

AGENDA

Regular Business Meeting of the Southern Pines Town Council January 12, 2021, 6:00 PM, Virtual Meeting

January 12th, 2020 6:00 PM Town Council Regular Meeting:

- Attend using your computer or smartphone to watch and listen to the proceedings and to provide comment when prompted. Register for the meeting in advance by going to: <https://attendee.gotowebinar.com/register/4660152902357016333>
- Attend using your telephone to listen to the proceedings and to provide comment when prompted. At the meeting time, dial (562) 247-8321 then use Audio Access Code 814-580-057.
- Attend using the GoToWebinar app on your tablet or smartphone by entering Webinar ID 674-007-899

Call to Order

Pledge of Allegiance

1. **Manager's Comments**
2. **Consent Agenda**

All items listed below are considered routine and will be enacted by one motion and without discussion.

A. Budget Amendments

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Police	Police Donations	10-370-0300	\$ 350.00	
Police	Department Supplies	10-511-3300	\$350.00	
Police	Miscellaneous Revenue	10-335-0000	\$2,688.00	
Police	Auto Repair/Patrol	10-511-1700	\$2,688.00	

B. Board Appointments

- Historic District Commission
 - Molly Goodman 1st Reappointment January 12, 2021 – April 30, 2024

3. Miscellaneous

- A. Decision Regarding Conditional Zoning District Rezoning (Z-04-20)
- B. Authorization to Extend FFCRA Employee Benefits thru June 30, 2021

4. Public Hearings

- A. CU-08-20, Conditional Use Permit; 150 S Page Street

5. Public Comments

PUBLIC COMMENT PROCEDURES

The Southern Pines Town Council is committed to allowing members of the public an opportunity to offer comments and suggestions. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Council during the Public Comment Period shall be subject to the following procedures:

- 1. The Public Comment Period will be held at the end of the Council Meeting.*
- 2. Each person choosing to speak is asked to keep their statements to a reasonable length in time in recognition that others may also wish to speak and that the Council requires time to conduct its normal business. The Chair retains the right to limit discussion as he/she deems necessary.*
- 3. Speakers will be acknowledged by the Mayor/Chair. Speakers will address the Council from the lectern at the front of the room and begin their remarks by stating their name and address for the record.*
- 4. Public comment is not intended to require the Council and/or staff to answer any impromptu questions. Speakers will address all comments to the entire Council as whole and not one individual member. Discussions between speakers and members of the audience will not be permitted.*
- 5. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of the Town shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 6. Any applause will be held until the end of the Public Comment Period.*
- 7. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Clerk to the Council.*
- 8. Speakers shall not discuss any of the following: matters which concern the candidacy of any person seeking public office, including the candidacy of the person addressing the Council; matters which are closed session matters, including but not limited to matters within the attorney-client privilege, anticipated or pending litigation, personnel, property acquisition, matters which are made confidential by law; **matters which are the subject of public hearings.***
- 9. Action on items brought up during the Public Comment Period will be at the discretion of the Council.*



Police Department

Mailing
P.O. Box 330
Southern Pines, NC 28388

Physical Location
450 W. Pennsylvania Ave.
Southern Pines, NC 28387

Administration: (910) 692-2732
Communications Center: (910) 692-7031
Patrol Division: (910) 693-4101
Investigation Division: (910) 693-1481
Crime Tips: (910) 693-4110

Email: PD@southernpines.net
www.southernpines.net/Police

To: Town Council
From: Nick Polidori
Chief of Police
Date: December 21, 2020
Re: Request for Budget Amendment

The Southern Pines Police Department received a donation from Dean Butler in the amount of \$50.00 (check #11630 dated December 5, 2020). This check was forwarded to the Finance Department to be deposited into the "Police Donations Account" #10-370-0300.

At this time, I am respectfully requesting that this donation, in the amount of \$50.00, be transferred from the "Police Donations Account" #10-370-0300, to the Police Department line item 10-511-3300.

Thank you for your consideration of this request.

Xc: Town Manager
Finance Director
Director of Administrative Services
File Budget 2019/20



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www.southernpines.net/Police

To: Town Council
From: Nick Polidori
Chief of Police
Date: December 21, 2020
Re: Request for Budget Amendment

The Southern Pines Police Department received a donation from Jennie Rose in the amount of \$200.00 (check #1530 dated December 16, 2020). This check was forwarded to the Finance Department to be deposited into the "Police Donations Account" #10-370-0300.

At this time, I am respectfully requesting that this donation, in the amount of \$200.00, be transferred from the "Police Donations Account" #10-370-0300, to the Police Department line item 10-511-3300.

Thank you for your consideration of this request.

Xc: Town Manager
Finance Director
Director of Administrative Services
File Budget 2019/20



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To: Town Council
From: Nick Polidori
Chief of Police
Date: December 21, 2020
Re: Request for Budget Amendment

The Southern Pines Police Department received a donation from Margaret Shaw in the amount of \$100.00 (check #1373 dated December 1, 2020). This check was forwarded to the Finance Department to be deposited into the "Police Donations Account" #10-370-0300.

At this time, I am respectfully requesting that this donation, in the amount of \$100.00, be transferred from the "Police Donations Account" #10-370-0300, to the Police Department line item 10-511-3300.

Thank you for your consideration of this request.

Xc: Town Manager
Finance Director
Director of Administrative Services
File Budget 2019/20



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Email: PD@southernpines.net
www.southernpines.net/Police

To: Town Council

From: Nick Polidori
Chief of Police

Date: December 21, 2020

Re: Request for Budget Amendment – League of Municipalities Insurance Payment

The Southern Pines Police Department received an insurance payment from the League of Municipalities for body work repairs on patrol vehicle #8608 in the amount of \$2,687.61 (check# 88744 dated 11/16/20). This check was forwarded to the Finance Department to be deposited into the General Fund Account #10-335-0000.

At this time, I am respectfully requesting that this insurance payment, in amount of \$2,687.61, be transferred from the General Fund Account #10-335-0000, to the Police Department line item 10-511-1700 (Auto Repair/Patrol).

Thank you for your consideration of this request.

Xc: Town Manager
Finance Director
Director of Administrative Services
File Budget 2020/2021

**AN ORDINANCE
AMENDING THE 2020/2021 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 12th day of January, 2021 that the Operating Budget for the Fiscal Year 2020/2021 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Police	Police Donations	10-370-0300	\$ 350.00	
Police	Department Supplies	10-511-3300	\$350.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 12, 2021 as shown in the minutes of the Town Council for that date.

Peggy K. Smith, Town Clerk

**AN ORDINANCE
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Police	Miscellaneous Revenue	10-335-0000	\$2,688.00	
Police	Auto Repair/Patrol	10-511-1700	\$2,688.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 12, 2021 as shown in the minutes of the Town Council for that date.

Peggy K. Smith, Town Clerk

Consent Agenda Item

To: Reagan Parsons, Town Manager
Via: BJ Grieve, Planning Director
From: Cindy Williams, Planning Technician
Subject: Historic District Commission
Date: January 12, 2021

I. SUMMARY OF APPLICATION REQUEST:

The Historic District Commission consists of seven (7) regular members who reside in Town and are appointed by the Town Council. Members serve four (4) year terms and are limited to two (2) successive complete terms.

- A. There are currently four (4) vacancies on the Commission as a result of the following, three of which are being actively filled until new appointments are made by members whose terms have expired:
1. The second term for Steady Meares expired on March 11, 2020 and Mr. Meares is not eligible for reappointment.
 2. The second term for Darlene Stark expired on May 7, 2020 and Ms. Stark is not eligible for reappointment nor is she able to continue to serve until being replaced.
 3. The second term for Martin Gibson expired on June 13, 2020 and Mr. Gibson is not eligible for reappointment.
 4. The first term for Dorothy Shankle expired on March 12, 2020 and Ms. Shankle is unable to commit serving a second term, though has continued to serve awaiting appointment of a replacement.
- B. Molly Goodman was appointed to serve her first term beginning February 15, 2017. Ms. Goodman's first term expired on May 1, 2020 and Ms. Goodman is eligible for reappointment for a second term which will expire on April 30, 2024.

II. ATTACHMENT:

Historic District Commission Roster



**Historic District Commission
Roster**

	<u>1st appt.</u>	<u>2nd appt.</u>	<u>Term Expires</u>
Darlene Stark – Chairperson	05/08/12	05/08/16	05/07/20
Martin “Mart” Gibson – Vice Chairman	06/12/12	06/14/16	06/13/20
Steady Meares	03/12/12	03/12/16	03/11/20
Molly Goodman	02/15/17		05/01/20
Dorothy Shankle	03/13/18		03/12/20
Robert Anderson	03/12/19		03/11/23
Leslie Brians	03/10/20		03/09/24

The Historic District Commission consists of seven regular members who reside in Town and are appointed by the Town Council.

Members serve a four year term and are limited to two successive complete terms.

Agenda Item

To: Reagan Parsons, Town Manager
From: Suzy Russell, Planner II
Subject: Decision Regarding Conditional Zoning District Rezoning (Z-04-20)
Date: January 12th, 2021

I. SUMMARY:

On December 8th, 2020 the Town of Southern Pines Town Council held a legally-noticed public hearing on a petition for a Conditional Zoning District Rezoning seven (07) existing lots for a total of 3.05 acres located between US 1 SW Service Road and S Hale Street. The petition for a Conditional Zoning District Rezoning was submitted by Tim Carpenter of LKC Engineering on behalf of Longleaf Pines Storage, LLC. Due to social distancing requirements imposed during a declared emergency, the public hearing was held electronically with remote participation by all parties. This type of public hearing (a “remote meeting”) is allowed during a declared emergency per G.S. §166A-19.24(a). However, a provision contained in G.S. §166A-19.24(e), requires that the public body must also allow for the submission of written comments for 24 hours after the public hearing. Therefore, after the public hearing was held on the petition for a Conditional Zoning District Rezoning on December 8th, 2020, no decision was made and the public was informed both in the meeting agenda and verbally by the Mayor at the meeting of the 24-hour period to submit written comments following the hearing.

The Town of Southern Pines did receive one written comment regarding the petition for the Conditional Zoning District Rezoning following the December 8th, 2020 public hearing. The Town Council discussed the Z-04-20 application at the January 6th, 2021 Agenda Meeting. Based on planning staff’s understanding of the Town Council’s discussion at the January 6th, 2021 Agenda Meeting, a draft motion the Town Council may wish to consider is provided below and a copy of a draft Resolution for consideration by the Town Council is attached to this cover memo.

II. ATTACHMENTS:

1. “Resolution to Adopt a Statement of Consistency for Zoning Map Amendment Application Z-04-20.”

III. TOWN COUNCIL ACTION:

I move that after considering the criteria for a zoning map amendment found in UDO §2.17.9, the Town Council finds that:

- The requested Conditional Zoning District Rezoning Zoning Map Amendment is not consistent with the Comprehensive Long Range Plan and the Town Council adopts the Resolution that is included as Attachment “A” in the staff memorandum for Z-04-20.

And therefore, I move to:

- Deny Z-04-20



**TOWN COUNCIL
RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
FOR ZONING MAP AMENDMENT APPLICATION
Z-04-20**

WHEREAS, Section 160A-383 of the North Carolina General Statutes specifies that the governing board shall, with any ordinance amendment or zoning map amendment decision, approve a statement describing whether the action of the governing board is consistent with the adopted comprehensive plan.

WHEREAS, Section 160A-383 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and prior to adopting or rejecting any zoning amendment, the governing board shall adopt one of the following statements, which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.

WHEREAS, zoning regulations shall be designed to promote the public health, safety, and general welfare. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

WHEREAS, the Town council conducted a public hearing via remote meeting on December 8th 2020 to gather public comment regarding Zoning Map Amendment application Z-04-20, and;

WHEREAS, per G.S. §166A-19.24(e) after closing the public hearing no action was taken to allow at least 24 hours for submittal of written comments regarding the proposed Zoning Map Amendment application Z-04-20.

NOW, THEREFORE BE IT RESOLVED that the Town Council finds that Zoning Map Amendment application Z-04-20 is inconsistent with the adopted comprehensive long range because the rezoning for the purpose of building a self-storage building would have adverse impacts on neighboring lands and would not promote community well-being, would not enhance the quality of life for the residents of West Southern Pines, would prevent the development of a land use more consistent with, and beneficial to, the character of the area around the development and does not establish a compatible transition between an existing residential neighborhood and the highway. The Town Council considers the proposed rezoning to GB-CD for a self-storage building to be not suitable for the subject properties.

ADOPTED this the 12th day of January, 2021.

Carol Haney, Mayor

ATTEST:

Peggy K. Smith
Town Clerk

NOT FOR REVIEW DRAFT
NOT FOR SIGNATURES



MEMORANDUM

To: Reagan Parsons, Town Manager
From: Bruce Rosenberger, Director of Administrative Services 
Date: January 7, 2021
Subject: FFCRA Extension

The COVID-19 pandemic has continued to cause challenges for our employees and their families as well as the Town and its operations and services. It has not diminished over time as had been expected, and in fact has continued to increase along with the negative impacts for everyone.

The Federal Government implemented the Families First Coronavirus Response Act, which was effective from April 1, 2020 through December 31, 2020. This act, among other things, required employers to provide Emergency Paid Sick Leave (EPSL) for employees who were unable to work under certain criteria linked to COVID-19 illness or exposure (either direct or potential). Employees who met certain criteria and unable to work due to school closures and/or childcare provider closures were also eligible for paid leave under Emergency Family Medical Leave Act (EFMLA), although at a lower percentage.

From April 1, 2020 through December 31, 2020 the Town has dispersed the following funds under this mandated program:

- EPSL \$39,862.56
- EFMLA \$7,068.12
- TOTAL \$46,930.68

It is important to note that these are not technically additional funds beyond what was budgeted, but rather represent dollars that would have otherwise been dispersed as accrued time off benefits.

More than 70 employees have been documented as having a potential to participate in this program at some level. Not all participants qualified for or utilized paid time. If not for this mandated program, those employees who did miss scheduled work time and received EPSL or EFMLA pay would have had to either utilize their accrued time off in order to maintain a regular pay check, or take that time as unpaid.

The Federal Government has not extended the FFCRA beyond December 31, 2020, nor is there any discussion of doing so that I am aware of.

With this background in mind, I am proposing that the Town extend the practices and provisions of the FFCRA at the Municipal level through the current fiscal year ending June 30,

2021, or until such time the COVID-19 threat and risks have been essentially resolved. This will provide the same paid time off protection for employees who would have been eligible for participation but for the unfortunate circumstance of being affected **after** the Federal program had expired. It is NOT a re-start of EPSL or EFMLA benefits, but an extension of the current program along with the limitations and eligibility thresholds that began on April 1, 2020. As an example, if an employee has already exhausted the 80 hour limit for EPSL, they do not get another 80 hours, but are ineligible and may use their accrued time instead. However, if an employee has used 40 hours of EPSL and has a second event, they would still have 40 hours remaining to be applied as EPSL. Of course, any employee who has not utilized any EPSL would have up to the 80 hour limit available.

I believe this is only fair to those employees who are unfortunate enough to be affected by COVID-19 after December 31, 2020 by NOT requiring them to deplete their accrued time off benefits, just as their co-workers affected prior to December 31, 2020.

An additional consideration is that it appears most of our surrounding government agencies are contemplating a similar plan.

I have no way to accurately project the "cost" of extending this program, but I can confirm that there are at least 5 employees who are potential participants since 1/1/21, and 2 employees who began participation prior to 1/1/21 and have potentially eligible time beyond 1/1/21. It does seem that we have had an increase in COVID-19 related incidents, but fortunately most have been exposure issues where the employee has thankfully tested negative. But in these cases, employees are not permitted to work during the time they are awaiting results.

Since the FFCRA was a Federally Mandated program, we were compelled to comply. However, since the Federal program has expired and, if approved, the Town's program would be purely local and voluntary, I believe it is necessary to have Council's approval since it is considered a specified pay type category that has not been specified or contemplated in the currently approved budget.

Thank you for your consideration.

Agenda Item

To: Reagan Parsons
Via: BJ Grieve, Planning Director
From: Lauren Long, Planner I
Subject: CU-08-20, Conditional Use Permit; 150 S Page Street
Date: January 12, 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. PLANNING BOARD ACTION:

On the December 18, 2020 Regular Meeting of the Planning Board, in accordance with UDO § 2.5.2, unanimously voted to observe the procedures defined in UDO § 2.13.2 for Legislative Public Hearings. The Planning Board heard from staff as well as the applicant regarding application CU-08-20. Planning staff presented a review of the Conditional Use Permit application and compliance with the Unified Development Ordinance (UDO).

Mr. Bob Koontz of KoontzJones Design presented a Powerpoint of the proposed development and answered a variety of questions from the Planning Board. Mr. Koontz answered questions about the square footage of the apartments, the location of the entrance and questions about taxation rates and accessibility to the building from the street. Ms. Jennifer Williams, of 145 West Maine Avenue, expressed concern over the number of multi-family developments that had been proposed in the area around downtown and within the Town's planning jurisdiction. She expressed concerns over the availability and capacity of utility service to the proposed developments at their projected density. Staff explained that all development was reviewed by the Engineering Department and the Fire Marshall for connection to the Town's infrastructure for utilities and that regular maintenance and upgrades were made to that infrastructure to handle increases in development. Ms. Williams also made the applicant aware that neighbors across South Page Street from the site were unhappy with the proposed density and height of the building. Mr. Koontz told Ms. Williams that he would be happy to reach out to the individuals if she would provide him with their contact information.

Hearing no further testimony offered and no further questions from the Board for the applicant, the Planning Board closed the public hearing and proceeded with Board

Discussion. After board discussion, Diane Westbrook made a motion to adopt Attachment A of the staff report with language modifying Criteria C of the staff drafted findings of fact for UDO §2.21.7 to reflect the Planning Board’s recommendation to reduce the parking requirements administratively. The motion was seconded by Ben Green. Ms. Westbrook then made a motion to recommend approval of Conditional Use Permit CU-08-20. The motion was seconded by Mr. Andy Bleggi. All motions were carried unanimously.

III. 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). The site is also located in the Downtown Transition Overlay.

IV. 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 01, 2020
 - Internet: December 02, 2020
 - Published: December 02, 2020
December 09, 2020
- Planning Board Public Hearing: December 17, 2020
- Notice of Town Council Public Hearing:
 - Mailed: December 21, 2020
 - Internet: December 21, 2020
 - Published: December 30, 2020
January 06, 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 34 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 Planning Board has recommended that the applicant receive this reduction based upon the staggered hours of parking needs on site and the availability of on street parking on West Pennsylvania Avenue.

- 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 Town Council 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.

V. ATTACHMENTS:

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

1. Conditional Use Permit Application
2. Proposed Site Layout
3. Narrative
4. U.S. Fish and Wildlife Service Comments
5. NCDOT Comments

TOWN COUNCIL ACTION:

Per G.S. §166A-19.24(e) action on this agenda item may not be taken until allowing a minimum of 24 hours following the remote public hearing for submittal of written comments. After closing the remote public hearing, the Town Council may still wish to discuss the application in light of the criteria for Conditional Use Permits that are provided in this report. This discussion may assist staff in preparing a draft Written Decision that reflects the findings of the Town Council.

Planning staff will bring this item back to the Town Council at the January 25th Town Council Work Session for consideration of Findings of Fact, a Written Decision, and a decision to approve, conditionally approve, or deny.



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 Rilsy
Applicant

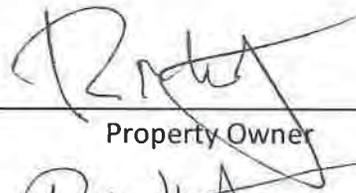
APPOINTMENT OF AGENT

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

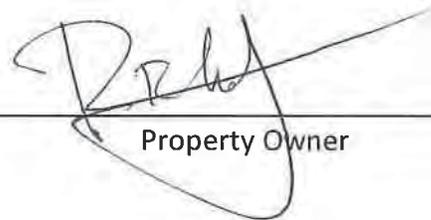
APPOINTMENT OF AGENT

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	NAMEZ	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	JORGENSEN, ANNE R	72 PLANTATION DRIVE	SOUTHERN PINES	NC	28387
858105292074	00040639	JORGENSEN, DONALD W		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 TIKKEN

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: _____
Print/Type Name: _____

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

Print/Type Name: _____ (SEAL)
Print/Type Name: _____

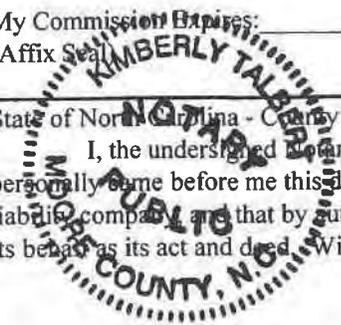
By: _____
Print/Type Name & Title: _____

Print/Type Name: _____ (SEAL)
Print/Type Name: _____

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

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**

- Parking areas throughout the site will connect to sidewalks leading to the building entrances and provide accessible access as required.
- 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**

- Parking areas will be located on the side and in the rear of the building. This will allow for screening of the parking areas.
- 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.
- 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;

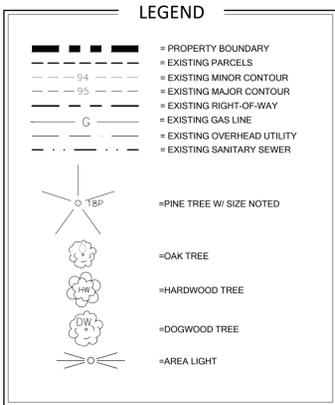
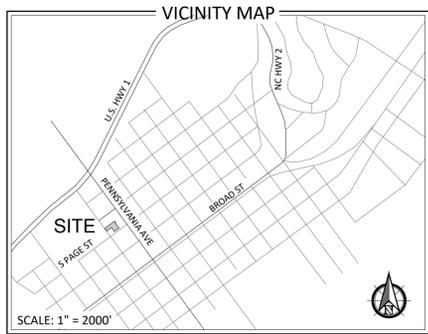
Public water and sewer utilities are readily available for the project and are in place for the existing office building. These utilities will be modified to fit the proposed development, with any cost for on-site utilities being borne by the developer.

- (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;

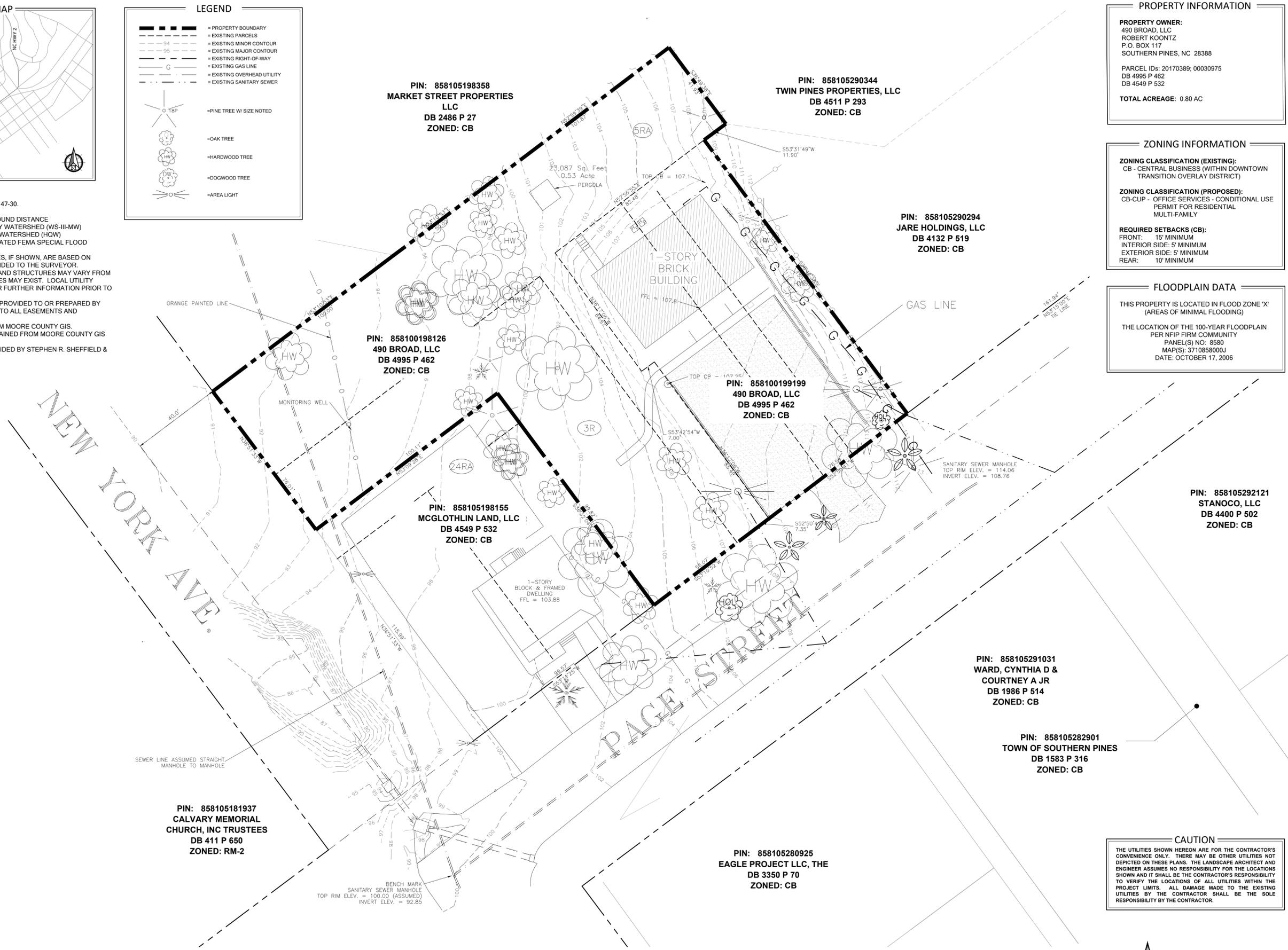
This project will not impede the development of surrounding properties as it is in conformance with the surrounding development and meets the standards set forth in the UDO. The proposed CUP modification will allow for mixed-use infill development close to downtown Southern Pines, in conformance with 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



- GENERAL NOTES:**
- THIS MAP IS IN ACCORDANCE WITH GS 47-30.
 - AREA BY COORDINATE METHOD.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE.
 - THIS PROPERTY IS IN A WATER SUPPLY WATERSHED (WS-III-MW).
 - THIS PROPERTY IS IN A HIGH QUALITY WATERSHED (HQW).
 - PROPERTY DOES NOT LIE IN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA.
 - LOCATION OF UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM LOCATIONS SHOWN. ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION PRIOR TO CONSTRUCTION.
 - A COMPLETE TITLE SEARCH WAS NOT PROVIDED TO OR PREPARED BY THE SURVEYOR. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS OF RECORD.
 - 2' CONTOUR INTERVAL OBTAINED FROM MOORE COUNTY GIS.
 - EXISTING PARCEL INFORMATION OBTAINED FROM MOORE COUNTY GIS AND TOWN OF SOUTHERN PINES GIS.
 - EXISTING CONDITIONS SURVEY PROVIDED BY STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.



PROPERTY INFORMATION

PROPERTY OWNER:
490 BROAD, LLC
ROBERT KOONTZ
P.O. BOX 117
SOUTHERN PINES, NC 28388

PARCEL IDs: 20170389; 00030975
DB 4995 P 462
DB 4549 P 532

TOTAL ACREAGE: 0.80 AC

ZONING INFORMATION

ZONING CLASSIFICATION (EXISTING):
CB - CENTRAL BUSINESS (WITHIN DOWNTOWN TRANSITION OVERLAY DISTRICT)

ZONING CLASSIFICATION (PROPOSED):
CB-CUP - OFFICE SERVICES - CONDITIONAL USE PERMIT FOR RESIDENTIAL MULTI-FAMILY

REQUIRED SETBACKS (CB):
FRONT: 15' MINIMUM
INTERIOR SIDE: 5' MINIMUM
EXTERIOR SIDE: 5' MINIMUM
REAR: 10' MINIMUM

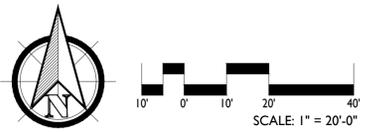
FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY
PANEL(S) NO: 8580
MAP(S): 3710858000J
DATE: OCTOBER 17, 2006

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.



PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

REVISIONS:

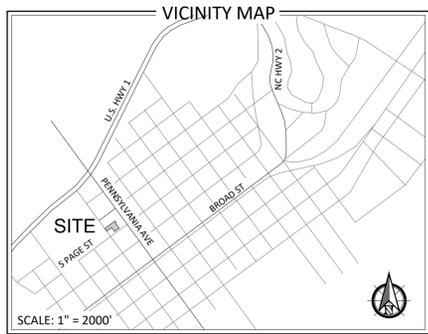
COONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 SOUTH PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 639-4058
W: www.koontzjonesdesign.com

DATE: 11.09.2020
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 20'
PROJECT #: KID2045

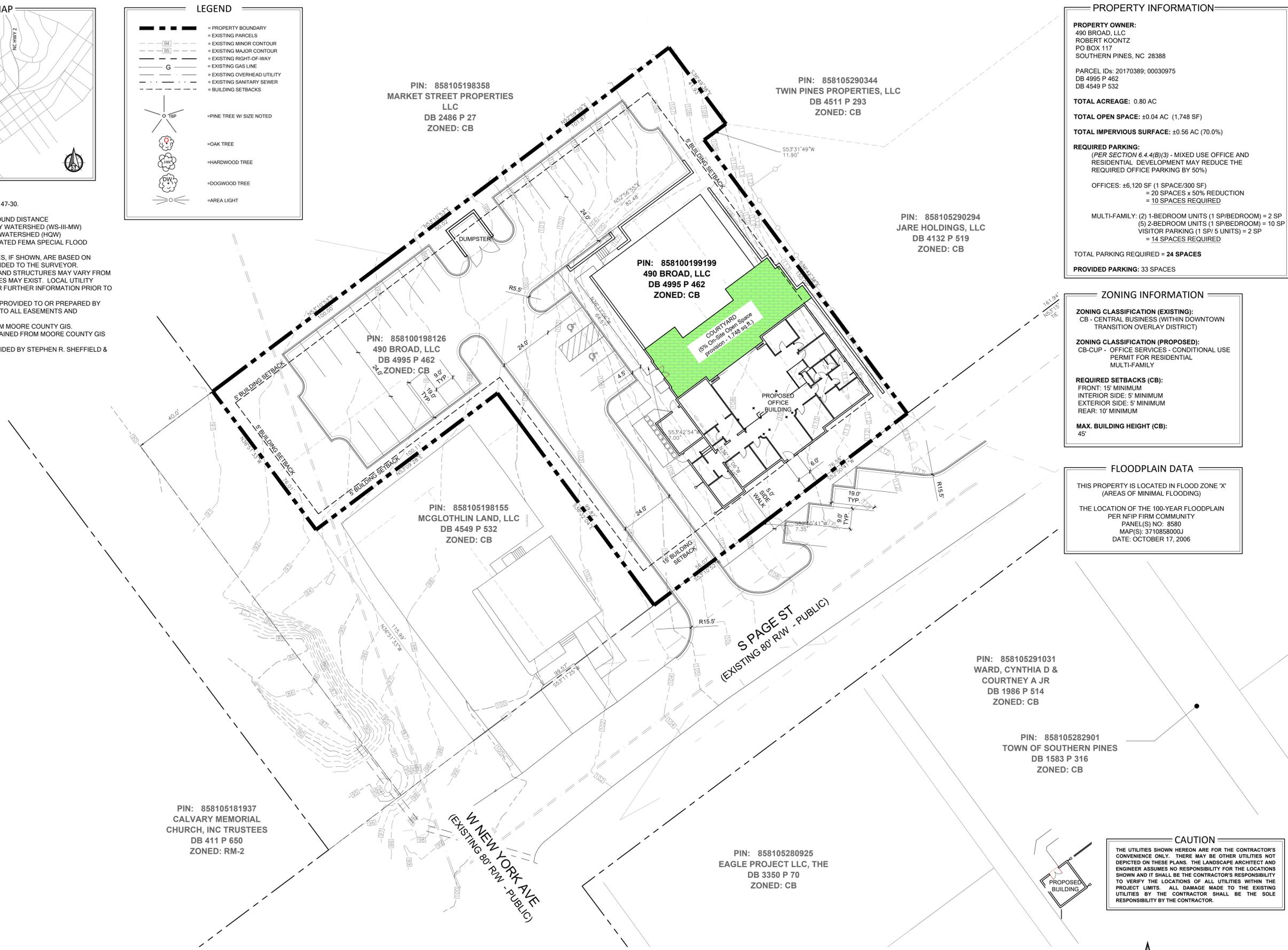
SHEET NUMBER#:
L-1.0

150 S PAGE ST.
SOUTHERN PINES, NORTH CAROLINA

EXISTING CONDITIONS



- GENERAL NOTES:**
1. THIS MAP IS IN ACCORDANCE WITH GS 47-30.
 2. AREA BY COORDINATE METHOD.
 3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE.
 4. THIS PROPERTY IS IN A WATER SUPPLY WATERSHED (WS-III-MW).
 5. THIS PROPERTY IS IN A HIGH QUALITY WATERSHED (HQW).
 6. PROPERTY DOES NOT LIE IN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA.
 7. LOCATION OF UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM LOCATIONS SHOWN. ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION PRIOR TO CONSTRUCTION.
 8. A COMPLETE TITLE SEARCH WAS NOT PROVIDED TO OR PREPARED BY THE SURVEYOR. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS OF RECORD.
 9. 2' CONTOUR INTERVAL OBTAINED FROM MOORE COUNTY GIS.
 10. EXISTING PARCEL INFORMATION OBTAINED FROM MOORE COUNTY GIS AND TOWN OF SOUTHERN PINES GIS.
 11. EXISTING CONDITIONS SURVEY PROVIDED BY STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.



PROPERTY INFORMATION

PROPERTY OWNER:
490 BROAD, LLC
ROBERT KOONTZ
PO BOX 117
SOUTHERN PINES, NC 28388

PARCEL IDS: 20170389; 000300975
DB 4995 P 462
DB 4549 P 532

TOTAL ACREAGE: 0.80 AC

TOTAL OPEN SPACE: ±0.04 AC (1,748 SF)

TOTAL IMPERVIOUS SURFACE: ±0.56 AC (70.0%)

REQUIRED PARKING:
(PER SECTION 6.4.4(B)(3) - MIXED USE OFFICE AND RESIDENTIAL DEVELOPMENT MAY REDUCE THE REQUIRED OFFICE PARKING BY 50%)

OFFICES: ±6,120 SF (1 SPACE/300 SF)
= 20 SPACES x 50% REDUCTION
= 10 SPACES REQUIRED

MULTI-FAMILY: (2) 1-BEDROOM UNITS (1 SP/BEDROOM) = 2 SP
(5) 2-BEDROOM UNITS (1 SP/BEDROOM) = 10 SP
VISITOR PARKING (1 SP/ 5 UNITS) = 2 SP
= 14 SPACES REQUIRED

TOTAL PARKING REQUIRED = 24 SPACES

PROVIDED PARKING: 33 SPACES

ZONING INFORMATION

ZONING CLASSIFICATION (EXISTING):
CB - CENTRAL BUSINESS (WITHIN DOWNTOWN TRANSITION OVERLAY DISTRICT)

ZONING CLASSIFICATION (PROPOSED):
CB-CUP - OFFICE SERVICES - CONDITIONAL USE PERMIT FOR RESIDENTIAL MULTI-FAMILY

REQUIRED SETBACKS (CB):
FRONT: 15' MINIMUM
INTERIOR SIDE: 5' MINIMUM
EXTERIOR SIDE: 5' MINIMUM
REAR: 10' MINIMUM

MAX. BUILDING HEIGHT (CB):
45'

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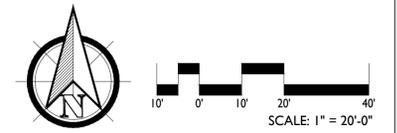
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SHEET NUMBER#:
L-1.1

150 S PAGE ST.
SOUTHERN PINES, NORTH CAROLINA

SITE PLAN



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

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

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

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,

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Thank you.

Sincerely,

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

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