY PASS ROAD
 CLINTON, NC 28328
 SURVEYOR:
 JEFFREY L. GREEN
 140 AQUA SHED COURT
 ABERDEEN, NC 28315
 910-420-1437

DEVELOPMENT DATA:
 EXISTING CONDITIONS:

OWNER: R. LEONARD SEWARD
 129 BYRD YANCEY PASS RD.
 CLINTON, NC, 28328
 PARCEL ID #S: 00031884 AND 00038672
 DEED BOOK: 2753, PAGE: 511 AND DEED BOOK: 306, PAGE 163
 ZONING(CURRENT): RR - RURAL RESIDENTIAL
 AREA: 12.87 ACRES (5.71 ac. AND 7.16ac.)
 EXISTING STRUCTURES: NONE
 EXISTING IMPERVIOUS SURFACE: NONE
 100 YR FLOODPLAIN: SITE IS NOT WITHIN 100 YR FLOODPLAIN, ZONE X
 RIVER BASIN: CAPE FEAR
 SUB-BASIN: WS-III-BW, LITTLE RIVER (INTAKE #2), HQW

PROPOSED DEVELOPMENT CONDITIONS:

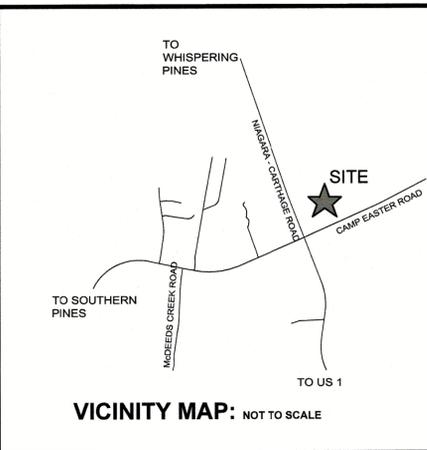
ZONING: RR-RURAL RESIDENTIAL
 OVERLAY DISTRICTS: NONE
 HIGHWAY CORRIDOR BUFFER: NONE
 LANDSCAPE BUFFER: NONE
 US FISH & WILDLIFE: SITE IS WITHIN RED COCKADED WOODPECKER INACTIVE CLUSTER SOPI 096
 NO KNOWN CAVITY TREES EXIST ON SITE
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL

DENSITY ALLOWED: 1 DWELLING UNIT PER ACRE (HQW)
 DENSITY PROVIDED: 1 DWELLING UNIT PER ACRE (13 TOTAL)

OPEN SPACE REQUIRED: 5% (0.64 ac.)
 OPEN SPACE PROVIDED: 7.8% (1.00 ac.), EXCLUDES STORMWATER MANAGEMENT AREA

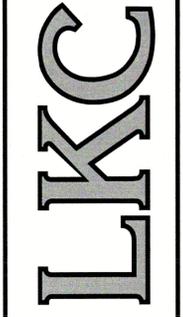
LINEAR FOOTAGE PRIVATE ROAD IMPROVEMENTS: 500 IF
 LINEAR FOOTAGE OF WATERLINE IMPROVEMENTS: 2,250 IF OF 6" WATER LINE

- NOTES:
- PROJECT INFORMATION TAKEN FROM MOORE COUNTY G.I.S. DATA
 - PROJECT SIGNAGE TO BE DESIGNED AND PERMITTED UNDER SEPARATE PERMIT
 - STREET TREES AND LANDSCAPING TO BE PROVIDED PER TOWN OF SOUTHERN PINES DEVELOPMENT ORDINANCE
 - STORMWATER MANAGEMENT SHALL USE BEST MANAGEMENT PRACTICES TO CONFORM TO STATE LOW DENSITY DEVELOPMENT REGULATIONS
 - MAIL KIOSK LOCATION AND TYPE TO BE APPROVED BY UNITED STATES POSTAL SERVICE
 - THERE ARE NO PROPOSED ROAD IMPROVEMENTS FOR CAMP EASTER ROAD. ANY IMPROVEMENTS TO WILL BE PER ANY NCDOT REQUIREMENTS.



LKC Engineering, pllc
 140 Aqua Shed Court
 Aberdeen, NC 28315
 O: 910.420.1437
 F: 910.637.0096
 lkceengineering.com
 License No. P-1095

Engineering
 Landscape Architecture
 Surveying



PRELIMINARY PLAT

SURVEY OF SEWARD TRACTS
 Moore County, North Carolina

DATE: AUG., 2020
 DESIGNED: -
 DRAWN: TDB
 CHECKED: JLG
 NO. 1

CAMP EASTER COTTAGES - Major Subdivision Preliminary Plat and CUP Application
PROJECT NARRATIVE

A Narrative explaining how this application complies with the Town of Southern Pines' Unified Development Ordinance (UDO) Sections 2.20.5(G) (Preliminary Plat), 2.21.7 (Conditional Use Permit) and Comprehensive Long Range Plan (CLRP) is hereinafter provided.

I. **GENERAL DESCRIPTION:** The Project will consist of approximately 13 lots on 12.86 acres tract lying entirely within the Town's ETJ. The current zoning is RR- Rural Residential and the proposed project will have minimum lots sizes of 30,000 sf which is consistent with the existing zoning. Lot sizes range from .71 acres to 1.3 acres in size. The project is located at the NE quadrant of the intersection of Camp Easter Road and Carthage Niagara Road. The Project will gain vehicular access from Camp Easter Road with a new cul-de-sac with one lot gaining access from Niagara- Carthage Rd and two lots fronting on Camp Easter Road. The proposed internal cul-de-sac street is intended to be a private street. The site topography is gently sloping from west to east and the previous uses have been a mix of agriculture and timber. The site has multiple single-family lots in a similar range of sizes within the immediate vicinity.

II. **REVIEW CRITERION:** This Preliminary Plat application is to be reviewed as a Major Subdivision (UDO Section 2.20) which involves meeting the six (6) Preliminary Plat criterion set forth in Section 2.20.5(G) as well as the six (6) CUP criterion set forth in Section 2.21.7 of the UDO.

The six (6) Preliminary Plat criterion of Section 2.20.5(G) are:

(1) **The application is consistent with the approved Sketch Plat, if applicable:** This application does not require a sketch plan because it does not involve subdividing less than the entire, contiguous land area held in common ownership (UDO, Section 2.20.4(B)).

(2) **The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities:** This proposed preliminary plat is consistent with the Visions, Goals and Policies of the Comprehensive Plan ("Comp Plan"), as well as with the Future Land Use Categories/Map set forth in the Comp Plan.

A. **Vision:** This project squarely meets the Vision that "housing will be available to meet the diverse needs of Southern Pines residents (Comp. Plan, p. 2-4). Low density, single family residential on the outskirts of town and within the ETJ is appropriate and will diversify the available housing inventory in Southern Pines. It will also further the vision of connecting housing with educational opportunities (Comp. Plan, p. 2-5) in that the neighborhood will be only 1.5 miles from McDeeds Creek Elementary School.

B. **Goals:** This project is consistent with, among others, Goals G-1 (Community Well-Being), G-11 (Housing) and G-13 (Growth).

C. **Policies.** This project is consistent with, among others, Policies P-2 (Neighborhoods), P-4 (Future land Use), P-12 (New Housing Choices), P-14 (Education), and P-17 (Public Utilities).

D. Future Land Use Categories/Map. This project is entirely consistent with the Future Land Use Categories and Map set out in Section 4 of the Comp Plan. This project is located within the Low-Density Residential category of the Future Land Use Map which is defined as including “single-family neighborhoods with development densities of between three-quarters of an acre to five acres per unit.” (Comp Plan, p. 4-3 and Map at p. 4-5).

(3) **The proposed subdivision complies with the UDO and applicable state and federal regulations:** The project will meet all UDO requirements and applicable state and federal regulations for stormwater management, erosion control, extension of public water and private sewer (septic tanks permitted by Moore County Environmental Health).

(4) **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:** The project is consistent with both the existing, nearby land uses and the permissible land use. This project includes 13 single-family lots ranging in size from .74 acres to 1.13 acres. In the immediate vicinity of the project there are 14 existing, single-family residential lots ranging in size from .6 acres to 1.9 acres. The zoning allows minimum 30,000 s.f. lots in this district and all lots meet or exceed that minimum. The density, access and circulation are entirely consistent with the surrounding single-family development in the area.

(5) **The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties:** By bringing municipal water to the site, the project will actually enhance the viability of permitted uses on adjacent properties and will have no anticipated detrimental safety impacts on adjacent properties. Per the supplied Trip Generation Letter, traffic impacts will be minimal creating approximately 160 trips per day (See attached Trip Generation), of which there are 14 total trips during both the AM and PM Peak Hours. With the construction of the McDeeds Creek Elementary School, transportation improvements in the area have been made. There is currently a two-way stop condition on Niagara-Carthage Road.

(6) **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:** The only proposed public facility will be the extension of water to the existing water lines on Niagara-Carthage Road. This extension will meet the normal and emergency demands and likewise will allow for orderly future development.

The six (6) CUP criterion of Section 2.21.7 are:

(A) **The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations:** The project complies with all elements of the RR zoning district. Per Exhibit 3-15 (Table of Authorized Land Uses), there are no supplemental use regulations for the proposed use in this zoning district.

(B) **The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted:** The project is consistent with the existing character of the neighborhood which has nearby residential lots and densities comparable to the proposed project. This project includes 13 single-

family lots ranging in size from .74 acres to 1.13 acres. In the immediate vicinity of the project there are 14 existing, single-family residential lots ranging in size from .6 acres to 1.9 acres. The zoning allows minimum 30,000 s.f. lots in this district and all lots meet or exceed that minimum. This consistent use will not injure the current use and enjoyment of property in the immediate vicinity.

(C) Adequate public facilities shall be provided as set forth herein: Adequate water facilities are included in the project. Adequate transportation links and services are within reasonable connection distance from the property and provide the necessary performance characteristics to support the development with minimum improvements needed to maintain acceptable level of service to the neighborhood streets and surrounding areas. The additional estimated vehicular trips generated by 13 lots is approximately 130 trips per day. The site is located adjacent to a two way stop-controlled intersection. The applicant has submitted a Trip Generation Letter that verifies this point. Based upon the proposed lot count the primary street would be a Residential Local/Cul-de-sac Street at described in 4.11.2 (2) (3) of the Town's UDO.

Storm water conveyance and retention will be managed on site with a BMP to be located in the NE portion of the site and devices as required will be located on site such not to negatively impact surrounding areas with changes in drainage patterns. Access to the public road network will be executed through an existing platted right of way through the site which will be the primary access to the lots.

(D) The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood: This project will meet or exceed the values and standards existing within the immediate vicinity.

(E) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare: This project will not be a detriment to the public health, safety, comfort or general welfare. As is typical in the RR zoning, the project will be supplied by Town water and will be served by individual septic for wastewater. As evidenced by the Trip Generation Analysis, traffic impacts will be negligible. According to UDO 4.11.4 no more than one lot can access an arterial street in the Town's planning jurisdiction unless the Town Council finds that an internal street system or alternative access is not practicable. Currently we have lot #1 that is planning to access Niagara-Carthage Road and lot #2 and lot #13 that would need access from Camp Easter Road. Lot #13 is separated by an adjoining parcel that makes access to the internal roadway is not practical. We would request Town Council consider this request subject to NCDOT's approval of a driveway access.

(F) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use. The public interest and welfare in providing adequate, new and diverse housing availability, consistent with the zoning district and the applicable Comp Plan provisions outweigh any potential individual interests that may be adversely impacted.

Lauren Long

From: James Michel
Sent: Monday, October 12, 2020 2:25 PM
To: Lauren Long
Subject: RE: Camp Easter

Lauren,

See below.

1. The eastern most lot should be served by a main extended along the ROW of Camp Easter Road and eliminate the long lateral from the back of the lot.
2. The nearest sewer line is approximately 4,500 LF away. This distance exceeds the requirement for mandatory connections to the Sewer system set forth in §50.059 MANDATORY CONNECTIONS (C) (2) of the Sewer System Use Ordinance.

Thanks

James Michel, PE, MBA
Town of Southern Pines
Town Engineer/Asst. Public Works Director
140 Memorial Park Ct.
Southern Pines, NC 28387
(910)692-1983

From: Lauren Long
Sent: Monday, October 12, 2020 10:46 AM
To: James Michel <JMichel@southernpines.net>
Subject: Camp Easter

Hey James, when you get a chance, I need your agency comments for Camp Easter Cottages about connecting to sewer and water/ or the lack thereof 😊 Hope weekend was great.

Lauren Long
Town of Southern Pines
180 SW Broad Street
Southern Pines, NC 28387
Office: (910) 692 4003 EXT 7
<http://www.southernpines.net/>

Lauren Long

From: Cindy Williams
Sent: Friday, October 2, 2020 9:51 AM
To: Lauren Long
Subject: FW: [EXTERNAL] CU-07-20 Major Subdivision

Lauren,

FYI

Cindy Williams, CZO
Planning Technician
Town of Southern Pines
(910) 692-4003

From: NC Sandhills RCW, FW4 <ncsandhillsrcw@fws.gov>
Sent: Friday, October 2, 2020 8:23 AM
To: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: [EXTERNAL] CU-07-20 Major Subdivision

No known cavity trees occur on or near these parcels therefore I have no comments related to red-cockaded woodpecker recovery efforts.

Susan Ladd Miller
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
P.O. Box 119
Southern Pines, NC 28388
910-695-3323 x 10 (office)
910-639-4547 (mobile)
susan_miller@fws.gov

The U.S. Fish and Wildlife Service's mission is, working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Tuesday, September 29, 2020 4:08 PM
To: Archie Daniel <adaniel@southernpines.net>; Cory Albers <calbers@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; NCDOT <djuarezpozos@ncdot.gov>; NC Sandhills RCW, FW4 <ncsandhillsrcw@fws.gov>; RLUAC <director@rluac.com>; Robert Reeve <Reeve@southernpines.net>; Ron Istre <RIstre@southernpines.net>
Cc: Lauren Long <LLong@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: [EXTERNAL] CU-07-20 Major Subdivision

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon,

Please review the attached Notice and Preliminary Plat and respond with any comments or concerns at your earliest convenience. Thank you.

Sincerely,

Cindy Williams, CZO
Planning Technician
Town of Southern Pines
(910) 692-4003

Lauren Long

From: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Sent: Tuesday, September 29, 2020 4:49 PM
To: Cindy Williams
Cc: Lauren Long; James, Janet R; McInnis, Robert R; Reddinger, Kevin S
Subject: RE: [External] CU-07-20 Major Subdivision
Attachments: Camp Easter PHN - Agency Referrals.pdf

Cindy,

For this one I do have a few comments.

- Is the internal road proposed to be NCDOT maintained? If so, we will need to review/approve the subdivision plans.
- They will need a driveway permit for the proposed roads and for the individuals lots.
- We will not look to permit access on Camp Easter for Lots 3 and 12, they will have to access the interior road. Their respective driveways should also be as far from Camp Easter Rd. as possible. This will allow for a small queue of cars before any driveways are blocked and the queue allows cars to stack nicely before entering the main road.
- Driveways will be reviewed as the driveway permits come in. For Lot 1, the driveway connection should be as far from the intersection as possible.
- They will need an encroachment for the waterline work inside the ROW.
- They will need to contact Kevin Reddinger (Cc'd in this email) for the driveway permit and encroachment.

Dago

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Tuesday, September 29, 2020 4:08 PM
To: Archie Daniel <adaniel@southernpines.net>; Cory Albers <calbers@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; RLUAC <director@rluac.com>; Robert Reeve <Reeve@southernpines.net>; Ron Istre <Rlstre@southernpines.net>
Cc: Lauren Long <LLong@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: [External] CU-07-20 Major Subdivision

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Good afternoon,

Please review the attached Notice and Preliminary Plat and respond with any comments or concerns at your earliest convenience. Thank you.

Sincerely,

Cindy Williams, CZO
Planning Technician
Town of Southern Pines
(910) 692-4003

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.



SOUTHERN PINES CONDITIONAL USE REQUEST

Project: CU-07-20 and S-36-20: Conditional Use Permit and Preliminary Plat for a Major Subdivision

Location: North side of Camp Easter Road at the intersection with Niagara-Carhage Road

PIN#s: 859310277006; 859310279384

September 29, 2020

Following a review of the conditional rezoning request by the RLUAC staff and Board of Directors for the property listed above, and recognizing that our findings are non-binding on Moore County, the RLUAC Board of Directors finds that:

- The parcels are identified as **IMPORTANT** to conserve on the Joint Land Use Study maps due to their location within an area designated as High Quality and Outstanding Resource Waters (HQORW) and,
- There are no military impacts.

RLUAC encourages the Town to consider this HQORW designation during the rezoning review process.

Thank you for allowing RLUAC to review this case.

John K. McNeill, Chairman

Peter Campbell, Executive Director

September 14, 2020

Tim Carpenter
LKC Engineering, PLLC
140 Aqua Shed Court
Aberdeen, NC 28315

*Received @
Planning Board
Public Hearing
10/22/20*



RE: *Camp Easter Cottages - Trip Generation Analysis, Southern Pines, NC*

Kimley-Horn has prepared an analysis of the trip generation potential of the proposed Camp Easter Cottages residential development in Southern Pines, NC. Per the attached concept plan, the site proposes to construct 13 single-family homes generally northeast of the intersection of Camp Easter Road at Niagara-Carthage Road.

Traffic for the development has been generated using ITE 10th Edition rates. The trip generation is summarized in Table 1 below, and trip generation calculations are also attached.

Table 1 ITE Trip Generation (Vehicles)							
Land Use	Size	Daily		AM		PM	
		In	Out	In	Out	In	Out
Single-Family Detached Housing (LUC 210)	13 d.u.	80	80	4	10	9	5

Table 1 shows that the proposed development is projected to generate approximately 160 new daily trips on a typical weekday, with 14 new trips occurring in the AM peak hour and 14 new trips occurring in the PM peak hour. Given the low traffic volumes, no roadway improvements should be required, and no further traffic analysis should be needed for this development.

Please let me know if you have any questions or require any further information. We appreciate the opportunity to provide these services to you.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Kevin Dean, P.E.
Project Manager

Camp Easter Cottages									
Table 1 - Trip Generation									
Land Use	Intensity		Daily	AM Peak Hour			PM Peak Hour		
			Total	Total	In	Out	Total	In	Out
210 Single Family Detached Housing	13	d.u.	160	14	4	10	14	9	5

K:\RAL_TPTO_Traffic\018923015 Camp Easter Cottages\[Trip Generation Worksheet (10th Edition).xls]Trip Gen

9/14/20

Agenda Item

To: Planning Board
Via: BJ Grieve, Planning Director
From: Lauren Long, Planner I
Subject: CU-08-20, Conditional Use Permit; 150 S Page Street
Date: December 17, 2020

I. SUMMARY OF APPLICATION REQUEST:

Robert Koontz of KoontzJones Design, agent to Braden Riley on behalf of Riley Walker Companies, has submitted an application for a Conditional Use Permit for a mixed-use building containing 3,650 SF of office space and seven (7) multi-family residential units on a combined 0.79 acres where an existing 2,400 SF of office currently exists. The subject parcels are located within the CB (Central Business) zoning district and are identified as PIN: 858100199199 (PARID: 00030975) and PIN: 858100198126 (PARID: 20170389). The Property owner according to the Moore County tax records is 490 Broad, LLC.

II. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

- i. Property Owners:**
490 Broad LLC
Robert Koontz
150 S Page Street
Southern Pines, NC, 28387

- ii. Applicant:**
Riley Walker Companies
Riley Walker
PO Box 3248
Pinehurst, NC, 28374

- iii. Authorized Agent:**
Robert Koontz
150 S Page Street
Southern Pines, NC, 28387

Figure 1: Vicinity & Zoning Map (Project Area Highlighted in Yellow)



- CB, Central Business
- OS, Office Services
- OSCD, Office Services Conditional District
- RM-2, Residential Single & Multi-Family
- FRR, Facilities Resources Recreation

B. Project History and Site Information:

i. Location:

The site is located west of West Pennsylvania Avenue and north of South Page Street.

ii. Zoning:

The site is currently zoned Central Business (CB). To the north are Central Business (CB) and Family Facilities and Recreation (FRR), to the east are Central Business (CB) and Residential-Multi Family-2 (RM-2) to the South are Central Business (CB) and Office Services (OS) (See Figure 1).

III. STAFF REVIEW:

A. Application Review Dates:

- Conditional Use Permit Application Submitted: November 09, 2020
- Application Complete: November 16, 2020
- TRC Review: August 11, 2020
- Notice of Planning Board Public Hearing:
 - Posted On-site: November 25, 2020
 - Mailed: December 1, 2020
 - Internet: December 02, 2020
 - Published: December 02, 2020
December 09, 2020
- Planning Board Public Hearing: December 17, 2020
- Town Council Agenda Meeting: January 6, 2021
- Town Council Public Hearing: January 12, 2020

B. Criteria for Review:

i. Conditional Use Permit (UDO §2.21.7):

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 and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;*
- C. Adequate public facilities shall be provided as set forth herein;*
- D. The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;*
- E. 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,*

F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

C. Project Details and Compliance with the UDO:

i. Description of Proposed Development:

The proposed development consists of a three-story mixed-use building containing 3,650 SF of office space on the ground floor and seven (7) multi-family residential units on the second and third floors. The area of the combined lots is approximately 0.79 acres and there is an existing 2,400 square foot office building on site. The existing building is proposed to be retained and the addition of a courtyard will connect the two buildings.

ii. Existing and Proposed Public Infrastructure:

a. Utilities:

The applicant is requesting to connect to the town's water and sewer system. The parcels intended for development front on South Page Street and an unopened portion of West New York Avenue. Utility infrastructure does exist on South Page Street but does not currently extend through the unopened portion of West New York Avenue. There is a 12" water main within the Right-of-Way on South Page, on which one of the parcels intended for recombination fronts. Sewer access is provided by a 10" clay gravity sewer main that extends through a portion of South Page street and through the western half of the site.

b. Stormwater:

The site is currently developed with a 2,400 square foot office building with an existing parking lot. The proposed redevelopment of the site will be reviewed administratively during the site plan review process by the Technical Review Committee to determine compliance with the regulations set forth in the Unified Development Ordinance (UDO) and with the state standards for stormwater management. The site is located in the Little River High-Quality Watershed and the redevelopment of the site to include additional impervious will require a 5/70 exemption allocation. 5/70 exemption allocation can be processed administratively within the Central Business District.

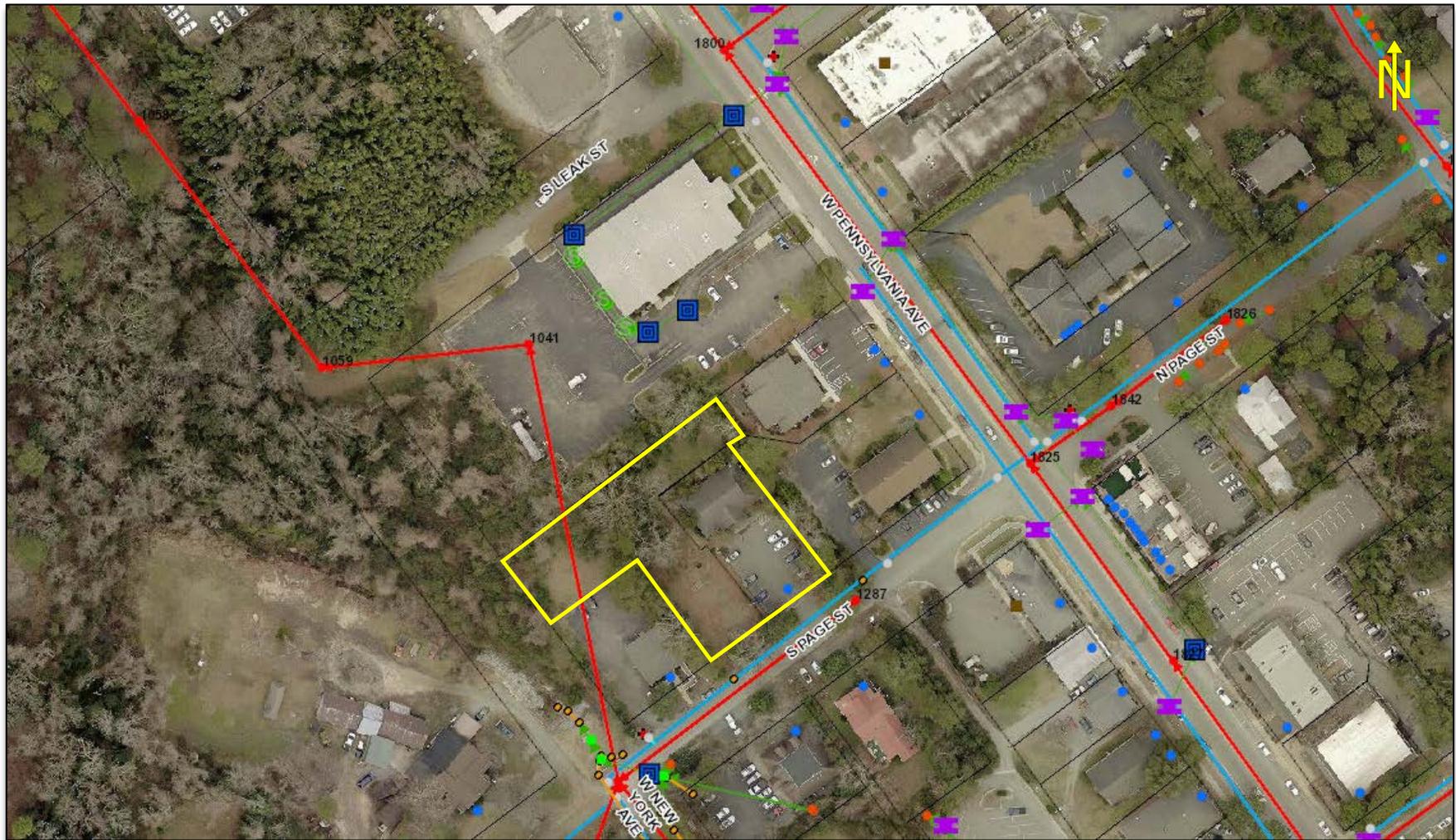
c. Streets and Access:

The site is located on South Page Street and access can only be obtained from the public street. The applicant proposes that the existing access be relocated west of its current location to the lot that is proposed to be recombined with the existing office building that is adjacent. No additional access is proposed and no internal streets, private or public, are proposed to be constructed.

d. Buffers and Open Space

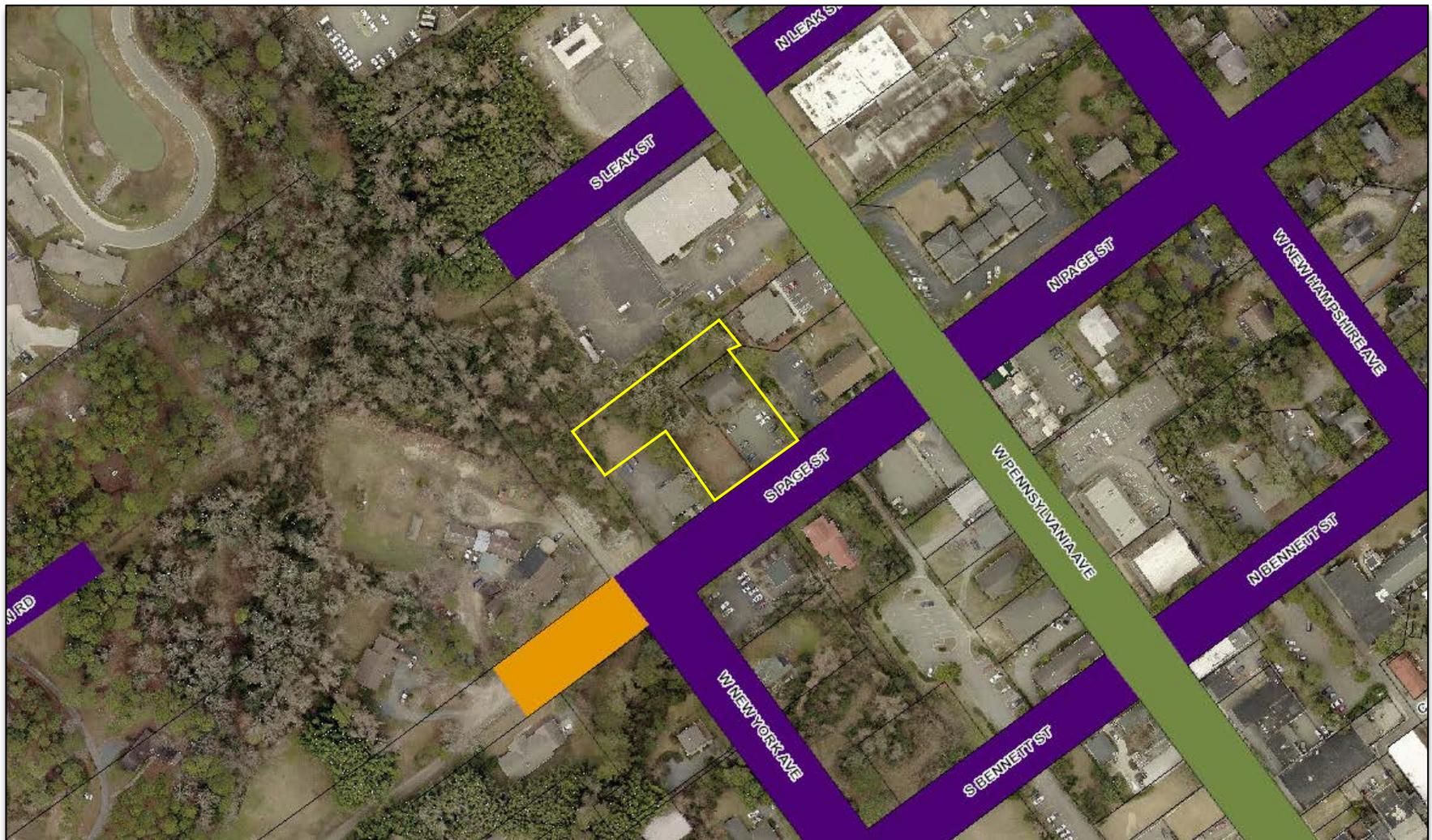
There are no landscape buffers required by the Town's development standards for this site. However, the applicant has proposed a fence along the rear property line for the purposes of screening the viewshed. The site is surrounded by the same zoning district and the established adjacent uses as well as the proposed addition of multi-family residential and office space do not specifically require a landscaped buffer. Five percent of the site is proposed to be dedicated to open space and will be provided by the addition of an outdoor courtyard. The courtyard will be accessible by the residents of the building as well as those in the office space.

Figure 2: Utilities and Stormwater Infrastructure (Proposed Subdivision Outlined in Yellow)



- | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Gravity Sewer Mains | Force Sewer Mains | WR wMain | Water Easement | Culvert | Storm MH | Catch Basin | BMP | Curb Inlet | Drainage Inlet |
|  |  |  |  |  |  |  |  |  |  |

Figure 3: Streets and Access (Proposed Subdivision Outlined in Yellow)



■ State System Streets ■ Unpaved Town Streets ■ Paved Town Streets ■ Private Streets

Figure 4: Comprehensive Land Use Plan (CLRP) (Proposed Subdivision Outlined in Red)



- Parks / Open Space
- Residential / Golf
- Rural Equestrian
- Urban Reserve
- Low Density Residential
- Residential
- Commercial
- Traditional Mixed Use
- Industrial

iii. Compliance with the Comprehensive Land Use Plan (CLRP) and other Town adopted plans.

a. Compliance with the CLRP

The tract is designated as Commercial on the Future Land Use Map. The proposed development is consistent with the Future Land Use Category's description of intent to provide a concentration of professional office and commercial uses. The commercial designation also accommodates higher density residential into mixed-use developments. The applicant has provided a narrative addressing a justification for compliance of the Conditional Use Permit Amendment with the CLRP and the narrative has been included as an attachment to this memo.

b. Compliance with Other Adopted Plans

The Comprehensive Recreation & Parks Master Plan does not contain any recommendations for the 150 South Page Street.

iv. General Staff Comments

- The specific review process and criteria for a Conditional Use Permit are found in §2.21.3 of the UDO. The applicant has submitted a narrative addressing compliance with the criteria, a copy of which is attached to this report.
- The density and proposed uses, 8,520 square feet of office and 7 multi-family residential units, are compatible with the Central Business district and the existing neighborhood on the intersection of South Page and West Pennsylvania Avenue.
- The location of the proposed development is within a High-Quality Watershed (HQW). The restrictions on development within a HQW limit the number of dwelling units as well as the built upon area to one dwelling unit per acre or 12% built upon land area unless the development disturbance area is less than one acre or an approved stormwater management practice is used. Any redevelopment of the site will be reviewed at site plan to comply with the applicable stormwater standards and 5/70 exemption allocation, which will be required before the site plan is approved.
- The proposed number of parking spaces to be provided is less than the required number of spaces based on the proposed uses. The number of parking spaces proposed is 33, the number of required parking spaces based on the existing use and the proposed increase in office and the addition of multi-family residential uses is 43 spaces. Section 2.46.3 (D) allows the applicant to request up to a

20% administrative deviation for parking based on site conditions and the availability of on street parking.

- The proposed layout of the site will require an approved recombination in order to receive a building permit to begin construction.
- Redevelopment of the site will be subject to engineering and site plan review. All state level development regulation and the applicable development regulations in the Unified Development Ordinance (UDO) must be met prior to site plan approval.

D. Outside Agency Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission on December 1, 2020. Any comments received after the publishing of this report will be forwarded to the Planning Board at the public hearing as an exhibit.

- Comments from the N.C. Sandhills Sub-Office of the U.S. Fish and Wildlife Service were received on December 2, 2020. The comments state as follows:
 1. *No comments related to red-cockaded woodpecker recovery efforts.*
- Comments from the North Carolina Department of Transportation were received on December 4, 2020. The comments state as follows:
 1. *These are non-State roads and the development wouldn't generate enough traffic to impact the closes State road (Pennsylvania Ave.), so we have no comments.*

IV. ATTACHMENTS:

The following materials are provided as attachments to this staff memorandum:

1. Attachment A: Findings of fact for Conditional Use Permit CU-08-20
2. Conditional Use Permit Application
3. Proposed Site Layout
4. Narrative
5. U.S. Fish and Wildlife Service Comments
6. NCDOT Comments

PLANNING BOARD ACTION:

To recommend either approval or denial of a Conditional Use Permit application, the Planning Board may make findings of fact and conclusions to the applicable standards. The Planning Board may first vote on whether the application is complete and whether the facts presented are relevant to the case. The Planning Board may then vote on whether the application complies with the criteria as set forth in Section 2.21.7(A-F) Criteria for a Conditional Use Permit, Criteria A-F. The Planning Board may choose one of the following motions or any alternative they wish:

I move to:

1. Adopt Attachment “A” of the staff report as our Findings of Fact regarding the proposed Conditional Use Permit CU-08-20.
2. Adopt Attachment “A” of the staff report as our Findings of Fact regarding the proposed Conditional Use Permit CU-08-20 with the following changes_____.

Next, the Planning Board may vote on whether to recommend approval, denial, or approval with conditions of the proposed Conditional Use Permit. The Planning Board may choose one of the following motions, or any alternative they wish:

I move to recommend:

1. Approval of the Conditional Use Permit CU-08-20.
2. Denial of the Conditional Use Permit CU-08-20
3. Approval of the Conditional Use Permit for CU-08-20 with the following additional conditions....

ATTACHMENT “A”
Draft Planning Board Findings of Fact
Conditional Use Permit Application CU-08-20

Finding of Fact #1:

The Planning Board finds that the application is complete and that the facts submitted are relevant to the case because the request for Conditional Use Permit approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Planning Board finds that the application complies with UDO §2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that:

A. The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

1 The Planning Board finds that the application CU-08-20 does not deviate from any of the
2 standards summarized in §3.5.8 *Central Business Development Standards* of the Unified
3 Development Ordinance. No evidence of extraordinary circumstances which may allow
4 the standards to be modified has been presented and the applicant must adhere to the
5 applicable development standards established in the UDO.

B. The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

6 The Planning Board finds that the proposed development is in character with the existing
7 surrounding development, which is primarily commercial. The proposed multi-family
8 residential units in a mixed use building with office space is in character with the
9 neighborhood and with the density of development located around South Page Street’s
10 intersection with West Pennsylvania Avenue.

C. Adequate public facilities shall be provided as set forth herein;

11 The Planning Board finds that the existing facilities for sewer and water are sufficient to
12 service the needs of the proposed development. Water and sewer have previously been
13 extended to service the site and connection to service has already been established for the
14 existing office building that is on site. The redevelopment of the site to include design
15 changes for the proposed management of stormwater and connections to utilities will be
16 reviewed administratively by the Technical Review Committee during the site plan review
17 process in accordance with § 2.48 *Site Plan Review* and must meet the applicable state
18 regulations and the applicable provisions set forth in the Unified Development Ordinance.

D. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

19 The Planning Board finds that the proposed development will likely not have detrimental
20 impacts on the permitted uses of adjacent properties or impair property values because it
21 is consistent with the existing zoning and density of development. The Planning Board also
22 finds that the proposed development is located where utilities service has already been
23 extended.
24

E. The establishment, maintenance or operation for the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and

25 The Planning Board finds that the proposed development will not have detrimental impacts
26 on the safety, comfort or general welfare because this development will be required to
27 adhere to all site development standards and building standards, including, but not limited
28 to compliance with the building and fire code. The applicants will be required to meet all
29 conditions imposed as well as meet all regulatory measures set forth at final site plan
30 review.

F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;

31 The Planning Board finds that the proposed development complies with applicable
32 standards and regulations found within the Town of Southern Pines UDO that are based on
33 the public interest and welfare and that no disproportionate impacts resulting from the
34 proposed development will be incurred by the community.



Conditional Use Permit

REQUIRED APPLICATION MATERIALS:

- ___ **Application fee** in the amount of \$1,500.00 + \$25.00 per lot for a Major Subdivision
- ___ **Completed Application** for a Conditional Use Permit signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- ___ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- ___ **Deed** copy to provide proof of ownership and property boundaries.
- ___ **Project description**: Please tell us what currently exists and what changes you are proposing. Please attach written descriptions, maps, illustrations/renderings, photographs, material samples, etc. as necessary.
- ___ **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with all applicable criteria. Please address all criteria listed in **UDO §2.21.7**. The list of criteria is attached.
- ___ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearings**: The applicant is expected to attend a public hearing on the application before the Planning Board and before the Town Council the following month. (Please refer to the **Application Processing Timeline** to determine the hearing dates.) The Planning Board will recommend approval, conditional approval or denial to the Town Council. The Town Council will consider that recommendation, as well as evidence and testimony presented, and approve, conditionally approve or deny the Conditional Use Permit.
3. **Issuance of a Conditional Use Permit**: If the request is approved by the Town Council, a Conditional Use Permit setting forth any conditions of approval will be issued to the applicant.

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
180 SW BROAD STREET
SOUTHERN PINES, NORTH CAROLINA 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Conditional Use Permit Application

Fee: \$ _____	Date Paid: _____	Case No.: CU-____-____
---------------	------------------	------------------------

Project Information:

Street Address: 150 S Page Street, Southern Pines, NC 28387

PIN: 858100199199 and 858100198126

Parcel ID: 00030975 and 20170389

Site Size: 0.79

Zoning: CB - Central Business

Applicant:

Name(s): Riley Walker Companies c/o Braden Riley

Email: randwdevelopment@gmail.com

Phone: 919-601-1217

Mailing Address: PO Box 3248, Pinehurst, NC 28374

Authorized Agent, if different from Applicant:

Name(s): Koontz Jones Design, PLLC c/o Bob Koontz

Email: bkoontz@koontzjones.com

Phone: (910) 684-8487

Mailing Address: 150 S Page Street, Southern Pines, NC 28387

Legal Property Owner(s), if different from Applicant:

Name(s): 490 Broad, LLC c/o Bob Koontz

Email: bkoontz@koontzjones.com

Phone: (910) 684-8487

Mailing Address: 150 S Page Street, Southern Pines, NC 28387

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a Conditional Use Permit as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the North side of Page Street (St./Ave.), between W. Pennsylvania, Ave. (St./Ave.) and W. New York Ave. (St./Ave.). The property has a frontage of +/- 133 feet and a depth of +/- 192 feet.

The conditional use sought is based upon Section(s) 2.21 of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:
Office and residential condominium or apartment

ADJACENT PROPERTY OWNERS:

Please list all properties that are that are within two hundred (200) feet of the outermost boundaries of the subject property. Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.

- 1. Adjacent property: See attached Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 2. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 3. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 4. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 5. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 6. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

7. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

8. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

9. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

10. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

Date: 11/9/2020

Braden Riley
Applicant

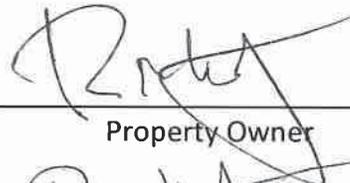
APPOINTMENT OF AGENT

The undersigned owner(s), Riley Walker Companies, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Conditional Use Permit on the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the issuance of a Conditional Use Permit on the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Conditional Use Permit under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 9th day of November, 2020.



Property Owner



Agent



Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), 490 Broad, LLC, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Conditional Use Permit on the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the issuance of a Conditional Use Permit on the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Conditional Use Permit under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 4th day of November, 2020.



Property Owner

Property Owner



Agent

UDO §2.21.7. Criteria for a Conditional Use Permit

A Conditional Use Permit 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 and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;
- (C) Adequate public facilities shall be provided as set forth herein;
- (D) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;
- (E) 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

The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

150 South Page Street

Adjoining Property Owners

PIN	PARID	NAME	NAME2	ADDRESS	CITY	STATE	ZIP
858100199199	00030975	490 BROAD, LLC	KOONTZ, ROBERT	PO BOX 117	SOUTHERN PINES	NC	28388
858100198089	00031290	MCGLOTHLIN LAND, LLC		822 FORREST RIDGE DRIVE	DOVER	OH	44622
858105198358	00033668	MARKET STREET PROPERTIES LLC		PO BOX 305	PINEHURST	NC	28370-0305
858105291031	00035557	WARD, CYNTHIA D	HUNTLEY, COURTNEY A JR	145 S PAGE ST	SOUTHERN PINES	NC	28387
858105282901	00036024	SOUTHERN PINES TOWN OF		PO BOX 870	SOUTHERN PINES	NC	28388
858105290344	00036522	TWIN PINES PROPERTIES, LLC		330 W PENNSYLVANIA AVE	SOUTHERN PINES	NC	28387
858105290294	00036725	JARE HOLDINGS, LLC	ATTN: YOEL H BALTER	2334 41ST STREET	WILMINGTON	NC	28403
858105292121	00038063	STANOCO, LLC		7 AMBOY PLACE	PINEHURST	NC	28374-8565
858105280925	00040580	RUSSELL, RONALD C		72 PLANTATION DRIVE	SOUTHERN PINES	NC	28387
858105292074	00040639	JORGENSEN, DONALD W	JORGENSEN, ANNE R	P O BOX 515	SOUTHERN PINES	NC	28388-0515
858105280877	00041554	SMITH, MARSH		PO BOX 1075	SOUTHERN PINES	NC	28388-1075
858100198126	20170389	490 BROAD, LLC	KOONTZ, ROBERT	PO BOX 117	SOUTHERN PINES	NC	28388
858100188767	00031319	AOS PROPERTIES, LLC		PO BOX 2478	SOUTHERN PINES	NC	28388
858105181937	00031985	CALVARY MEMORIAL CHURCH, INC TRUSTEES		400 S BENNETT ST	SOUTHERN PINES	NC	28387

DUD TIERREIN

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
June 20, 2018 11:37:39 AM
Book 4995 Page 462-464
FEE: \$26.00
INSTRUMENT # 2018008832

HM



INSTRUMENT # 2018008832

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax:-0-

Parcel Identifier No. _____ Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: Robert M. Friesen, Esq., Robbins May & Rich LLP, 120 Applecross Road, Pinehurst, NC 28374

This instrument was prepared by: Robert M. Friesen, Esq., Robbins May & Rich LLP, 120 Applecross Road, Pinehurst, NC 28374

Brief description for the Index: Lot 3R, Block I & 6, Southern Pines

THIS DEED made this 8th day of June, 2018, by and between

GRANTOR

Page Street, LLC, a North Carolina limited liability company,
PO Box 117
Southern Pines, NC 28388

GRANTEE

490 Broad, LLC, a North Carolina corporation (67.67%
ownership) and Robert E. Koontz (33.33% ownership)
PO Box 117
Southern Pines, NC 28388

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, as a distributions of Grantor's property, has and by these presents does grant, bargain, sell and convey unto the Grantees in fee simple as their interests appear, all that certain lot or parcel of land situated in the Town of Southern Pines, McNeill Township, Moore County, North Carolina and more particularly described as follows:

See "Exhibit A" attached hereto.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Page Street, LLC _____ (SEAL)

By: _____ (Entity Name)
Print/Type Name & Title: David F. Crisafulli, Manager

Print/Type Name: _____

By: Michael D. Fields
Print/Type Name & Title: Michael D. Fields, Manager

Print/Type Name: _____ (SEAL)

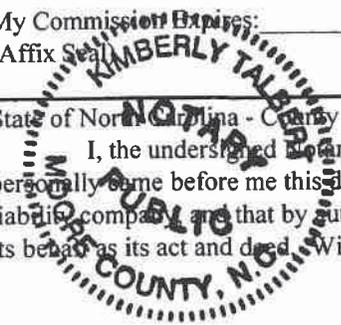
By: _____
Print/Type Name & Title: _____

Print/Type Name: _____ (SEAL)

State of _____ - County or City of _____
I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 2018.

My Commission Expires: _____
(Affix Seal) _____ Notary Public
Notary's Printed or Typed Name _____

State of North Carolina - County of Moore
I, the undersigned Notary Public of the County and State aforesaid, certify that David F. Crisafulli and Michael D. Fields personally came before me this day and acknowledged that they are the Managers of Page Street, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, they signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 8th day of June, 2018.



My Commission Expires: 3/11/19
(Affix Seal) _____ Notary Public
Notary's Printed or Typed Name Kimberly Talbert

State of _____ - County or City of _____
I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____
Witness my hand and Notarial stamp or seal, this _____ day of _____, 20__.

My Commission Expires: _____
(Affix Seal) _____ Notary Public
Notary's Printed or Typed Name _____

“Exhibit A”

Being all of Lot 3R as shown on plat entitled “Survey for Page Street, LLC., Lots Nos. 3R, 5RA and 24RA, Block L & 6, Town of Southern Pines, McNeill Township, Moore County, North Carolina”, dated March 20, 2017, prepared by Stephen R. Sheffield & Associates, P.A., which plat is recorded in Plat Cabinet 17 at Slide 452 of the Moore County Public Registry.

Also, being the same property as shown in Deed of Release recorded in Book 4895 at Page 255 of the Moore County Public Registry.

150 SOUTH PAGE STREET CONDITIONAL USE PERMIT NARRATIVE

The purpose of this Conditional Use Permit (CUP) application is to fully describe the proposed development of a ± 0.80-acre tract of land located at 150 South Page Street, between the intersections of West Pennsylvania Avenue and West New York Avenue in downtown Southern Pines. The property is zoned Central Business (CB) and located within the Downtown Transition Overlay District with an existing +/- 2,400 sf office building and associated parking. Proposed development of the parcel includes the addition of a new single mixed-use building containing +/- 3,650 square feet of office space on the ground floor and seven (7) multi-family units on the second and third floors. Multi-family is permitted within the CB district through the CUP process. The narrative below describes the project and application.

This project represents an infill redevelopment in Downtown Southern Pines and complies with the Town's Comprehensive Long-Range Plan. The mixed-use building will be added to a property with an existing +/- 2,400 sf office building. The existing office building will remain, and a courtyard will be added between the existing building and new building to provide open space and seating areas for the multi-family residential units and office spaces. These additional office and residential uses will be located within a short walk of the heart of the downtown area.

The building will be required to meet all standards of the commercial building design guidelines described in the Town of Southern Pines Unified Development Ordinance in Section 2.26 Architectural Compliance Permit. Architectural plans must be reviewed and approved by the Town Council and an Architectural Compliance Permit issued prior to building permit authorization. All property setbacks for the CB district and the associated Downtown Transition Overlay District will comply with the UDO.

Standards for individual elements of the design are described below.

- **Pedestrian Connectivity**
 - o Parking areas throughout the site will connect to sidewalks leading to the building entrances and provide accessible access as required.
 - o Sidewalks will be added in the street right-of-way along Page Street to the extent of the property boundaries. These sidewalks will be constructed to connect to the future sidewalk system in this area.
- **Parking Areas**
 - o Parking areas will be located on the side and in the rear of the building. This will allow for screening of the parking areas.
 - o Parking spaces for the development will be included on-site and, within the Page Street right-of-way. New parking spaces will be developed along Page Street and serve the development and the surrounding area. These spaces will provide adequate parking for the building.
 - o With this building being a mixed-use facility, peak parking demand for the multi-family and office development will be required at different times. Section 6.4.4(B)(3) of the UDO permits up to a 50% reduction of required office parking

spaces for mixed-use development containing a mix of office and residential uses. New on-street and on-site parking will exceed the total number of spaces required by the UDO for mixed-use buildings.

- **Streets and Access**

- o Access to the site's parking area will be provided from a driveway located on Page Street, just west of the existing site entrance. This access location will also serve as the location for waste removal and emergency access.
- o Plans will be coordinated with the Town of Southern Pines.

- **Landscaping**

- o A reduction in the rear landscape buffer requirement is requested. Due to the topography, existing vegetation, site dimensions, and use of the adjacent property, it is requested that a fence be permitted along the rear property line, in lieu of landscaping, for screening.
- o All other landscaping on the site will be provided as required by the Town of Southern Pines UDO in Section 4.3. This will include tree islands, parking lot landscaping, and streetscape plantings, as required.

- **Lighting**

- o All lighting on the property will comply with Section 4.8 of the UDO. Lighting levels along streets and within parking areas will be provided to meet the UDO standards for safety. All light will be projected downward to limit any light spilling onto adjacent properties.

- **Open Space**

- o 5% open space for the property will be provided in an outdoor courtyard located between the existing building and new building on the property. This open space will be accessible and usable by the residents of the multi-family portion of the building, as well as the office buildings. The courtyard may include an outdoor grilling area, seating areas and/or other recreational options. This area will be private and maintained by the property owner's association, if one is established, or the property owner.

- **Stormwater**

- o The property is currently developed and includes a building and paved parking areas. The existing parking areas will be removed and replaced. Stormwater management devices will be provided as necessary and control any additional stormwater runoff generated from the new development.
- o This project is within the Little River (Intake No.2) high-quality watershed and stormwater will be provided accordingly.
- o Plans and calculations will be provided during the detailed site engineering process.

- **Utility Service**

- o Adequate water and sewer service can be provided by the Town of Southern Pines to service this development. Sewer and water service lines currently serve the existing structure and will be adapted to service the proposed building.

- **Signage**

- o All signage will meet the Town of Southern Pines UDO standards included in Section 4.6 of the UDO.

EXHIBIT A

150 South Page Street Conditional Use Permit Justification

Below are listed the six (6) criteria required to approve a Conditional Use Permit application as described in Section 2.21.7 of the Town of Southern Pines Unified Development Ordinance (UDO). Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these 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;

This application complies with all UDO standards related to the Central Business (CB) zoning district and the standards of the Downtown Transition Overlay District. The proposed development will include an existing +/- 2,400 sf office building, +/- 3,650 sf of new office use and seven (7) multi-family residential units. Multi-family development within the CB district requires a Conditional Use Permit. The proposed conditional use complies with the building setbacks and development standards in the UDO. On-street parking is proposed and will be developed to meet the overall parking needs of the development. Section 6.4.4 (B)(3) allows for a 50% reduction in required spaces for the office component of mixed-use areas/buildings. The additional development of on-street parking spaces will provide the overall required parking for the uses within the building and exceed the UDO required minimum number of parking spaces. These spaces are also consistent with other properties in the area and the recent Downtown Southern Pines parking modifications.

- (B) The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

The proposed development will maintain the existing office building located on the property. Parcels surrounding the property are also zoned CB. The addition of additional office uses and multi-family residential to this property, within the central business zone, will enhance the property and provide the area with additional residents and office workers close to Downtown Southern Pines. A Conditional Use to allow for multi-family residential development on the parcel will not injure the use and enjoyment of the immediate vicinity.

- (C) Adequate public facilities shall be provided as set forth herein;

Public water and sewer utilities are readily available for the project and are in place for the existing office building. These utilities will be modified to fit the proposed development, with any cost for on-site utilities being borne by the developer.

- (D) The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

This project will not impede the development of surrounding properties as it is in conformance with the surrounding development and meets the standards set forth in the UDO. The proposed CUP modification will allow for mixed-use infill development close to downtown Southern Pines, in conformance with the Town's Comprehensive Lang-Range Plan (CLRP). Investment in this property will not impair the property values of other surrounding office or residential uses.

- (E) 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

This development will become part of the overall Downtown Southern Pines area and provide additional residential and office development within walking distance of Downtown Southern Pines. Additional

Lauren Long

From: Cindy Williams
Sent: Wednesday, December 2, 2020 12:23 PM
To: Lauren Long
Subject: FW: [EXTERNAL] CU-08-20 Conditional Use Permit Application

Cindy Williams, CZO
Planning Technician
Town of Southern Pines
(910) 692-4003

From: Miller, Susan <susan_miller@fws.gov>
Sent: Wednesday, December 2, 2020 11:38 AM
To: Cindy Williams <CWilliams@southernpines.net>
Cc: Krom, Caroline S <caroline_krom@fws.gov>
Subject: RE: [EXTERNAL] CU-08-20 Conditional Use Permit Application

No comments related to red-cockaded woodpecker recovery efforts.

Please note that my last day with the U.S. Fish and Wildlife Service is December 4, 2020.

Susan Ladd Miller
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
P.O. Box 119
Southern Pines, NC 28388
910-695-3323 x 10 (office)
910-639-4547 (mobile)
susan_miller@fws.gov

The U.S. Fish and Wildlife Service's mission is, working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Tuesday, December 1, 2020 12:45 PM
To: Archie Daniel <adaniel@southernpines.net>; Cory Albers <calbers@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; NCDOT <djuarezpozos@ncdot.gov>; NC Sandhills RCW, FW4 <ncsandhillsrcw@fws.gov>; RLUAC <director@rluac.com>; Robert Reeve <Reeve@southernpines.net>; Ron Istre <RIstre@southernpines.net>
Cc: Lauren Long <LLong@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: [EXTERNAL] CU-08-20 Conditional Use Permit Application

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon,

Please review the attached and provide your comments at your earliest convenience.

Thank you.

Sincerely,

Cindy Williams, CZO
Planning Technician
Town of Southern Pines
(910) 692-4003

Lauren Long

From: Cindy Williams
Sent: Friday, December 4, 2020 9:10 AM
To: Lauren Long
Subject: FW: [External] CU-08-20 Conditional Use Permit Application
Attachments: CU-08-20 PB PHN - agency referrals.pdf

Good morning!

FYI

Cindy Williams, CZO
Planning Technician
Town of Southern Pines
(910) 692-4003

From: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Sent: Friday, December 4, 2020 8:42 AM
To: Cindy Williams <CWilliams@southernpines.net>
Cc: McInnis, Robert R <rrmcinnis@ncdot.gov>; James, Janet R <jrjames2@ncdot.gov>
Subject: RE: [External] CU-08-20 Conditional Use Permit Application

Cindy,

These are non-State roads and the development wouldn't generate enough traffic to impact the closes State road (Pennsylvania Ave.), so we have no comments.

Thank you,

Dago

Dagoberto Pozos, P.E.
Assistant District Engineer
Division 8 District 2

910-944-7621 Office
djuarezpozos@ncdot.gov

902 North Sandhills Blvd.
Aberdeen, NC 28315



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Cindy Williams <CWilliams@southernpines.net>

Sent: Tuesday, December 1, 2020 12:45 PM

To: Archie Daniel <adaniel@southernpines.net>; Cory Albers <calbers@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; RLUAC <director@rluac.com>; Robert Reeve <Reeve@southernpines.net>; Ron Istre <Ristre@southernpines.net>

Cc: Lauren Long <LLong@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>

Subject: [External] CU-08-20 Conditional Use Permit Application

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