



## AGENDA

May 5, 2021 — 6:00 PM

### Town Council Virtual Agenda Meeting

- Attend using your computer or smartphone to watch and listen to the proceedings and to participate and provide comment when prompted: <https://attendee.gotowebinar.com/register/6569590086905778192>
- Download the GoToWebinar app on your tablet or smartphone and attend by entering Webinar ID 182-465-691 at the time of the meeting.
- Listen to audio of the proceedings using a telephone.<sup>1</sup> At the meeting time, dial (631) 992-3221 then use Audio Access Code 462-336-298.

#### 1. CALL TO ORDER

#### 2. TOWN MANAGER'S COMMENTS

#### 3. PUBLIC HEARING

##### a. Installment Financing Contract for the Whitehall Tract

*The Town purchased a 157-acre piece of land in December 2020, known as the "Whitehall tract." The Town made a partial payment when it was acquired. Staff recommends using an installment financing contract authorized under N.C.G.S. 160A, Article 3, Section 20, for the remaining payment. Staff has negotiated an installment contract with First Bank for a term of three years at an interest rate of 1.91%. Per GS §166A-19.24(e), written comments will be accepted after the virtual hearing, followed by a vote on May 11.*

#### 4. PUBLIC HEARINGS FOR MAY 11, 2021 COUNCIL MEETING

Per GS §166A-19.24(e), written comments will be accepted for at least 24 hours after these virtual public hearings have been held.

##### a. Z-01-21: Request to rezone 0.79 of an acre on West Pennsylvania Avenue from FRR to CB; Applicant: RAB Investments, LLC

*The applicant requests to rezone a 0.79-acre parcel from Facilities Resource and Recreation Conditional District (FRR-CD) to Central Business (CB) to allow a preschool, which is a by-right use in the CB District. Council will vote on this application on May 24, 2021.*

##### b. PD-02-21: Planned Development – Preliminary Development Plan for expansion of the Multi-family Legends Apartment Community; Applicant: Morganton Park II, LLC

*The applicant requests approval of a Preliminary Development Plan in order to expand the existing multi-family development, Legends Apartments, at 500 Legends Drive. The two parcels included in*

---

<sup>1</sup> Participation via telephone is listen-only and lacks the full functionality of the webinar meeting format. If you wish to view presentations and/or be recognized to speak at any point during the meeting, please plan to participate online by registering in advance of the meeting using the appropriate http link provided above, or by downloading the GoToWebinar app and using the appropriate Webinar ID provided above.

*this application total 8.56 acres. If approved, the overall development would total 432 units on 27.03 acres. Council will vote on this application on May 24, 2021.*

**c. Public Hearing on FY 22 Budget**

*This is the first of two public hearings on the proposed FY 22 budget, which begins July 1, 2021. The second hearing is scheduled for Tuesday, June 8, followed by a vote by Council.*

**5. PROPOSED ACTION ITEMS FOR MAY 11, 2021 COUNCIL MEETING**

**a. Consider Installment Financing Contract with First Bank for the Whitehall Tract**

*Staff recommends entering into an installment contract with First Bank in order to pay the Note owed on the Whitehall tract in full by June 30. The contract is for a term of three years at an interest rate of 1.91%*

**b. Consider Amending Resolution No. 930**

*Governor Cooper has issued Executive Order No. 209 which increases mass gathering capacity limits and lifts the mandate on masks in outdoor settings. The Order, effective April 30, is set to expire June 1, at which point the state anticipates lifting more restrictions. Based on these actions from the state, staff recommends amending the Town's Resolution No. 930, adopted June 2020, to rescind the emergency zoning waiver that allowed for additional temporary signage during COVID-19. The Town's resolution waived zoning standards during the declared emergency in order to help local businesses that were facing challenges from mandated COVID-19 restrictions and prohibitions.*

**c. Consent Agenda**

**i. Approve Property Use Agreement with Sandhills Sandsharks**

*The Sandhills Sandsharks, a local 501(c)3 non-profit, offers competitive swimming and training for the Southern Pines community. Since 2018, the Sandsharks have used the Town's pool on S. Stephens Street for year-round operations. The Town currently has two separate agreements with the Sandsharks; the first was executed in 2018 for the off-season and the second in 2019 for the summer months. Both agreements expire this summer. Staff has met with members of the Sandsharks' board to negotiate a single agreement and recommends adopting this for an additional three years.*

**ii. Approve Amendment to FY 21 Budget**

*Staff recommends amending the FY 21 budget to transfer \$ 225,340 from Fund Balance to the Open Space Fund to make a principal payment on the Whitehall tract.*

**iii. Approve Amendments to Capital Project Budgets**

*Staff recommends amending the following capital project budgets:*

- 1. \$100,000 increase to the Morganton Road Water Line Replacement Project Fund to cover an unexpected increase in the current construction project.*
- 2. \$1,125,340 increase to the Open Space Project Budget to pay the existing note on the Whitehall tract in full. This funding will include \$225,340 transferred from Fund*

*Balance and \$900,000 in financing proceeds from the installment contract with First Bank.*

**iv. Approve Council Minutes**

**6. 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.

# MEMORANDUM

**To:** Reagan Parsons, Town Manager

**From:** Jessica Roth, Assistant Town Manager

**Re:** Proposed installment financing contract for Whitehall property

**Date:** April 23, 2021

## **RECOMMENDATION**

Staff recommends using an installment financing contract to pay off the principal that is still owed on the Whitehall property. The installment contract is proposed for a term of three years at an interest rate of 1.91%.

## **BACKGROUND**

The Town purchased a 157.5-acre property on December 15, 2020, commonly known as the “Whitehall tract,” and located at 490 Pee Dee Road. At closing, the Town made a partial payment of \$250,000 toward the total purchase price of \$1,647,300.

Per the purchase contract, the seller, Ms. Barbara Sherman, conveyed title of the property to the Town and financed the remaining principal of \$1,397,300.

The terms of the Note require the Town to make the following principal payments (plus accrued interest at 3.25%) to Ms. Sherman:

- May 31, 2021: \$275,000
- December 31, 2021: \$300,000
- May 31, 2022: \$822,300

## **FINANCIAL IMPACT**

The Town has made the necessary budget amendments and set aside the funds to make the payment owed by May 31, 2021 of \$275,000 plus interest.

After the May 2021 payment, the remaining principal balance will be \$1,122,300 plus interest. In accordance with the Note, this balance will be due in its entirety in the FY 22 fiscal year. Finance Director Tess Brubaker-Speis has calculated that after the May 2021 payment, the principal owed to Ms. Sherman will accrue interest of \$32,414.24 before the final payment in May 2022.

## **ALTERNATIVE FINANCING OPTION**

Per the terms of the purchase contract, “the Note may be prepaid in whole or in part at any time without penalty.” Based on this fact and the favorable interest rates currently, staff explored the option of an installment financing contract, as authorized to local governments under N.C.G.S. 160A, Article 3, Section 20.



First Bank has offered the Town a three-year installment contract at a rate of 1.91% and using the Whitehall property as collateral. Staff has discussed this installment contract with the Local Government Commission (LGC), who approves the use of debt by local governments in North Carolina. The LGC confirmed they do not require a formal review or approval of this contract.

Staff recommends entering into an installment contract with First Bank for \$900,000 and paying the remaining principal of \$222,300 (plus interest) to Ms. Sherman by the end of the current fiscal year. This would be in addition to the scheduled payment of \$275,000 in May.

Per the proposed terms of the installment contract, the Town will be required to make two payments per year for fiscal years 2022, 2023, and 2024. Each semi-annual payment would be approximately \$150,000 plus interest. This would allow the Town to spread the remaining principal payments over a total of three years rather than one year as required by the Note.

The installment contract will accrue total interest of \$33,122.06 over three years at 1.91%, equaling \$709.82 more than the interest that will accrue with the Note. Staff's recommendation is that this nominal increase is worth the financial flexibility of paying the principal over three years, especially as some revenues are still unpredictable due to the COVID-19 pandemic.

### **NEXT STEPS**

Staff recommends the following next steps and timeline:

- May 5, 2021: Public Hearing on the three-year installment contract
- May 11, 2021: Council votes on entering into the installment contract with First Bank
- By May 31, 2021: The Town makes a payment to Ms. Sherman (\$275,000 plus interest)
- By June 30, 2021:
  - The Town closes on the installment contract with First Bank.
  - The Town makes an additional principal payment to Ms. Sherman of \$222,300 plus interest; this will require a budget amendment in late May or early June.
  - First Bank pays Ms. Sherman the remaining principal balance of \$900,000, satisfying the Note.
  - Council adopts the FY 22 budget, including two installment payments (#1 and #2) to First Bank, in an amount of \$150,000 each, plus interest.
- July 1, 2022: Fiscal Year 2023 begins and the adopted budget must include two installment payments to First Bank (#3 and #4), in an amount of \$150,000 each, plus interest.
- July 1, 2023: Fiscal Year 2024 begins and the adopted budget must include two installment payments to First Bank (#5 and #6), in an amount of \$150,000 each, plus interest.
- July 1, 2024: Fiscal Year 2025 begins and the installment contract will be satisfied in full, with no additional payments owed.

## **Agenda Item**

**To:** Reagan Parsons, Town Manager

**Via:** BJ Grieve, Planning Director

**From:** Lauren Long, Planner I

**Subject:** Z-01-21: Request to rezone 0.79 of an acre on West Pennsylvania Avenue from FRR to CB; Applicant: RAB Investments, LLC by Chris Jordan, Authorized Agent

**Date:** May 11, 2021

---

### **I. SUMMARY OF APPLICATION REQUEST:**

Mr. Chris Jordan, on behalf of RAB Investments, LLC is requesting to rezone a 0.79-acre parcel from Facilities Resource and Recreation Conditional District (FRR-CD) to Central Business (CB) to allow a preschool (LBCS Code 6110) which is a by-right use in the CB District.

### **II. PLANNING BOARD ACTION:**

At the April 22, 2021 Regular Meeting of the Planning Board, the Board held a legislative public hearing and heard from staff as well as the applicant regarding application Z-01-21. Staff presented a review of the rezoning request and discussed consistency with the Comprehensive Long-Range Plan (CLRP) and the existing adjacent zoning districts.

Following staff's presentation, the Board asked about the parcel's location in the High-Quality Watershed. Staff confirmed that the parcel was located in a High-Quality Watershed and what the procedure for expansion of impervious would be with or without rezoning the parcel. A motion to close the public hearing was made by Kim Wade and seconded by Lem Dowdy. Diane Westbrook made a motion to adopt "Attachment A" of the staff report, addressing plan consistency, and recommended approval of Z-01-21 to the Town Council. The motion was seconded by Lem Dowdy. All motions were passed unanimously.

### **III. PROJECT INFORMATION:**

**A. PIN:** 858100292700 (**PARID:** 00039620)

**B. Address:** 387 West Pennsylvania Avenue

**B. Owner:**  
RAB Investments, LLC  
P.O. Box 4406  
Pinehurst, NC, 28374

**C. Applicant/ Agent:**

Chris Jordan  
312 Fields Drive  
Aberdeen, NC, 28315

**D. Existing Zoning:**

The subject parcel was rezoned to FRR-CD from CB in 2013 by RAB Investments, LLC (Z-06-12) in order to allow a primary school and secondary school as allowed uses (See Figure 1). The approved conditions for Z-06-12 are as follows:

1. The only use allowed is Elementary and Secondary School (LBCS: 6120, 6121, 6122 and 6123).
2. Drop-off and pick-up are limited to Leek Street and West New Hampshire Avenue and is not allowed on Pennsylvania Avenue.

The existing use is a public charter school, Moore Montessori, and the current tenant is vacating for another location.

**E. Proposed Zoning:**

Proposed zoning is CB in order to allow a pre-school (LBCS: 6110) which is a by-right use in the CB district.

**F. Comprehensive Long-Range Plan Designation:**

The subject parcel is designated “Commercial”. The Commercial designation is intended for land uses that are primarily non-residential and commercial in nature, although high-density residential may be incorporated into mixed-use developments within the district.

**IV. STAFF REVIEW:**

**A. Application Review Dates:**

- Application Submitted: March 12, 2021
- Application Complete: March 15, 2021
- Notice of Public Hearing:
  - Posted On-site: April 1, 2021
  - Mailed: March 30, 2021
  - Internet: March 30, 2021
  - Publication Dates: April 7, 2021 and April 14, 2021
- Planning Board Agenda Meeting: April 15, 2021
- Planning Board Public Hearing: April 22, 2021
- Notice of Public Hearing:
  - Mailed: April 21, 2021
  - Internet: April 21, 2021
  - Publication Dates: April 28, 2021 and May 5, 2021
- Town Council Agenda Meeting: May 5, 2021
- Town Council Public Hearing: May 11, 2021

**B. Review Process:**

Amendments to the Town of Southern Pines Official Zoning Map are reviewed pursuant to UDO §2.17. A map amendment requires a public hearing and is approved by ordinance.

**C. Criteria:**

When reviewing an application for a map amendment, the hearing bodies shall consider and be guided by the following criteria, as set forth in **UDO §2.17.9:**

1. **Consistency:** *Rezoning shall be consistent with the adopted Comprehensive Plan.*
2. **Adverse Impacts on Neighboring Land:** *Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, a rezoning may promote mixed uses subject to a high degree of design control.*
3. **Suitability as Presently Zoned:** *This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.*
4. **Health, Safety, and Welfare:** *The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*
5. **Public Policy:** *Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.*
6. **Size of Tract:** *The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*
7. **Other Factors:** *The Hearing Body may consider any other factors relevant to a rezoning application under state law.*
8. **Applicant Representations:** *Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning district rezonings,*

*the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

**D. Staff Comments:**

**1. Planning and Zoning Review**

- The subject parcel is designated commercial on the CLRP. CB zoning is a district that was designed to accommodate a wide variety of commercial uses to include retail, offices, services, and entertainment as well as living spaces that are oriented towards pedestrian traffic.
- A preschool is not a permissible use in the FRR-CD as specified under the conditions for Z-06-12. The parcel was zoned CB prior to 2013 and Moore Montessori's occupation of the building and rezoning back to CB would allow a daycare as a by-right use with similar operational characteristics and impacts as the existing primary school on the surrounding properties.
- Approximately 60% of the adjacent parcels are currently zoned CB. Reverting the subject parcel's zoning from FRR to CB would result in a more consistent distribution of uses that have been selected for the CB district based upon the compatibility of the operational characteristics and the potential impacts of each permissible use within the district.

**2. Agency Comments:**

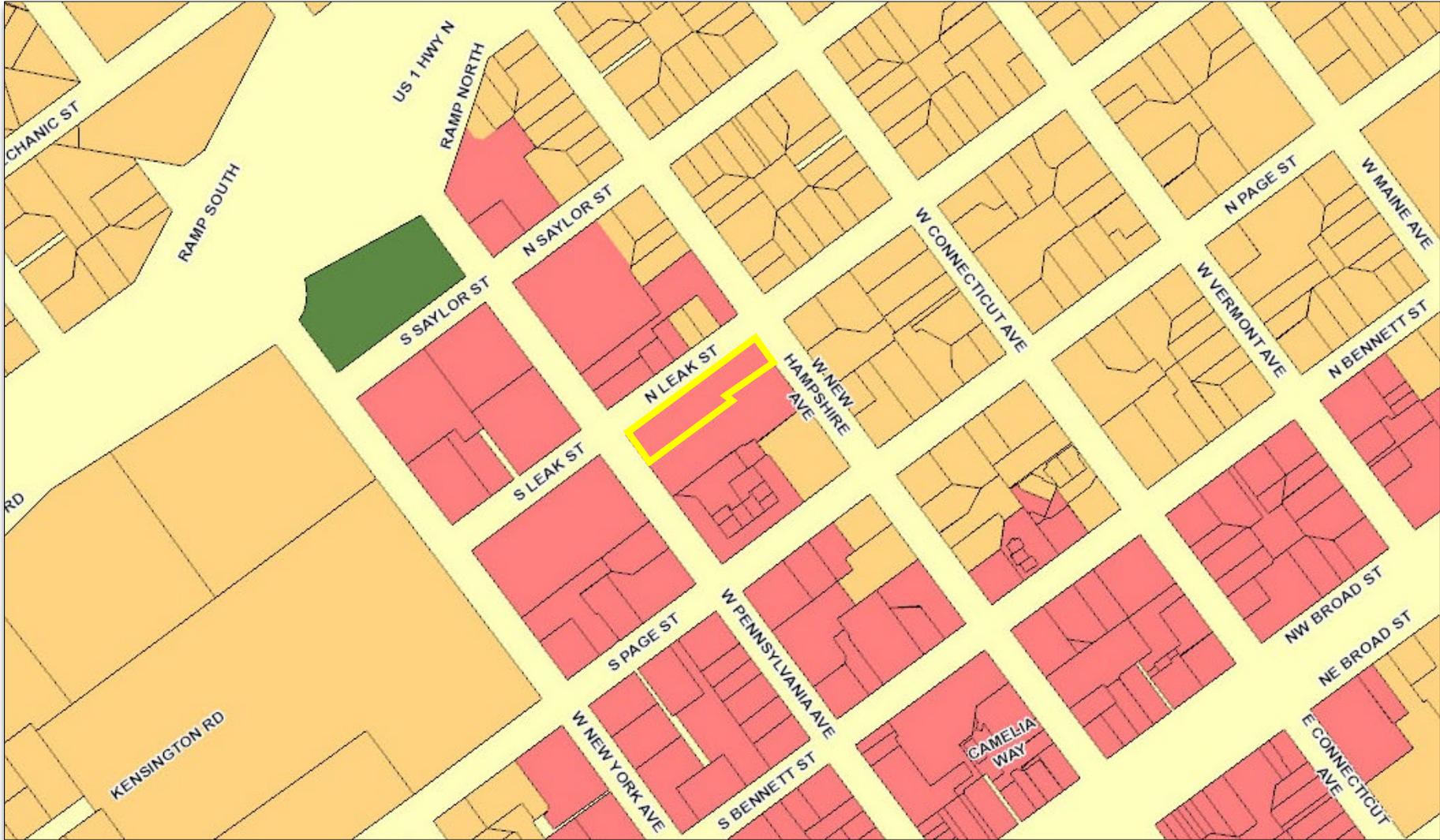
- Regional Land Use Advisory Commission (RLUAC):
  - The parcel is in an area identified as IMPORTANT to conserve on the Joint Land Use Study maps due to its location within zone designated as High Quality and Outstanding Resource Waters (HQORW) and,
  - There are no military impacts.
- North Carolina Department of Transportation (DOT):
  - Since there are no new connections to Pennsylvania, we have no comments.

**Figure 1: Zoning and Vicinity Map (Subject Property Highlighted in Yellow)**



- |  |   |   |  |
|--|---|---|--|
| <span style="color: red;">■</span> CB, Central Business                            | <span style="color: lightgreen;">■</span> FRR, Facilities Resources<br>Recreation                         | <span style="color: blue;">■</span> OS, Office Services                           | <span style="color: yellow;">■</span> RM-2, Residential Single &<br>Multi-Family |
| <span style="color: red;">▨</span> CB-CD, Central Business<br>Conditional District | <span style="color: lightgreen;">▨</span> FRR-CD, Facilities Resources<br>Recreation Conditional District | <span style="color: blue;">▨</span> OSCD, Office Services<br>Conditional District |  |

Figure 2: Comprehensive Long-Range Plan (Subject Property Highlighted in Yellow)



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

**V. ATTACHMENTS:**

1. Application
2. Applicant Narrative
3. Site Plan
4. Aerial of Drop-Off and Pickup Circulation

Documents related to this application including (but not limited to), public hearing notices, agency referrals, email correspondence, etc., are on file in the Town of Southern Pines Planning Office and available upon request during normal business hours.

**VI. 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. However, after closing the remote public hearing, the Town Council may still wish to discuss the rezoning request as presented in this report in order to assist staff in preparing appropriate documents for Town Council action.

Planning staff will bring this item back to the Town Council for further consideration and a decision at the May 24<sup>th</sup>, 2021 Work Session.



# Zoning Map Amendment Application

Fee: \$1,500.00	Date Received: _____	Case No.: Z-____-____
-----------------	----------------------	-----------------------

**Project Information:**

Street Address: 387 W. PENNSYLVANIA AVE.

PIN: 858100292700 Parcel ID: 00039620

Site Size: .79 Zoning: FRR

**Applicant:**

Name(s): RAB INVESTMENTS, LLC

Email: CJ@OCONNORCONC.COM Phone: 910 944 0600

Mailing Address: P.O. Box 4406, PINEHURST, NC 28374

**Authorized Agent, if different from Applicant:**

Name(s): CHRIS JORDAN

Email: CJ@OCONNORCONC.COM Phone: 910 315 7052

Mailing Address: 312 FIELDS DR. ABERDEEN, NC 28315

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

Name(s): \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

7-1-19

**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 zoning map amendment 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 W. Pennsylvania (~~St./Ave.~~), between N. LEAK (St./Ave.) and N. PAGE (St./Ave.). The property has a frontage of 92.32 feet and a depth of 401.72 feet.

The zoning map amendment sought is based upon Section(s) 3.7 of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

SEE REASON FOR PROPOSED CHANGE NARRATIVE

**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: 385 W. PENNSYLVANIA AVE Parcel ID #: 00039823  
Property owner(s): UNITED TELEPHONE COMPANY  
Mailing address: 100 CENTURY LINK DR. MONROE, LA 71203
2. Adjacent property: 405 W. PENNSYLVANIA AVE Parcel ID #: 00034581  
Property owner(s): JONATHAN FARRELL FOSTER  
Mailing address: 5188 LOBELIA RD. VASS, NC 28394
3. Adjacent property: 130 LEAK ST Parcel ID #: 00034927  
Property owner(s): DONNA INGRAM CAW, RODNEY M. INGRAM, CRAIG D INGRAM  
Mailing address: 232 MCTAVISH LANE, WINSTON SALEM, NC 27103
4. Adjacent property: 140 N LEAK ST Parcel ID #: 00034588  
Property owner(s): GREGORY & IOLA HRS HILL  
Mailing address: 3607 IRELAND DR. APT B. HOPE MILLS, NC 28348
5. Adjacent property: 155 N LEAK ST Parcel ID #: 00032596  
Property owner(s): TIELIANG ZHANG, MING ZHANG  
Mailing address: 211 PLANTATION DR. SOUTHERN PINES NC 28387
6. Adjacent property: 160 N. LEAK ST Parcel ID #: 00032597  
Property owner(s): TIELIANG ZHANG, MING ZHANG.  
Mailing address: 211 PLANTATION DR. SOUTHERN PINES, NC 28387

7. Adjacent property: 425 W PENNSYLVANIA AVE Parcel ID #: 0003 2142  
 Property owner(s): BOLES FAMILY LLC  
 Mailing address: 425 W PENNSYLVANIA AVE. SOUTHERN PINES, NC 28387
8. Adjacent property: 201 W. LEAK ST Parcel ID #: 0003 4053  
 Property owner(s): TIELIANG ZHANG, MING ZHANG  
 Mailing address: 211 PLANTATION DR. SOUTHERN PINES NC 28387.
9. Adjacent property: 345 W. NEW HAMPSHIRE AVE Parcel ID #: 00030830  
 Property owner(s): KEVIN JOSEPH SCHRODT  
 Mailing address: 345 W. NEW HAMPSHIRE AVE. SOUTHERN PINES NC 28387
10. Adjacent property: 390 W PENNSYLVANIA AVE Parcel ID #: 00033668  
 Property owner(s): MARKET ST. Properties LLC  
 Mailing address: P.O. Box 305 PINEHURST, NC 28370

Date: 3-8-2021

 MANAGER  
 Applicant

**Zoning Map Amendment**  
**Reasons for Proposed Change**

**Property:** 387 W Pennsylvania Ave, Southern Pines, NC 28387

**Owner:** RAB Investments, LLC

**Agent:** Chris Jordan – Manager RAB Investments, LLC

**Reason For request:**

Property, 387 W Pennsylvania Ave., is currently zoned FRR. Property was rezoned from CB to FRR in 2012 (Z-06-12) to allow a school to use the facility. The current school, Moore Montessori, is moving to a larger facility and a new pre-school is scheduled to locate in the building. Pre-schools are currently not allowed in FRR zoning. We are requesting the property return to CB zoning which allows Pre-schools.

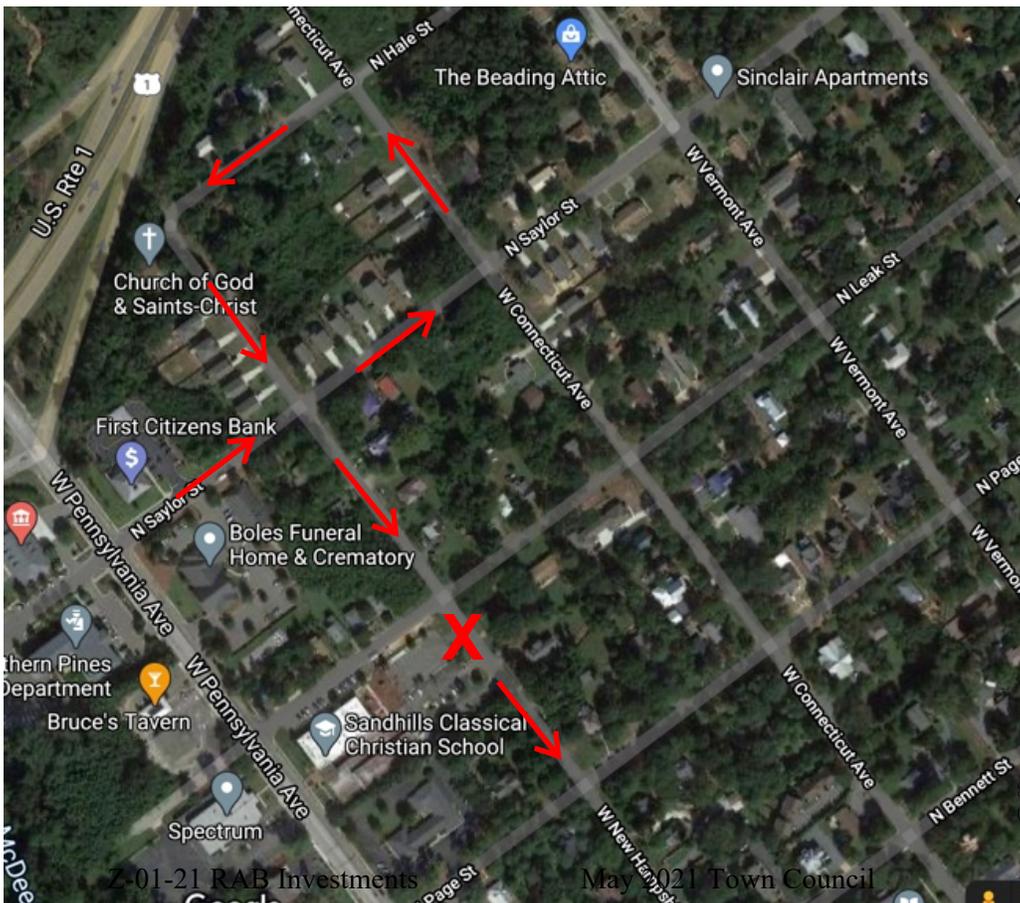
Surrounding commercial properties are zoned CB



# MOORE MONTESSORI CURRENT PLAYGROUND (PARKING LOT USED AS PLAYGROUND)



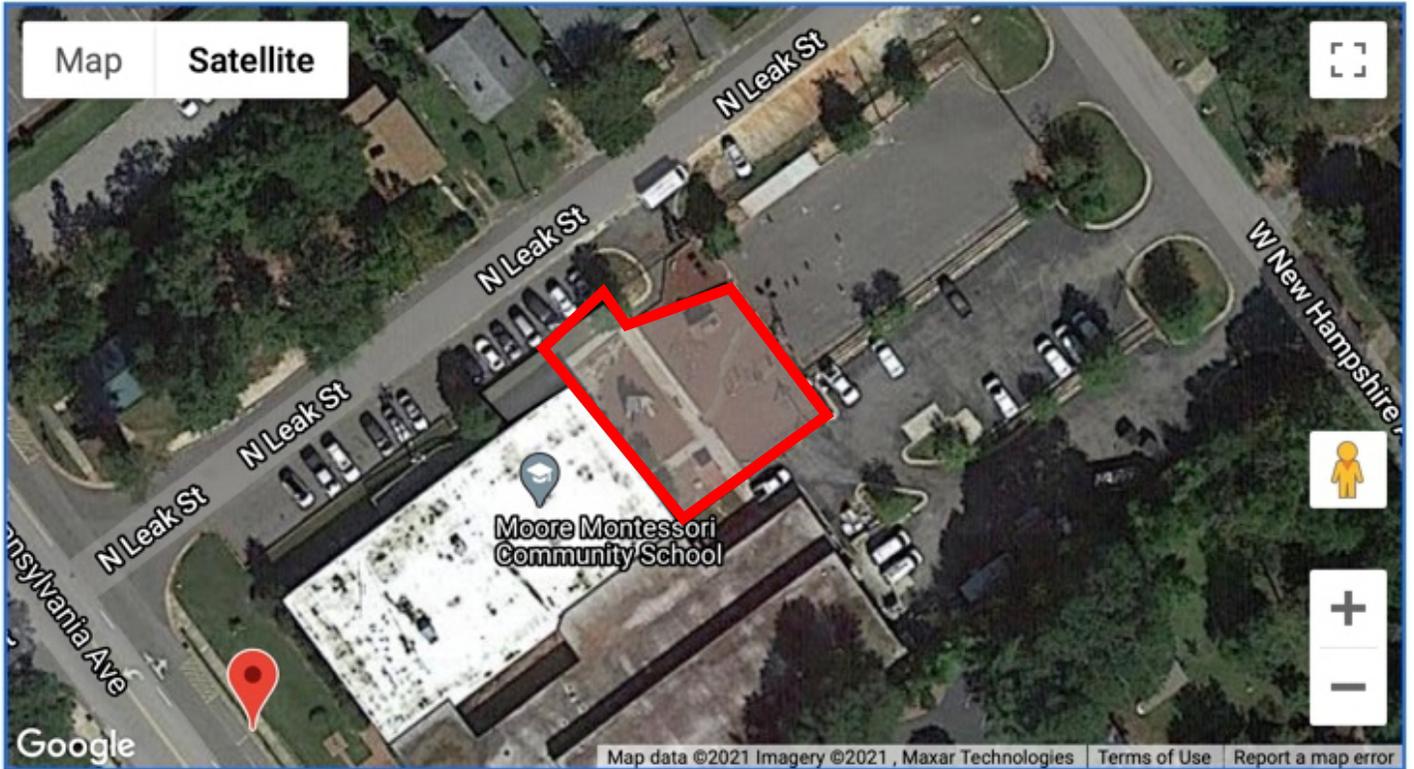
# MOORE MONTESSORI CURRENT PICK/UP & DROP/OFF FLOW



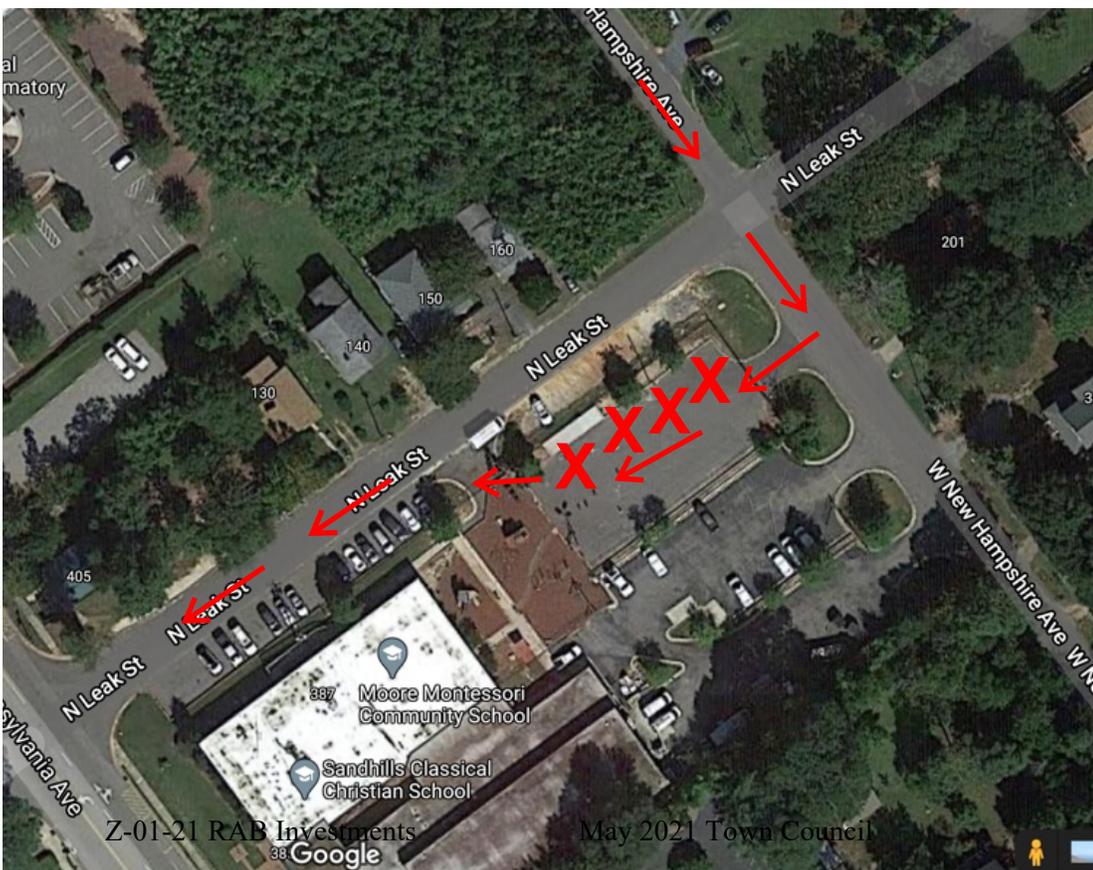
# LITTLE PINES ACADEMY (PROPOSED) PARKING LOT - REOPEN 2ND EXIT TO N LEAK STREET PLAYGROUND - FENCE EXISTING MULCH AREA

Area 641 meters<sup>2</sup>, 6897 feet<sup>2</sup> 0.16 acres 0.000 miles<sup>2</sup> 0.001 km<sup>2</sup>

Perimeter 109 meters , 359 feet 0.068 miles 0.109 km



## PROPOSED LITTLE PINES ACADEMY PICK/UP & DROP/OFF FLOW



## **Agenda Item**

**To:** Reagan Parsons, Town Manager

**From:** Suzy Russell, Planner II

**Subject:** PD-02-21: Planned Development - Preliminary Development Plan for expansion of the Multi-family Legends Apartment Community; Applicant: Morganton Park II, LLC; Watson Caviness; Authorized Agent: Bob Koontz of Koontz Jones Design PLLC

**Date:** May 11, 2021

---

### **I. SUMMARY OF APPLICATION REQUEST:**

Mr. Bob Koontz has submitted an application for a Planned Development - Preliminary Development Plan pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) proposing to expand the existing multi-family development approved under MRD-01-12 and CU-05-12 for Legends Apartments. This portion of the development is to be developed on two (2) parcels, Parcel 1 and 3, which flanks the existing Legends community, for a total of 8.56 acres. Parcel 1 is located within the Morganton Park North Development at the end of Patriot Boulevard situated next to the Southern Pines Elementary School, which lies to the East of Parcel 1, on South Carlisle Street and Parcel 3 is located on the Carlisle Street extension next to the existing Legends Apartment community, which lies to the East of Parcel 3. The subject parcels are zoned PD (Planned Development) and they are identified as PIN: 857200502304 (PARID: 20190146) and per the Moore County tax records, the property owners are listed as Robert W VanCamp Trustee for Parcel 1 and PIN: 857100392796 (PARID: 20150046) and per Moore County tax records, the property owners are listed as Robert W & Julie M VanCamp Trustee.

### **II. PLANNING BOARD ACTION:**

At the April 22, 2021 Regular Meeting of the Planning Board, the Planning Board held a public hearing and followed the rules for a legislative public hearing per UDO §2.5.2 which states that when the Planning Board serves as a recommending body for an action requiring a quasi-judicial hearing by the Town Council, the Board may follow the rules for a legislative hearing to gather broader public testimony. Planning staff, Ms. Suzy Russell, presented a review of the Preliminary Development Plan application. Ms. Russell reviewed the application for compliance with the Comprehensive Long Range Plan, the Conceptual Development Plan, and the applicable sections of the Unified Development Ordinance.

Following staff's comments, the applicant's agent, Mr. Bob Koontz presented the case for approval of the Preliminary Development Plan. The Planning Board followed with questions for Mr. Koontz. Mr. Koontz offered explanation regarding the height of the

existing Legends apartment community and how the height of the proposed Legends apartments are compatible with the character and vitality of the neighborhood and community. Mr. Koontz stated that the buildings will have elevators and described how the subject property has a dramatic slope stating that the first building from Carlisle will be more than a story lower than the road. Mr. Koontz gave explanation concerning future open space requirements and described parking arrangement and that the current garages at the existing Legends apartment community will remain and that there will be an additional 4 added with this portion of development. Mr. Cooper Carter asked for further explanation of the TIA and why it was not detailed with this application, to which Mr. Koontz explained that it will be contemplated and Mr. Fluitt, who has done all of the TIA's will have all the information he needs to provide an appropriate TIA. Mr. Carter stated that he is concerned because the four new developments that are currently built or underway are going to add thousands of cars to this area. Diane Westbrook asked who maintains the gravel road and Mr. Koontz stated that it is supposed to be maintained through the POA and that the Legends apartment community is responsible. Mr. Carter stated that there will be a 50% increase in units and there are no playgrounds or play areas for children proposed and Mr. Koontz responded that there is an existing pool and a large playground as well as a clubhouse that the entire community will have access to. Mr. Carter asked what the current demographics were to which Mr. Koontz responded that it ranges to families with children to retirees and everything in-between.

After closing the public hearing a motion was made by Mr. Lem Dowdy to adopt Amended Attachment A of the staff report as findings of fact, with changes to the language under the second finding of fact as found on the "Amended Attachment A" which also contains the applicants amendments to the application that were made at the Planning Board Regular Meeting on April 22, 2021. The applicant's amended statements are as follows:

- The applicant will apply for a sign permit for a multi-family development entrance sign under UDO § 4.6.12.
- The applicant will provide the required setbacks as required in UDO § 4.10.8

Along with this motion was a motion to recommend to the Town Council that the application for a Preliminary Development Plan PD-02-21 be approved with the amended application statements and was seconded by Ms. Kim Wade and was approved 5-2 by the Planning Board. Planning Board members Mr. Andy Bleggi and Mr. Ben Greene abstained from the vote because they were not present for the entirety of the meeting.

Please find the Amended Finding of Facts as adopted by the Planning Board under Attachment "Amended Attachment A" in this report.

### **III. PROJECT INFORMATION:**

#### **A. Property Owner & Applicant Information:**

- i. Property Owners:**  
Robert & Julie VanCamp Trustees  
2 Regional Circle  
Pinehurst, NC 28374

**ii. Applicant**  
Morganton Park II, LLC  
Watson Caviness  
639 Executive Place  
Suite 400  
Southern Pines, NC 28387

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

**B. Property Information:**

**i. Street Address:**  
500 Legends Drive  
Southern Pines, NC 28387

**ii. Size of Property:**  
Previous file MRD-0-12 Legends Apartment Community #1 Total Size of Parcel 2: 18.47 acres  
Legends Apartment Community # 2 Total Size of Parcel 1 and Parcel 3: 8.56 acres  
Total Project Acreage: 27.03 acres

**iii. Existing Infrastructure:**  
The 8.56 acre portion of property being proposed for development as a multi-family apartment community (hereafter referred to as subject property) is located on the northern area of the undeveloped section of Morganton Park North. (See Figure 1: Vicinity Map below). Parcel 1 will tie into the existing Legends parking lot and the applicant will create one (1) additional ingress/egress point on S Carlisle Street.

The subject property has access to existing public water and sewer facilities on S Carlisle Street and within the existing multi-family community. Existing access, water and sewer facility locations are shown below (see Figure 2: Existing Infrastructure below).

**iv. Property Zoning and CLRP Classification:**  
The current zoning of the subject property is PD (Planned Development). Adjoining properties are a mixture of zoning classifications, including FRR (Facilities, Resource and Recreation), GB (General Business) and the same PD (Planned Development) classification as the subject property (see Figure 3: Zoning Map below). The Town of Southern Pines' Comprehensive Long Range Plan (CLRP) designates this property as Traditional Mixed-Use.

## **C. Planned Development History & Current Project Description:**

### **i. Planned Development History:**

The subject property is part of the 116.7-acre nine (9) phased Morganton Park North Conceptual Development Plan (CDP) that was amended from the original CDP (MRD-01-14 approved on July 24, 2014) and approved by the Town of Southern Pines on May 15, 2018 (PD-01-18). The proposed multi-family community is the seventh phase of the Morganton Park North CDP. Phase 1 included “The Legends at Morganton Park,” approved under MRD-01-12 and CU-05-12, apartment complex development, Phase 2 included “The Pavilion” mixed-use building at the intersection of West Morganton Road and Brucewood Road, Phase 3 included the new Southern Pines Elementary School, Phase 4 included the Sandhills Pediatrics medical office building, Phase 5 included the Pinehurst Medical development and Phase 6 was the Pinehurst Surgical development.

The applicant is referring to this PD as the second phase of Legends apartment community, however this is not a second phase of the original approvals MRD-01-12 and CU-05-12 files. The prior development did not contain a phasing plan and therefore this portion of the Legends apartment community is a standalone PDP. The applicant attempts to combine certain requirements that were approved in the first development with this submittal. Again, this is not allowed and would have to come through as an amendment to the MRD-01-12 and CU-05-12 files, which it is not.

### **ii. Current Project Description:**

The proposed expansion of the Legends apartment community would be developed as three buildings each having 48 dwelling units, for a total of 144 du. UDO § 4.5 establishes the required parking spaces to total 269 with 278 provided, and the required bicycle parking comes to a total of 14 bike spaces per exhibit 4-6. The applicant does not show bicycle parking but will be required to provide them which will be required at TRC site plan review.

The buildings will require separate review for compliance with the Town’s architectural standards for multi-family buildings and the site must undergo detailed site plan review for compliance with all Town development standards prior to construction.

Figure 1: Vicinity Map (Subject Properties Outlined in Red)

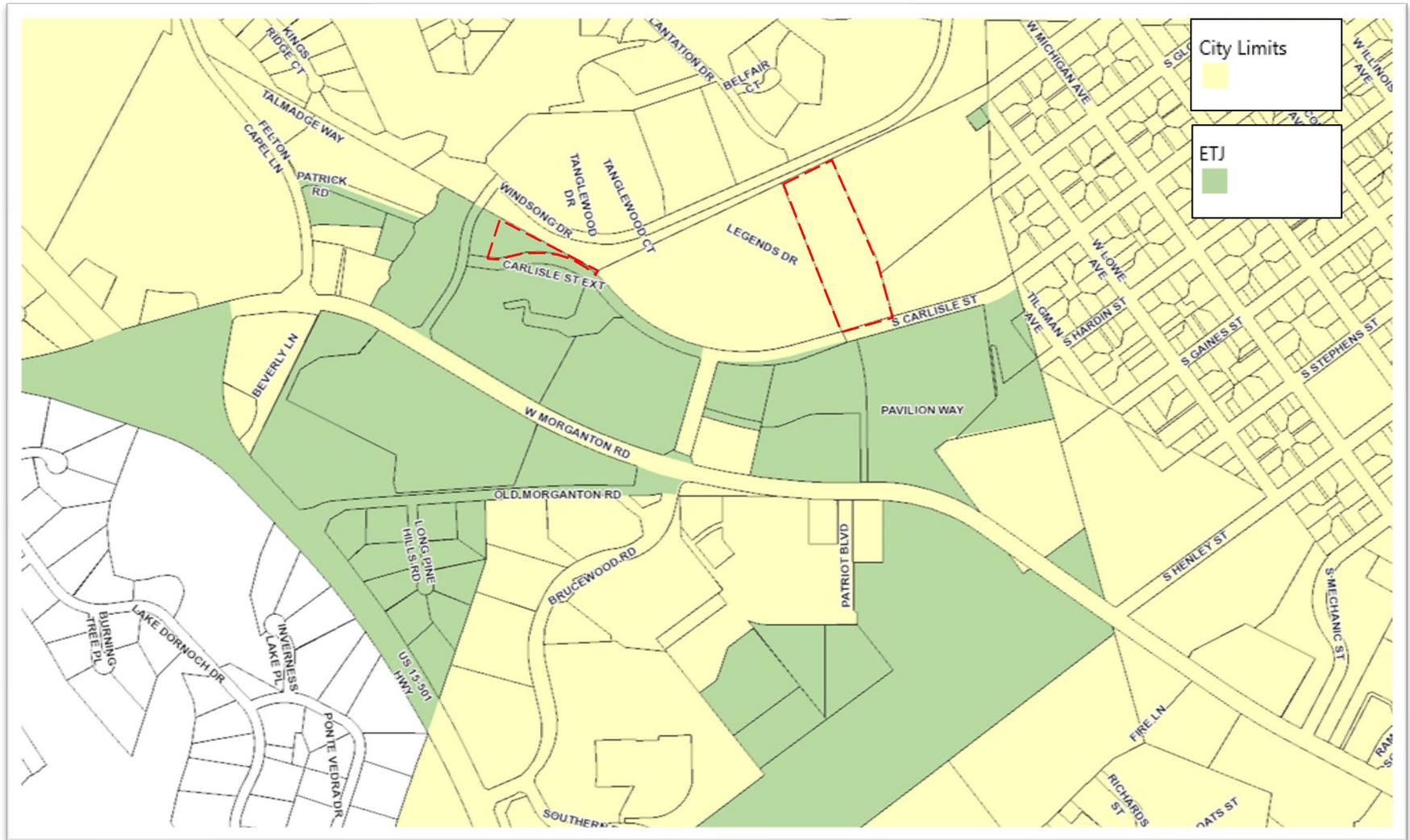


Figure 2: Existing Infrastructure (Subject Property Outlined in Yellow)

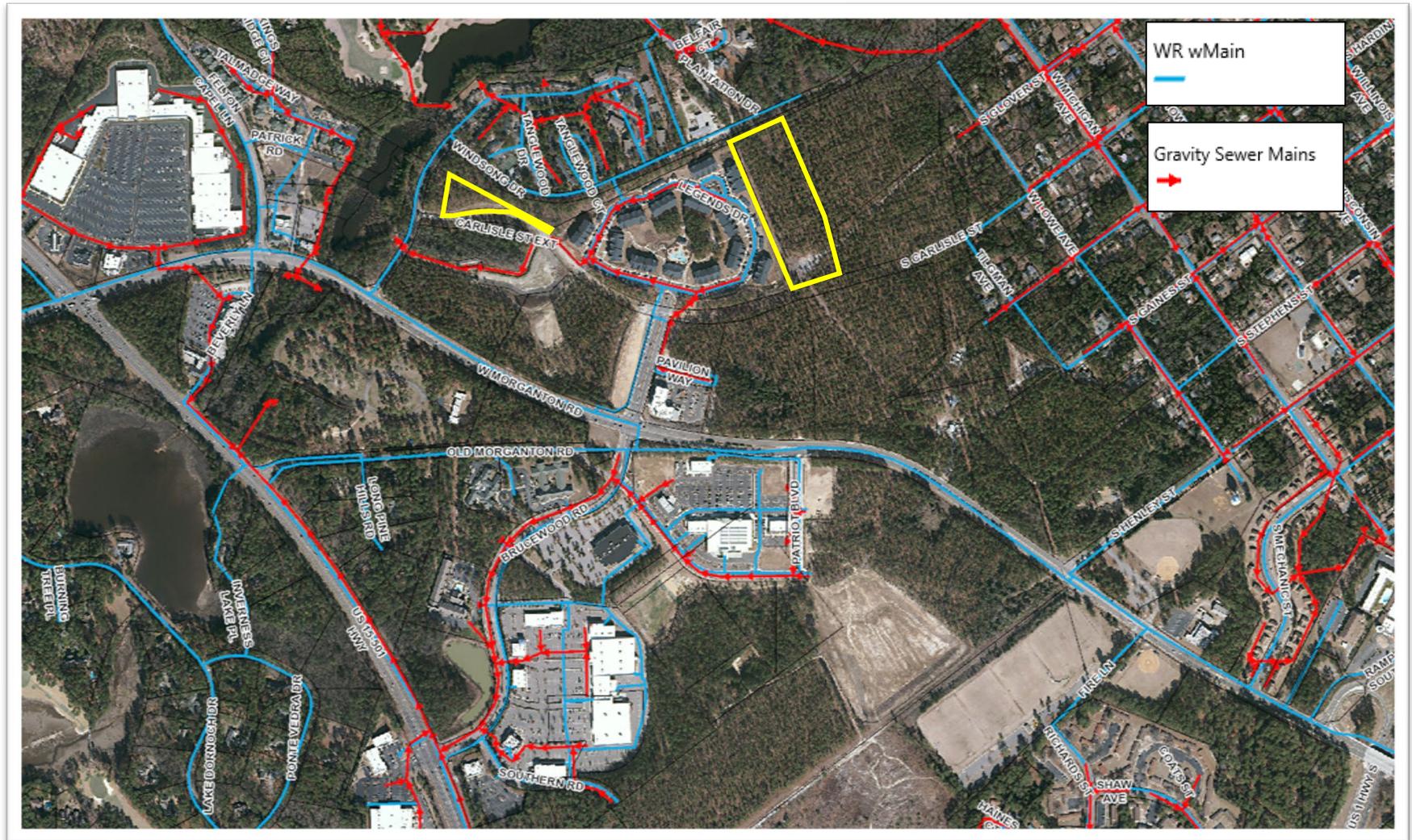
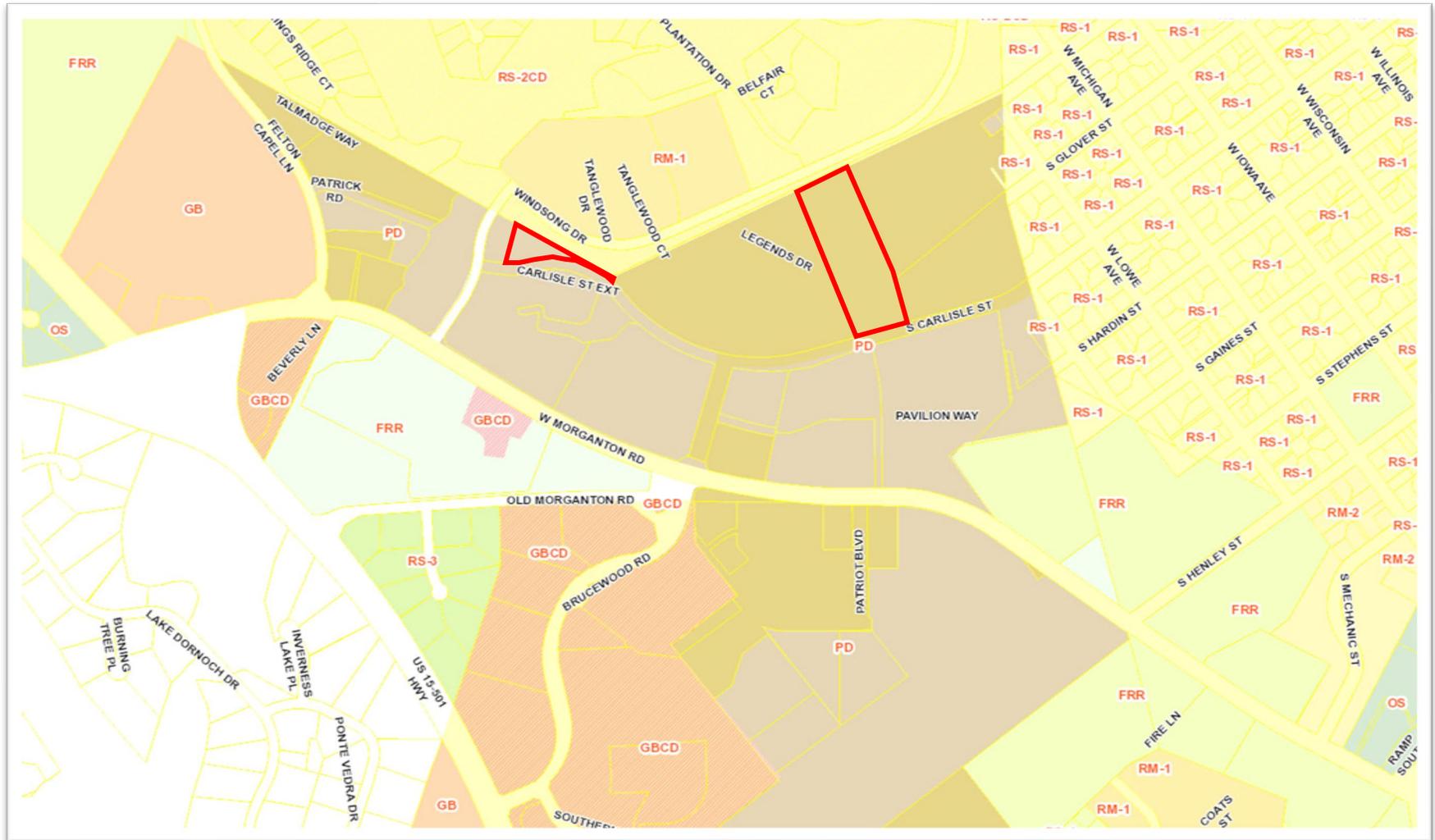


Figure 3: Zoning Map (Subject Property Outlined in Red)



#### IV. STAFF REVIEW:

##### A. Application Review Dates & Associated Postings:

- Preliminary Development Plan Application Submitted: March 16, 2021
- Application Incomplete: March 18, 2021
- Application Complete: April 01, 2021
- Notice of Planning Board Public Hearing:
  - Posted On-site: April 01, 2021
  - Mailed: April 01, 2021
  - Internet: April 01, 2021
- Planning Board Agenda Meeting: April 15, 2021
- Planning Board Public Hearing: April 22, 2021
- Notice of Town Council Public Hearing:
  - Posted On-site: April 01, 2021 (Remains on-site from PB)
  - Mailed: April 21, 2021
  - Internet: April 27, 2021
- Town Council Agenda Meeting: May 5, 2021
- Town Council Public Hearing: May 11, 2021

##### B. Process of Review:

The procedures for review and approval of a Planned Development (PD) District, per UDO § 2.18 where a three-step process of Conceptual Development Plan, Preliminary Development Plan and Final Development Plan are required to complete a Planned Development (PD) District.

##### C. Criteria for Review:

The criteria for review and approval of the second step in the process, Preliminary Development Plan, are as follows:

###### **Preliminary Development Plan - UDO § 2.18.5(H):**

1. *The application demonstrates that it will achieve the purposes of the PDD and this section;*
2. *The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;*
3. *The proposed Development is located in an area of the Town that is appropriate; and*
4. *The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.*

###### **PD-Planned Development District – UDO § 3.5.14 (A-P):**

###### **MRO-Morganton Road Overlay District - UDO § 3.6.6 (A-K):**

###### **Multi-Family Development Standards - UDO § 4.10.8 (A-F):**

**D. Staff Comments:**

**i. Request to combine prior approval with this application:**

- The applicant is proposing to utilize the approved amenities for the existing Legends apartment community. The amenities approved include a clubhouse with fitness center, business center, theater room, pool area, fire pit, outdoor seating areas, and children’s play area. The applicant requests to remove the existing dog park to accommodate additional parking areas and provide a new dog walk area around the stormwater area presented with this PDP. The applicant has stated they will also provide a new outdoor seating and fire pit area with this PDP. Residents across the entire Legends community would have access to all amenities.
  - The request to combine the first development approval with this proposed development approval in order to allow for the utilization of the existing Legends apartment community site prior to the combination of all three lots would be evaluated under standard UDO § 1.5 which states that the UDO is intended to be administered with the flexibility to respond to unique circumstances of individual properties in ways that best achieve its purposes. UDO § 2.11 states that Town Council may approve exemption from the requirements of the UDO provided that it makes findings based on the evidence presented, in this case, (A) (1) *the exemption is in the public interest and is not contrary to health, safety and welfare considerations.* Also, UDO § 2.18.2 acknowledges that most PD’s involve flexible development standards that deviate from the specific standards in other zoning districts.

**ii. Consistency evaluation with the Conceptual Development Plan for Morganton Park North:**

- The applicant has stated that the PDP before you utilizes the standards set forth with the previous approval, which again, is not applicable because the applicant is not amending the prior approval. The application must meet the current UDO standards. Deviations from the UDO have been evaluated below. The applicant also states that this PDP meets the approved CDP, PD-01-18.
- The applicant stated at the Regular Planning Board Meeting that the remaining Carlisle Street extension will be developed as the remainder of the lots are developed. Also, at TRC on April 20, 2021 the Town Engineer and Town Fire Marshal stated that they are okay with the existing path remaining and that the path is for emergency vehicles only. Please see the approved street layout plan below:



- Please note the approved street layout above as approved in the CDP. With the CDP a Conceptual Transportation Plan (CTP) was submitted showing access to the project, internal circulation, street cross-sections and classification of internal roadways. All internal roadways are planned to be designed and built by the developer and offered for dedication to the Town of Southern Pines. Deviations from Town street standards are presented in General Note #6 on the CTP (Sheet L-1.3) in the approved CDP PD-01-18.
- Land uses and bulk and dimensional standards within the development are restricted to those set forth in GB – General Business or OS – Office Services zoning classifications. The applicant stated at the Planning Board Regular meeting they will utilize the OS zoning district for the multi-family land use because it is allowed in the OS zoning district but not the GB zoning district.

**iii. Consistency evaluation with the Unified Development Ordinance (UDO) and the Morganton Park North Conceptual Development Plan (CDP):**

- Per UDO 3.5.14 (O) (2) building heights shall adhere to the limitations set forth in Chapter 4 for the RM-1 district, which is 40'. The applicant is requesting the building height of 45' on the plan sheets submitted, but requested 50' for a total of four (4) stories in the written narrative.
  - Per UDO 3.5.14 (O) (2) the applicant may propose an alternative height that exceeds the established limits, provided the increased height does not negatively affect surrounding properties and is approved by Town Council.
- UDO § 3.6.6 (K) (1) requires that the maximum residential density is 16 dwelling units per acre. Parcel 1 is 7.51 acres and allows for 120 du. The applicant is requesting 144 du which is an overage of 24 du. The total

acreage for all three parcels is 27.03 acres and at 16 du/acre the whole community would be allowed 432 du, which is what the applicant is proposing.

- UDO § 2.18.2 allows the applicant to request from Town Council flexible development standards that deviate from the specific standards.
- UDO § 3.6.6 (K) (2) requires no more than 35% of the 115 acres north of Morganton Road be developed for residential uses for a total of 40.25 acres. This application for the second portion of Legends Apartment Community brings the residential total acreage to 27.03 acres.
- UDO § 4.10.8 (B) that applies to multi-family development requires buildings be set back a minimum of 10' and a maximum of 15' from sidewalks, public walkways or street right of way. The applicant amended his application at the Regular Planning Board meeting to include a statement that they will meet UDO § 4.10.8 (B).
- UDO § 4.10.8 (F) (6) that applies to multi-family development requires well-equipped and challenging play areas for school age children, with places to sit and a space for ball games, within a five (5) minute walk from each du. The applicant stated at the Planning Board Regular Meeting that the original Legends apartment community contains an abundance of amenities that the proposed Legends apartment community would have full access to.
- The applicant is requesting to place a subdivision sign at the entrance from Carlisle Street. Multi-family development entrance sign requirements are found in UDO § 4.6.12. The applicant amended his application at the Planning Board Regular meeting to include they will apply for a multi-family development entrance sign permit and will need to provide the following information:
  - At any entrance to a residential subdivision or multi-family development, there may be either one double faced identification sign not to exceed 32 square feet in size or two single faced identification signs not to exceed 32 square feet per face. Such signs must be of a monument style and shall not exceed six feet in height. Is there currently a monument identification sign? Is it double sided? What size is it?
- The applicants have submitted a TIA that is consistent with the requirements of UDO §4.12 (attached to this memo below) Please see under Agency Comments that the Town Engineer could not review the TIA as submitted because of the limited detail provided.

The AM and PM peak hour turning movement counts were obtained from the revised Pinehurst Medical Morganton Park North Medical Office Building TIA. Please see below for highlighted information from the TIA study:

Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
221	Multifamily Housing (Mid-Rise) – Existing	288	d.u.	1,054	1,054	25	72	74	78
221	Multifamily Housing (Mid-Rise) – Proposed	432	d.u.	1,581	1,581	37	107	110	70
<b>Net Increase: Net New External Trips</b>				<b>527</b>	<b>527</b>	<b>12</b>	<b>35</b>	<b>36</b>	<b>22</b>

Table 1 shows that the additional 144 apartments units are anticipated to increase overall site traffic generation by approximately 1,054 trips on a typical weekday, 47 trips during the AM peak hour, and 58 trips during the PM peak hour.

- The applicants have addressed the availability of water and sewer services to serve the proposed multi-family community, and have stated water and sewer utilities are readily available for the project and are located in Carlisle Street and the adjacent property.
- The applicants have stated there are no endangered species located on this property. The applicants have not submitted letters from NC Fish and Wildlife.
- Site plan review and approval pursuant to UDO §2.48 will be required prior to the approval of a building permit for the subject property.
- Final Development Plans pursuant to UDO §2.18.7 will be required to demonstrate compliance with the Preliminary Development Plan.

**iv. General Comments:**

- The public hearing for this request will be evidentiary in format and will follow the procedures set forth in UDO §2.14.

**E. Outside Agency Comments:**

- A request for comments was emailed to agencies on March 25, 2020. Agencies notified include Town of Southern Pines Streets, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC) and the North Carolina Department of Transportation (NCDOT).
- On April 1, 2021 the Town of Southern Pines Fire Marshal, Mr. Ken Skipper, provided the comment: *no comments at this time.*
- On April 13, 2021 the Town of Southern Pines Engineer, Mr. James Michel, provided the comment: *Given the limited detail provided at this stage, a review for conformance with the Town’s Engineering and Construction Standards has not been performed. A detail review will occur during the site plan review process. Any issues identified during the site plan review*

*will not be considered as approved based on approval of the PD, and will be required to be corrected. Corrections for compliance with the engineering standards that affect the original PD approval will have to be addressed through the appropriate process.*

- Comment was received from RLUAC and is attached.
- Comment was not received from the United States Fish & Wildlife Service (USFWS).
- Comment was not received from NCDOT.

## **V. ATTACHMENTS:**

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

1. Preliminary Development Plan Application
2. List of Adjoiners
3. Agent Authorization Form
4. Preliminary Development Plan Narrative
5. Preliminary Development Plan Justification
6. Preliminary Development Plan Site Plan
7. RLUAC Courtesy Review
8. Revised Kimley Horn TIA Report (pages 1-5)
9. Morganton Park North Land Plan & CTP (approved May 15, 2018)
10. Planning Board Amended Finding of Fact

Additional documents related to this application including (but not limited to) property deeds, Authorization of Agent forms, email correspondence, deeds, CDP PD-01-18, TIA full report, meeting minutes and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available for public inspections during normal business hours.

## **VI. 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. However, after closing the remote public hearing, the Town Council may still wish to discuss the Preliminary Development Plan application as presented in this report and at the public hearing in order to assist staff in preparing appropriate documents for Town Council action.

Planning staff will bring this item back to the Town Council for further consideration and a decision at the May 24<sup>th</sup>, 2021 Work Session.



# Planned Development District Preliminary Development Plan Application

Fee: \$ _____	Date Received: _____	Case No.: PD-____-____
---------------	----------------------	------------------------

**Project Information:**

Project Name: Legends Apartments - Phase 2

Physical Address: 500 Legends Drive, Southern Pines, NC 28387

PIN: 857200502304, 857100392796, 857200405185 Parcel ID: 20190146, 20150046, 20130093

Site Size: 27.03 Zoning: PD

**Applicant:**

Name(s): Morganton Park II, LLC c/o Watson Caviness

Email: watson@cavinessandcates.com Phone: 910.460.5985

Mailing Address: 639 Executive Place, Suite 400, Fayetteville, NC 28305

**Authorized Agent, if different from Applicant:**

Name(s): Robert Koontz c/o Koontz Jones Design

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): Robert and Julie Van Camp, Trustees

Email: thomasv@vancampplaw.com Phone: 910.295.2525

Mailing Address: 2 Regional Circle, Pinehurst, NC 28374

**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 for approval of a Planned Development District – Preliminary Development Plan 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 Carlisle Street (St./Ave.), between Brucewood Road (St./Ave.) and W. Lowe Avenue (St./Ave.). The property has a frontage of +/- 308 feet and a depth of +/- 945 feet.

The request is based upon **Section 2.18.5** of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:  
Multi-family Apartments

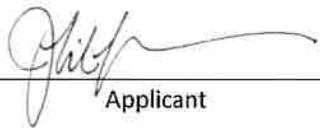
**ADJACENT PROPERTY OWNERS:**

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: 3/15/21

  
\_\_\_\_\_  
Applicant

Parcel ID	PIN	Deed Book	Deed Page	Owner's Name	Owner's Name 2	Mailing Address	Mailing Address cont.	City	STATE	Zip Code
00038504	857100297376	5145	249	PINES CEMETERY SERVICES LLC		PO BOX 655		CARTHAGE	NC	28327
00039526	857218307758	490	865	TANGLEWOOD ASSOCIATES		C/O ORIX REAL ESTATE CAPITAL LLC	1717 MAIN ST SUITE 900	DALLAS	TX	75201
20020140	857218206431	1915	329	MCNEILL MORGANTON, INC		PO BOX 396		ABERDEEN	NC	28315
20020459	857217203555	896	76	MCNEILL GROUP, THE		PO BOX 396		ABERDEEN	NC	28315
20040157	857200428061	2535	405	MID TAL GOLF, LLC		48 TALAMORE DR		SOUTHERN PINES	NC	28388
20050390	857218206971	4929	451	WHITE, JUSTIN	DUROCHER, CHARLOTTE	PO BOX 2711		SOUTHERN PINES	NC	28388
20071162	857200614867	2069	533	PLANTATION INVESTORS, LLC	ATTN: LAURA LANG	P O BOX 8000		PINEHURST	NC	28374-8000
20130093	857200405185	4192	583	MORGANTON PARK, LLC		PO BOX 56607		ATLANTA	GA	30343
20150043	857100492841	4447	433	MORGANTON PARK NORTH	MASTER ASSOCIATION, INC	PO BOX 1389		PINEHURST	NC	28370
20150046	857100392796	4504	322	VAN CAMP, ROBERT W & JULIE M	TRUSTEES	1001 OPPENHEIMER DR	APT 201	LOS ALAMOS	NM	87544
20160262	857100293068	4677	329	PINELAWN MANAGEMENT, LLC		360 N WALUNT STREET		PINEBLUFF	NC	28373
20190270	857100399573	5210	269	PACN REALTY LLC		205 PAGE ROAD		PINEHURST	NC	28374
99000500	857217204136	3028	34	SC BLACK ANGUS REALTY, LLC		C/O HEATHER IRRIZARRY	186 SEVEN FARMS DR STE F 396	DANIEL ISLAND	SC	29492
99000584	857217203855	1568	471	CRESTON COMMONS, LLC	C/O CME	PO BOX 2185		RALEIGH	NC	27602-2185
00037588	857100597998	4504	322	VAN CAMP, ROBERT W & JULIE M TRUSTEES	VAN CAMP, THOMAS M TRUSTEE	PO BOX 1389		PINEHURST	NC	28370
00039528	857218403921	529	67	TANGLEWOOD II ASSOCIATES		C/O ORIX REAL ESTATE CAPITAL LLC	1717 MAIN STREET SUITE 900	DALLAS	TX	75201
20040158	857218416012	2535	405	MID TAL GOLF, LLC		48 TALAMORE DR		SOUTHERN PINES	NC	28388
20190014	857100496541	5081	398	S & S PARTNERS LLP		195 W ILLINOIS AVE		SOUTHERN PINES	NC	28387-5808
20190146	857200502304	1589	80	VAN CAMP, ROBERT W TRUSTEE	VAN CAMP, JULIE M TRUSTEE	PO BOX 1389		PINEHURST	NC	28370
20190271	857100590565	5210	279	MORGANTON PARK REALTY LLC		5 FIRST VILLAGE DRIVE		PINEHURST	NC	28374
20190272	857100597408	5210	301	PINEHURST SURGICAL CLINIC	REALTY LLC	5 FIRST VILLAGE DIRVE		PINEHURST	NC	28374
20160480	857200506765	4732	327	MOORE COUNTY NORTH CAROLINA	BOARD OF EDUCATION	PO BOX 1180		CARTHAGE	NC	28327

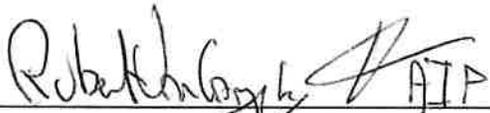
**APPOINTMENT OF AGENT**

The undersigned owner(s), Robert Van Camp, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) 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 Town Council for the approval of a Planned Development District – Preliminary Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 15 day of March, 2021.

  
\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner  
  
\_\_\_\_\_  
Agent

1-12-21

APPOINTMENT OF AGENT

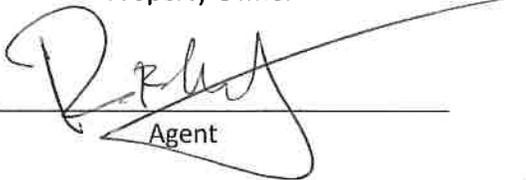
The undersigned owner(s), Morganton Park II, LLC, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) 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 Town Council for the approval of a Planned Development District – Preliminary Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 15 day of March, 2021.

  
\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner  
  
\_\_\_\_\_  
Agent

## **LEGENDS APARTMENTS – PHASE 2 PRELIMINARY DEVELOPMENT PLAN NARRATIVE**

The purpose of this PD – Preliminary Development Plan (PDP) application is to fully describe the proposed new phase of development for the existing Legends at Morganton Park multi-family development. Legends Phase 2 meets the standards of the Morganton Park North Property Conceptual Development Plan (CDP). As stated in the Town of Southern Pines Unified Development Ordinance (UDO) in Section 2.18.5(A), the PDP is intended to show, with greater detail, the proposed portion of development and illustrate how “proposed land use mix and intensity are consistent with the Comprehensive Plan, the purposes of the PDD and the approved Conceptual Development Plan”. The following narrative will provide information related to the submitted plans and provide details of the proposed apartment community expansion. This narrative will describe how the PDP meets the criteria set forth in Section 2.18.5(A). The apartment community is consistent with the PD zoning district, CDP and the Town’s Comprehensive Long-Range Plan (CLRP). The property is indicated as Traditional Mixed-Use in the Town’s CLRP.

All plans incorporate the existing apartment community and overall development calculations for impervious surface, open space and density take in to account the existing development and the expanded area. The apartment community, as described in this PDP application, is intended to include the second phase of development for the Legends at Morganton Park property and includes 144 multi-family residential apartments. Morganton Park Phase 1 is currently 288 units. Phase 2 will bring the overall total to 432 multi-family residential units. This development conforms with the standards of the original multi-family development and the standards of the current Unified Development Ordinance (UDO), with one exception to building height, which will be described in the architectural character section of this exhibit. Tabulations for the overall Legends at Morganton Park development and this specific phase are provided on sheet L-1.1 of the submission documents indicating conformance to the development program and open space requirements as described in the overall Morganton Park North CDP. Following is a description of the individual phase and overall design elements of the PDP.

### **Overall Community**

#### **Walkability**

Walkability is an important component of the proposed neighborhood. Concrete sidewalks are provided throughout the community to provide convenient access to apartment buildings and amenities. An interconnected network of walkways and sidewalks provide access throughout the community. Phase 2 will tie into the existing sidewalk and walkway system throughout the community. All units in the new phase are connected through pedestrian pathways to the open spaces, clubhouse, children’s play area, and other amenity areas throughout the property. A pedestrian spine has been developed within the plan to connect all units from the new phase through the courtyard open spaces to the clubhouse and other on-site amenities.

### **Amenities**

Amenities for Phase 1 will be utilized by the residents of Phase 2. These amenities include a clubhouse with fitness center, business center, and theater room, pool area, fire pit, outdoor seating areas, and children's play area. Construction of Phase 2 will remove an existing dog park to accommodate additional parking area, however, a new dog walk area will be provided in Phase 2 around the stormwater area. In addition, a new amenity area will be provided for the residents that will include outdoor seating and a fire pit. Residents in both Phase 1 and Phase 2 will have access to all community amenities.

### **Lighting**

All lighting on the property will follow Section 4.5.6 of the CDP and Section 4.8 of the UDO. Lighting levels in parking areas and throughout the community will be provided to meet the UDO standards for safety. All light will be projected downward in order to limit any light spilling onto adjacent properties.

### **Endangered Species**

There are no endangered species located on this property.

### **Utilities and Stormwater Management**

Water and sewer utilities are readily available for the project and have been developed in previous phases of Morganton Park North development and the existing multi-family community. Water and sewer utilities are located in Carlisle Street and the adjacent property, which have been designed to accommodate this development. Stormwater management facilities will be provided on the property to accommodate the proposed development and constructed to meet Town of Southern Pines development standards. Previous development of the property contemplated development of this parcel and utilities have been constructed to adequately accommodate the project.

### **Vehicular Circulation and Parking**

Access to the property will be provided through an entrance on Carlisle Street. Parking and roadway areas will also connect to the existing parking areas in Phase 1 of the development. This connection will allow for adequate service, circulation, and emergency access to the property.

Parking areas will be designed and landscaped per Town of Southern Pines Unified Development Ordinance standards in Section 4.3.

### **Architectural Character**

A modification to the building height limitation is requested for the proposed project. The current ordinance and zoning limits buildings on this property to 35' in height. Due to the site grading conditions and understanding that the lower floor

of the building(s) will be significantly below the level of Carlisle Street (minimum of 15' up to 25' for the closest building, we would request the permitted building height be increased to a 50' maximum for the buildings to allow for a four (4) story apartment building to use the land as efficiently as possible. These buildings will include elevators that can be utilized by residents.

At such time as engineering drawings and/or Final Development Plans are submitted for the project or any construction begins, architectural elevations will be submitted as required for all commercial, multi-family, and office buildings for review by the Town of Southern Pines Architectural Review Board.

### **Landscaping**

Landscaping 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 buffer plantings.

### **Signage**

One additional subdivision sign will be provided at the new entrance from Carlisle Street. This sign will follow the standards of Section 4.6 of the UDO.

### **Open Space**

Required open space for Morganton Park North is 20%. Open space is not required for each individual parcel within Morganton Park North, however, both phases of the Legends Apartments will include more than 20% open space. These tabulations and an updated 'running' tabulation for the overall Morganton Park North property have been provided on Sheet L.1.1 of the submission set.

The descriptions and conditions described above will apply to the entire project as indicated in the Preliminary Development Plan documents. Phase 1 of the development will remain in place as developed except for the road connection and additional parking area that is being created. Phase 2 of the development will utilize the standards set forth with the previous development and the proposed plan utilizes the CDP's development standards to implement the next phase of development within the Morganton Park North property. This phase of development meets the standards of the Morganton Park North CDP as approved on May 15, 2018.

In summary, the proposed PD – PDP is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Mixed-Use. This PDP contains an additional phase of the Legends and Morganton Park Apartments within the overall mixed-use development, similar in scale and size of the existing Morganton Park North. The approved CDP describes a master planned mixed-use development. The proposed PDP is the commencement of the next phase of development for Morganton Park North.

**EXHIBIT B**

**Legends Apartments – Phase 2  
Preliminary Development Plan Justification**

Below are listed the four (4) criteria required to approve a Preliminary Development Plan (PDP) application as described in Section 2.18.5(H) 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 Preliminary Development Plan is permitted if the Applicant demonstrates that:

(1) The application demonstrates that it will achieve the purposes of the PDD and this section;

This application will expand an existing multi-family development within the Morganton Park North property. Morganton Park North is a mixed-use development with an approved Conceptual Development Plan (CDP) for the overall property area. Legends Phase 2 will continue the mixed-use nature of the overall property and provide additional residential development near the elementary school, medical offices, and retail/commercial properties. This expansion of the mixed-use achieves the purpose of the PDD and Section 2.18.5 of the UDO.

(2) The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards set forth in the UDO except for a request to increase the building height as explained in the Exhibit A - Narrative. This proposed development is an extension of a previously approved multi-family development, which was permitted in the Morganton Park North Planned Development District and is part of the approved CDP. The plans included with the approved CDP demonstrates the overall compliance with the UDO and this PDP follows the standards of the CDP. The PD District, Comprehensive Long-Range Plan (CLRP) and the CDP all encourage a mixed-use development that reflects the standards of the existing area, surrounding the phase of development described in the PDP. The PDP submitted meets these goals.

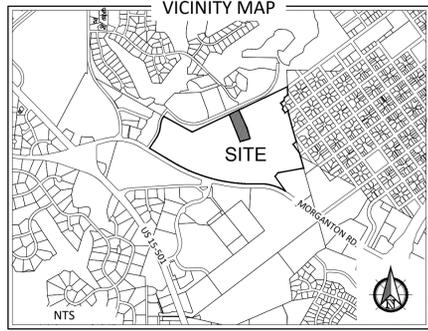
(3) The proposed Development is located in an area of the Town that is appropriate; and

The proposed PDP incorporates an existing multi-family development and expands the overall community. Plans are consistent with the CDP, surrounding community and the Morganton Park North mixed-use development which includes a mixed-use building (office, medical office, retail and restaurant), medical office buildings, multi-family apartment community and an elementary school. The CLRP, which takes in to account surrounding land uses, designates this property as mixed-use. The continued development of the existing multi-family community included in the PDP is consistent with the surrounding land uses and appropriate for this area. With the development standards set forth in the UDO and CDP, the PDP will be compatible with the surrounding neighborhoods and land uses as this is an extension of an existing use within Morganton Park.

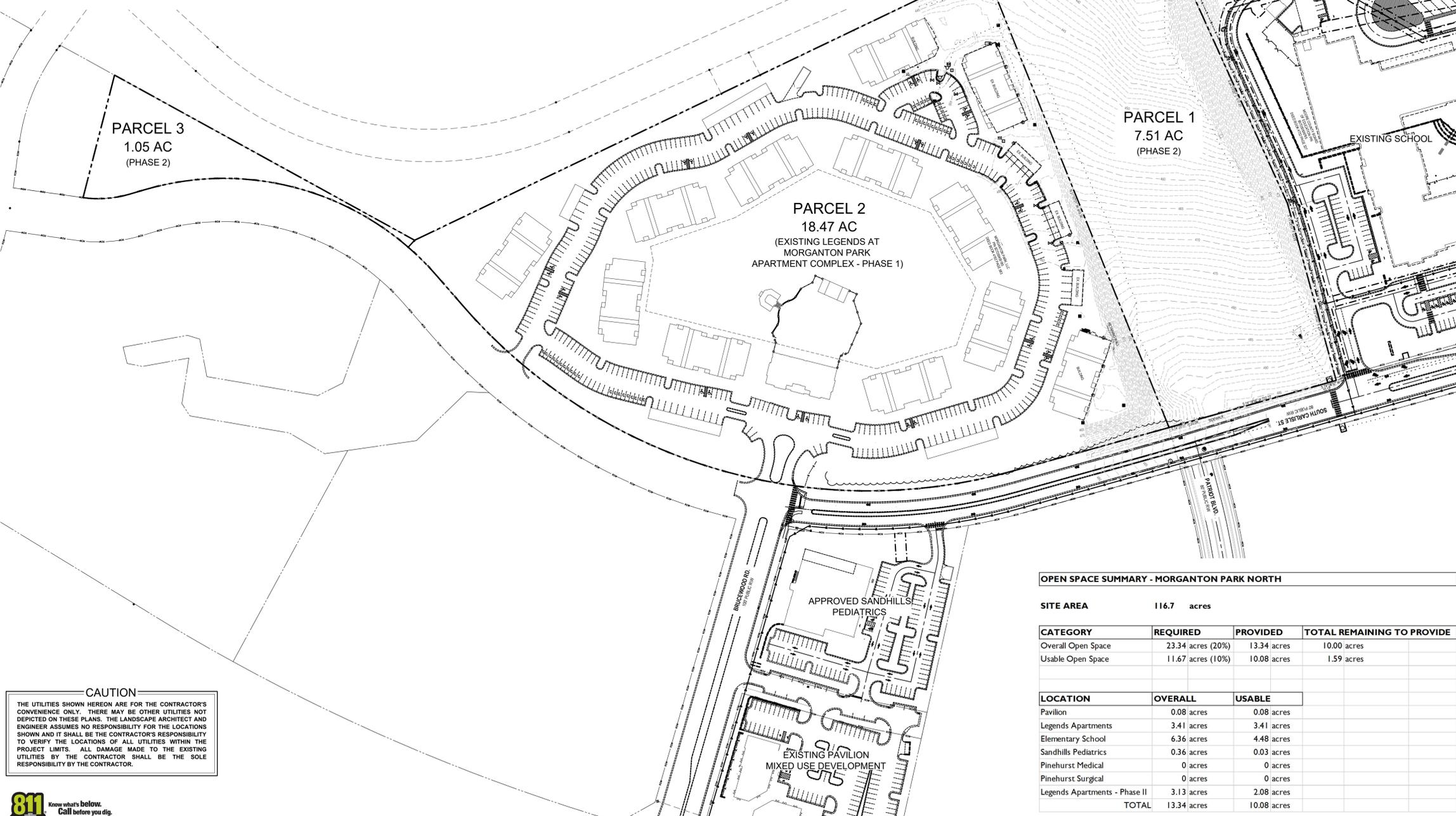
(4) The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities, and services

## EXHIBIT B

Water and sewer utilities are readily available for the project and have been developed in previous phases of Morganton Park North development and the existing multi-family community. Water and sewer utilities are located in Carlisle Street and the adjacent property, which have been designed to accommodate this development. Stormwater management facilities will be provided on the property to accommodate the proposed development and constructed to meet Town of Southern Pines development standards. Previous development of the property contemplated development of this parcel and utilities have been constructed to adequately accommodate the project.



- GENERAL NOTES:**
1. ALL STREETS AND PARKING AREAS WILL REMAIN PRIVATE STREETS. STREETS WILL BE MAINTAINED BY THE DEVELOPER.
  2. LANDSCAPE STANDARDS FOR PHASE II WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO PER SECTION 3.5.14(H).
  3. DRAINAGE FOR PHASE II WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. STORMWATER MANAGEMENT DEVICES TO MEET THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER. PHASE I WILL CONTINUE TO DRAIN AS CONSTRUCTED.
  4. ALL STREETS AND PARKING AREAS WILL HAVE CONCRETE CURB AND GUTTER PER TOWN OF SOUTHERN PINES STANDARDS.
  5. OPEN SPACE WILL BE PRIVATELY OWNED AND MAINTAINED.



**LEGEND**

- PROPERTY BOUNDARY
- - - EXISTING MINOR CONTOUR
- - - EXISTING MAJOR CONTOUR
- EXISTING STORM DRAINAGE
- EXISTING STORM DRAIN INLET
- EXISTING SEWER LINE
- EXISTING WATER LINE
- PROPOSED DRAINAGE FLOW

**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: 8571, 8572 MAP(S): 3710857100J, 3710857200J DATE: OCTOBER 17, 2006

**ZONING INFORMATION**

**EXISTING ZONING CLASSIFICATION:**  
PD - CONCEPTUAL DEVELOPMENT PLAN

**REQUIRED SETBACKS:**  
FRONT: NO MINIMUM  
SIDE-STREET: NO MINIMUM  
SIDE INTERIOR: NO MINIMUM  
REAR: NO MINIMUM

**MAX. BUILDING HEIGHT (PROPOSED): 45'**

**PROPERTY INFORMATION**

**PROPERTY OWNERS:**

PARCEL 1:  
VAN CAMP, ROBERT W TRUSTEE  
VAN CAMP, JULIE M TRUSTEE  
PO BOX 1389  
PINEHURST, NC 28370  
PARCEL ID: 20190146; PIN: 857200502304

PARCEL 2:  
MORGANTON PARK, LLC  
PO BOX 56607  
ATLANTA, GA 30343  
PARCEL ID: 20130093; PIN: 857200405185

PARCEL 3:  
VAN CAMP, ROBERT W & JULIE M TRUSTEES  
1001 OPPENHEIMER DR APT 201  
LOS ALAMOS, NM 87544  
PARCEL ID: 20150046; PIN: 857100392796

**APPLICANT:**  
MORGANTON PARK II, LLC  
639 EXECUTIVE PLACE, SUITE 400  
FAYETTEVILLE, NC 28305

**TOTAL ACREAGE:**  
PHASE 1 (EXISTING): ±18.47 AC  
PHASE 2: ±8.56 AC  
TOTAL: ±27.03

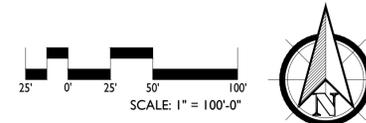
**OPEN SPACE SUMMARY - MORGANTON PARK NORTH**

SITE AREA 116.7 acres			
CATEGORY	REQUIRED	PROVIDED	TOTAL REMAINING TO PROVIDE
Overall Open Space	23.34 acres (20%)	13.34 acres	10.00 acres
Usable Open Space	11.67 acres (10%)	10.08 acres	1.59 acres

LOCATION	OVERALL	USABLE
Pavilion	0.08 acres	0.08 acres
Legends Apartments	3.41 acres	3.41 acres
Elementary School	6.36 acres	4.48 acres
Sandhills Pediatrics	0.36 acres	0.03 acres
Pinehurst Medical	0 acres	0 acres
Pinehurst Surgical	0 acres	0 acres
Legends Apartments - Phase II	3.13 acres	2.08 acres
<b>TOTAL</b>	<b>13.34 acres</b>	<b>10.08 acres</b>

**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)

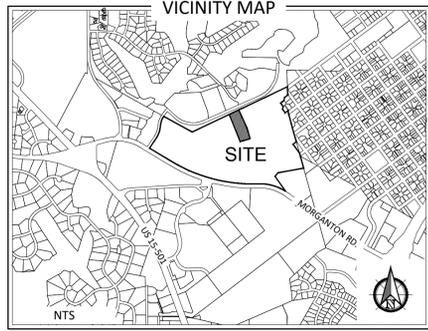
**KOONTZJONESDesign**  
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET  
SOUTHERN PINES, NC 28387  
P: (910) 684-6467  
W: www.koontzjonesdesign.com

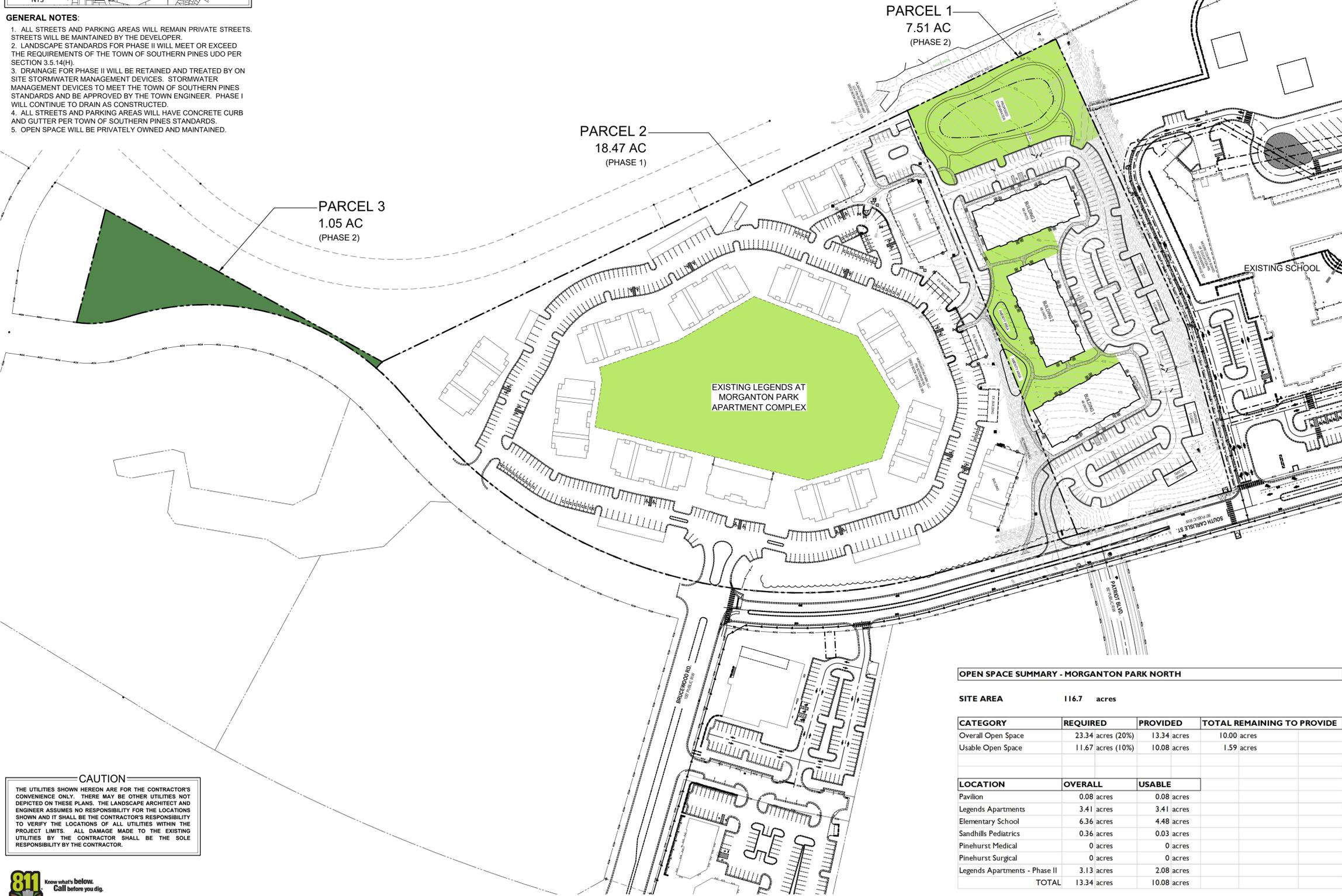
REVISIONS:

**LEGENDS - PHASE II**  
**PRELIMINARY DEVELOPMENT PLAN**  
**SOUTHERN PINES, NORTH CAROLINA**  
**EXISTING CONDITIONS**

DATE: 03.15.2021  
DESIGNED BY: REK  
DRAWN BY: PJS  
CHECKED BY: REK  
SCALE: 1" = 50'  
PROJECT #: K1D21011  
SHEET NUMBER#: **L-1.0**



- GENERAL NOTES:**
1. ALL STREETS AND PARKING AREAS WILL REMAIN PRIVATE STREETS. STREETS WILL BE MAINTAINED BY THE DEVELOPER.
  2. LANDSCAPE STANDARDS FOR PHASE II WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO PER SECTION 3.5.14(H).
  3. DRAINAGE FOR PHASE II WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. STORMWATER MANAGEMENT DEVICES TO MEET THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER. PHASE I WILL CONTINUE TO DRAIN AS CONSTRUCTED.
  4. ALL STREETS AND PARKING AREAS WILL HAVE CONCRETE CURB AND GUTTER PER TOWN OF SOUTHERN PINES STANDARDS.
  5. OPEN SPACE WILL BE PRIVATELY OWNED AND MAINTAINED.



**LEGEND**

- — — — — = PROPERTY BOUNDARY
- - - - - = EXISTING MINOR CONTOUR
- - - - - = EXISTING MAJOR CONTOUR
- — — — — = EXISTING STORM DRAINAGE
- — — — — = EXISTING STORM DRAIN INLET
- — — — — = EXISTING SEWER LINE
- — — — — = EXISTING WATER LINE
- = PROPOSED DRAINAGE FLOW
- = PROPOSED OPEN SPACE
- = PROPOSED USEABLE OPEN SPACE

**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: 8571, 8572  
 MAP(S): 3710857100J, 3710857200J  
 DATE: OCTOBER 17, 2006

**ZONING INFORMATION**

**EXISTING ZONING CLASSIFICATION:**  
 PD - CONCEPTUAL DEVELOPMENT PLAN

**REQUIRED SETBACKS:**  
 FRONT: NO MINIMUM  
 SIDE-STREET: NO MINIMUM  
 SIDE INTERIOR: NO MINIMUM  
 REAR: NO MINIMUM

**MAX. BUILDING HEIGHT (PROPOSED): 45'**

**PROPERTY INFORMATION**

**PROPERTY OWNERS:**

PARCEL 1:  
 VAN CAMP, ROBERT W TRUSTEE  
 VAN CAMP, JULIE M TRUSTEE  
 PO BOX 1389  
 PINEHURST, NC 28370  
 PARCEL ID: 20190146; PIN: 857200502304

PARCEL 2:  
 MORGANTON PARK, LLC  
 PO BOX 56607  
 ATLANTA, GA 30343  
 PARCEL ID: 20130093; PIN: 857200405185

PARCEL 3:  
 VAN CAMP, ROBERT W & JULIE M TRUSTEES  
 1001 OPPENHEIMER DR APT 201  
 LOS ALAMOS, NM 87544  
 PARCEL ID: 20150046; PIN: 857100392796

**APPLICANT:**  
 MORGANTON PARK II, LLC  
 639 EXECUTIVE PLACE, SUITE 400  
 FAYETTEVILLE, NC 28305

**TOTAL ACREAGE:**  
 PHASE 1 (EXISTING): ±18.47 AC  
 PHASE 2: ±8.56 AC  
 TOTAL: ±27.03

**TOTAL IMPERVIOUS SURFACE:**  
 PHASE 1: ±9.67 AC  
 PHASE 2: ±3.81 AC  
 TOTAL: ±13.48 AC (49.9%)

**TOTAL UNITS:**  
 PHASE 1: 288 MULTI-FAMILY RESIDENTIAL UNITS  
 PHASE 2: 144 MULTI-FAMILY RESIDENTIAL UNITS  
 TOTAL: 432 UNITS (16 DU/AC)

**REQUIRED PARKING:**

PHASE 1:  
 APARTMENTS (288 TOTAL UNITS)  
 -1 BEDROOM UNITS (88) 1 SPACE/UNIT = 88  
 -2 BEDROOM UNITS (160) 2 SPACES/UNIT = 320  
 -3 BEDROOM UNITS (40) 2 SPACES/UNIT = 80  
 -1 VISITOR SPACE PER EVERY 5 UNITS = 58  
 = 546 SPACES REQUIRED

PHASE 2:  
 APARTMENTS (144 TOTAL UNITS)  
 -1 BEDROOM UNITS (48) 1 SPACE/UNIT = 48  
 -2 BEDROOM UNITS (84) 2 SPACES/UNIT = 168  
 -3 BEDROOM UNITS (12) 2 SPACES/UNIT = 24  
 -1 VISITOR SPACER PER EVERY 5 UNITS = 29  
 = 269 SPACES REQUIRED

**PROVIDED PARKING:**

PHASE 1 (EXISTING):  
 558 TOTAL SPACES (503 SURFACE / 55 GARAGE)

PHASE 2:  
 278 TOTAL SPACES (258 SURFACE / 20 GARAGE)

**OPEN SPACE:**

PHASE 1: 3.41 AC (USEABLE)  
 PHASE 2: 2.08 AC (USEABLE)  
 1.05 AC (OTHER)  
 TOTAL: 6.54 AC (24.19%)

**OPEN SPACE SUMMARY - MORGANTON PARK NORTH**

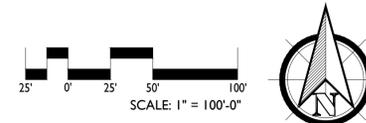
SITE AREA 116.7 acres			
CATEGORY	REQUIRED	PROVIDED	TOTAL REMAINING TO PROVIDE
Overall Open Space	23.34 acres (20%)	13.34 acres	10.00 acres
Usable Open Space	11.67 acres (10%)	10.08 acres	1.59 acres

LOCATION	OVERALL	USABLE
Pavilion	0.08 acres	0.08 acres
Legends Apartments	3.41 acres	3.41 acres
Elementary School	6.36 acres	4.48 acres
Sandhills Pediatrics	0.36 acres	0.03 acres
Pinehurst Medical	0 acres	0 acres
Pinehurst Surgical	0 acres	0 acres
Legends Apartments - Phase II	3.13 acres	2.08 acres
<b>TOTAL</b>	<b>13.34 acres</b>	<b>10.08 acres</b>

**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)

**KOONTZJONESDesign**  
 LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET  
 SOUTHERN PINES, NC 28387  
 P: (910) 684-6467  
 W: www.koontzjonesdesign.com

REVISIONS:

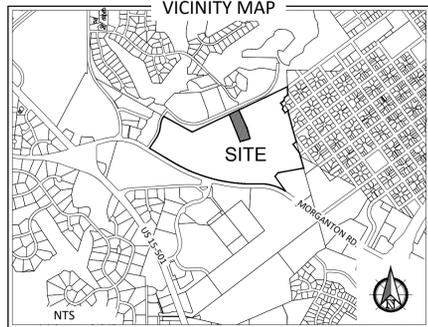
REVISIONS:

REVISIONS:

REVISIONS:

**LEGENDS - PHASE II  
 PRELIMINARY DEVELOPMENT PLAN  
 SOUTHERN PINES, NORTH CAROLINA  
 SITE PLAN**

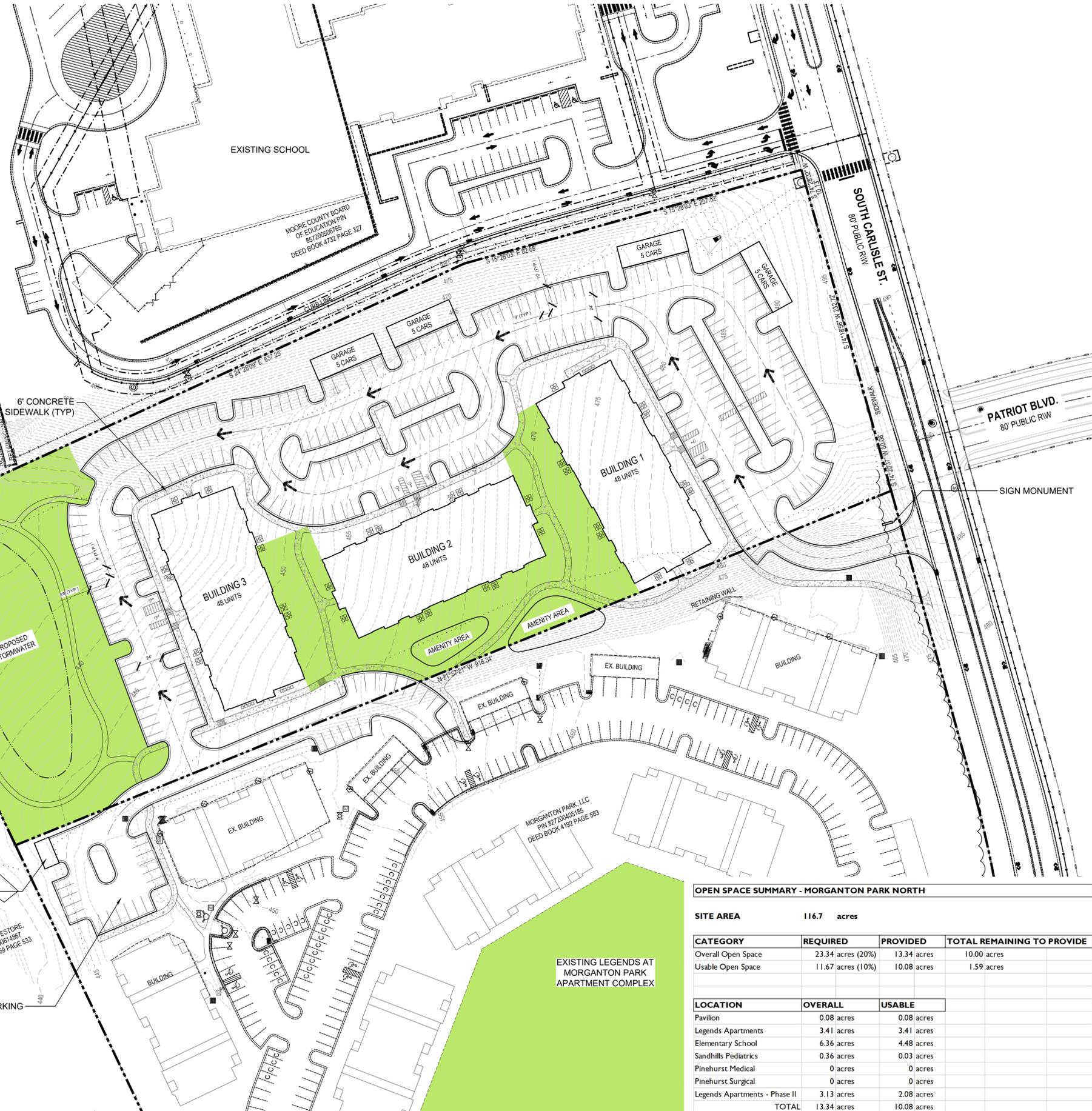
DATE: 03.15.2021  
 DESIGNED BY: REK  
 DRAWN BY: PJS  
 CHECKED BY: REK  
 SCALE: 1" = 50'  
 PROJECT #: K1D21011  
 SHEET NUMBER#: L-1.1



- GENERAL NOTES:**
1. ALL STREETS AND PARKING AREAS WILL REMAIN PRIVATE STREETS. STREETS WILL BE MAINTAINED BY THE DEVELOPER.
  2. LANDSCAPE STANDARDS FOR PHASE II WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO PER SECTION 3.5.14(H).
  3. DRAINAGE FOR PHASE II WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. STORMWATER MANAGEMENT DEVICES TO MEET THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER. PHASE I WILL CONTINUE TO DRAIN AS CONSTRUCTED.
  4. ALL STREETS AND PARKING AREAS WILL HAVE CONCRETE CURB AND GUTTER PER TOWN OF SOUTHERN PINES STANDARDS.
  5. OPEN SPACE WILL BE PRIVATELY OWNED AND MAINTAINED.

**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.



**LEGEND**

- PROPERTY BOUNDARY
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING STORM DRAINAGE
- EXISTING STORM DRAIN INLET
- EXISTING SEWER LINE
- EXISTING WATER LINE
- PROPOSED DRAINAGE FLOW
- PROPOSED OPEN SPACE
- PROPOSED USEABLE OPEN SPACE

**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: 8571, 8572  
 MAP(S): 3710857100J, 3710857200J  
 DATE: OCTOBER 17, 2006

**ZONING INFORMATION**

**EXISTING ZONING CLASSIFICATION:**  
 PD - CONCEPTUAL DEVELOPMENT PLAN

**REQUIRED SETBACKS:**  
 FRONT: NO MINIMUM  
 SIDE-STREET: NO MINIMUM  
 SIDE INTERIOR: NO MINIMUM  
 REAR: NO MINIMUM

**MAX. BUILDING HEIGHT (PROPOSED): 45'**

**PROPERTY INFORMATION**

**PROPERTY OWNERS:**  
 PARCEL 1:  
 VAN CAMP, ROBERT W TRUSTEE  
 VAN CAMP, JULIE M TRUSTEE  
 PO BOX 1389  
 PINEHURST, NC 28370  
 PARCEL ID: 20190146; PIN: 857200502304

PARCEL 2:  
 MORGANTON PARK, LLC  
 PO BOX 56607  
 ATLANTA, GA 30343  
 PARCEL ID: 20130093; PIN: 857200405185

PARCEL 3:  
 VAN CAMP, ROBERT W & JULIE M TRUSTEES  
 1001 OPPENHEIMER DR APT 201  
 LOS ALAMOS, NM 87544  
 PARCEL ID: 20150046; PIN: 857100392796

**APPLICANT:**  
 MORGANTON PARK II, LLC  
 639 EXECUTIVE PLACE, SUITE 400  
 FAYETTEVILLE, NC 28305

**TOTAL ACREAGE:**  
 PHASE 1 (EXISTING): ±18.47 AC  
 PHASE 2: ±8.56 AC  
 TOTAL: ±27.03

**TOTAL IMPERVIOUS SURFACE:**  
 PHASE 1: ±9.67 AC  
 PHASE 2: ±3.81 AC  
 TOTAL: ±13.48 AC (49.9%)

**TOTAL UNITS:**  
 PHASE 1: 288 MULTI-FAMILY RESIDENTIAL UNITS  
 PHASE 2: 144 MULTI-FAMILY RESIDENTIAL UNITS  
 TOTAL: 432 UNITS (16 DU/AC)

**REQUIRED PARKING:**

PHASE 1:  
 APARTMENTS (288 TOTAL UNITS)  
 -1 BEDROOM UNITS (88) 1 SPACE/UNIT = 88  
 -2 BEDROOM UNITS (160) 2 SPACES/UNIT = 320  
 -3 BEDROOM UNITS (40) 2 SPACES/UNIT = 80  
 -1 VISITOR SPACE PER EVERY 5 UNITS = 58  
 = 546 SPACES REQUIRED

PHASE 2:  
 APARTMENTS (144 TOTAL UNITS)  
 -1 BEDROOM UNITS (48) 1 SPACE/UNIT = 48  
 -2 BEDROOM UNITS (84) 2 SPACES/UNIT = 168  
 -3 BEDROOM UNITS (12) 2 SPACES/UNIT = 24  
 -1 VISITOR SPACER PER EVERY 5 UNITS = 29  
 = 269 SPACES REQUIRED

**PROVIDED PARKING:**

PHASE 1 (EXISTING):  
 558 TOTAL SPACES (503 SURFACE / 55 GARAGE)

PHASE 2:  
 278 TOTAL SPACES (258 SURFACE / 20 GARAGE)

**OPEN SPACE:**

PHASE 1 (EXISTING):  
 TOTAL USABLE: 3.41 AC  
 TOTAL AREA: 3.41 AC

PHASE 2:  
 TOTAL USABLE: 2.08 AC  
 TOTAL AREA: 3.13 AC

**OPEN SPACE SUMMARY - MORGANTON PARK NORTH**

SITE AREA 116.7 acres			
CATEGORY	REQUIRED	PROVIDED	TOTAL REMAINING TO PROVIDE
Overall Open Space	23.34 acres (20%)	13.34 acres	10.00 acres
Usable Open Space	11.67 acres (10%)	10.08 acres	1.59 acres

LOCATION	OVERALL	USABLE
Pavilion	0.08 acres	0.08 acres
Legends Apartments	3.41 acres	3.41 acres
Elementary School	6.36 acres	4.48 acres
Sandhills Pediatrics	0.36 acres	0.03 acres
Pinehurst Medical	0 acres	0 acres
Pinehurst Surgical	0 acres	0 acres
Legends Apartments - Phase II	3.13 acres	2.08 acres
<b>TOTAL</b>	<b>13.34 acres</b>	<b>10.08 acres</b>



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

**KOONTZJONESdesign**  
 LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET  
 SOUTHERN PINES, NC 28387  
 P: (910) 684-6467  
 W: www.koontzjonesdesign.com

REVISIONS:

**LEGENDS - PHASE II**  
**PRELIMINARY DEVELOPMENT PLAN**  
 SOUTHERN PINES, NORTH CAROLINA  
**SITE PLAN ENLARGEMENT**

DATE: 03.15.2021  
 DESIGNED BY: REK  
 DRAWN BY: PJS  
 CHECKED BY: REK  
 SCALE: 1" = 50'  
 PROJECT #: K1D21011  
 SHEET NUMBER:  
**L-1.2**



**TOWN OF SOUTHERN PINES / COURTESY REVIEW**

**PD-02-21:** Planned Development District - Preliminary Development Plan for Phase Two of the Legends at Morganton Park Planned Development  
**Pin#s:** 857200502304, 857100392796, and 857200405185

April 5 2021

Following an examination of the materials provided for the courtesy review by the RLUAC staff and Board of Directors, and recognizing that our findings are non-binding on the Town of Southern Pines, the RLUAC Board of Directors finds that:

- The case involves properties that are neither identified as critical nor important to conserve on the Joint Land Use Study maps, and
- They contain no identified military impacts.

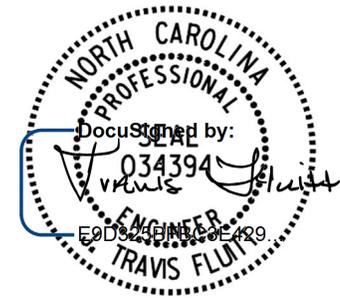
Thank you for allowing RLUAC to review this case.

John K. McNeill, Chairman

Pete Campbell, Executive Director

March 31, 2021 (*Revised April 6, 2021*)

Mr. Bob Koontz  
Koontz Jones Design  
150 South Page Street  
Southern Pines, NC 28387



**RE: *Legends Apartments Expansion, Southern Pines, NC – Traffic Impact Analysis***

Dear Mr. Koontz,

Kimley-Horn has revised the Traffic Impact Analysis (original study dated March 31, 2021) for the proposed expansion of the Legends Apartments at Morganton Park development located north of Carlisle Street at Brucewood Road in Southern Pines, NC based on comments provided by Town of Southern Pines staff. The existing development currently includes 288 apartments with access on Carlisle Street. The proposed expansion will add 144 units for a total of 432 dwelling units and provide an additional right-in/right-out driveway on Carlisle Street between Brucewood Road and Patriot Way. The proposed expansion has an anticipated build-out year of 2022.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development in the projected (2022) build-out year and the projected (2031) ten-year horizon condition per the Town's UDO. The site location is shown on **Figure 1**, while **Figure 2** shows the proposed site plan. The existing roadway laneage at the study intersections is shown on **Figure 3**.

## Existing and Background Traffic

AM and PM peak hour turning movement counts performed on February 11, 2020 were obtained from the *Revised Pinehurst Medical Morganton Park North Medical Office Building TIA* (Kimley-Horn, March 2020) for the following intersections:

- Morganton Road at Brucewood Road
- Brucewood Road at Pavilion Way

As those turning movement counts are more than one year old, a 2% growth rate was applied for one year up to the existing study year 2021. No growth was applied to traffic volumes north of Morganton Road as approved development traffic is expected to account for those traffic increases.

Based on historic daily traffic volumes in the area and to be consistent with other TIA's performed in the area, an annual growth factor of 2% was applied to existing volumes for the 2022 study year scenarios, and an annual growth factor of 1% was applied to 2022 volumes to the 2031 study year scenarios.

Traffic from the Morganton Park Elementary School, Sandhills Pediatrics, and Pinehurst Medical sites were also included in this analysis as background traffic. Morganton Park Elementary School is now open but was not open when the 2020 traffic counts were performed. Site traffic volumes for those developments were obtained from the *Revised Pinehurst Medical Morganton Park North Medical Office*

*Building TIA.* Traffic diversions due to the extension of Carlisle Street from W. Lowe Avenue to Brucewood Road for both school and non-school traffic were also obtained from that study.

Existing and projected (2022) background peak hour traffic volumes, which include historic growth traffic, approved development traffic, and Carlisle Street/Morganton Park Elementary School traffic diversions, are shown on **Figures 4** and **5**. Projected (2031) background traffic volumes are shown on **Figures 6** and **7**.

### Trip Generation

The peak hour trip generation potential of the additional units was determined using the traffic generation data published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Tenth Edition, 2017), while daily trip generation was based on data in “Exhibit 4-20” of the Town’s UDO. These calculations were based on the net increase in trips between the existing and proposed conditions, and Table 1 summarizes the estimated traffic generation potential for the site.

Table 1 ITE Traffic Generation (Vehicles)									
Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
221	Multifamily Housing (Mid-Rise) – Existing	288	d.u.	1,054	1,054	25	72	74	78
221	Multifamily Housing (Mid-Rise) – Proposed	432	d.u.	1,581	1,581	37	107	110	70
<b>Net Increase: Net New External Trips</b>				<b>527</b>	<b>527</b>	<b>12</b>	<b>35</b>	<b>36</b>	<b>22</b>

Table 1 shows that the additional 144 apartments units are anticipated to increase overall site traffic generation by approximately 1,054 trips on a typical weekday, 47 trips during the AM peak hour, and 58 trips during the PM peak hour.

### Trip Distribution and Assignment

The new site trips were assigned to the surrounding roadway network according to the distribution below. The directional distribution and assignment were based on existing and projected travel patterns in the area.

- 35% to/from the west along Morganton Road
- 30% to/from the south on Brucewood Road
- 25% to/from the east along Morganton Road
- 10% to/from the east on Carlisle Street Extension

The site traffic distribution and percent assignment are shown on **Figure 8**.

The attached **Figures 9** and **10** show the projected (2022) site and build-out traffic volumes at the study intersections for the AM and PM peak hours, respectively. **Figures 11** and **12** show the projected (2031) site and build-out traffic volumes at the study intersections for the AM and PM peak hours, respectively.

### Capacity Analysis

Capacity analyses were performed using Synchro Version 10 software. Existing signal timings were obtained from previous studies in the area. Existing peak hour factors (PHF) were used for the existing traffic condition at existing study intersections. For all future AM peak hour conditions, a weighted PHF was used for all movements carrying projected Morganton Park Elementary School project traffic, with a PHF of 0.50 used for school-generated traffic volumes and existing PHF values used for non-school volumes. Synchro intersection level-of-service (LOS) reports are attached. The LOS for the study intersections are summarized in [Table 2](#).

<b>Table 2 Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>Morganton Road at Brucewood Road (Signalized)</b>		
Existing (2021) Traffic	B (11.2)	B (15.2)
Background (2022) Traffic	B (19.8)	B (18.3)
Build-out (2022) Traffic	B (19.9)	B (19.5)
Background (2031) Traffic	C (20.8)	C (20.1)
Build-out (2031) Traffic	C (21.0)	B (20.2)
<b>Brucewood Road at Pavilion Way (Unsignalized)</b>		
Existing (2021) Traffic	WB – A (9.1) SBL – A (7.4)	WB – A (9.6) SBL – A (7.5)
Background (2022) Traffic	WB – B (13.2) SBL – A (8.0)	WB – B (12.4) SBL – A (7.7)
Build-out (2022) Traffic	WB – B (13.8) SBL – A (8.0)	WB – B (13.1) SBL – A (7.8)
Background (2031) Traffic	WB – B (13.2) SBL – A (8.0)	WB – B (12.4) SBL – A (7.7)
Build-out (2031) Traffic	WB – B (13.8) SBL – A (8.0)	WB – B (13.1) SBL – A (7.8)
<b>Brucewood Road at Carlisle Street Extension (Unsignalized)</b>		
Background (2022) Traffic	WB – B (12.1) SBL – A (7.5)	WB – A (9.8) SBL – A (7.5)
Build-out (2022) Traffic	WB – B (12.7) SBL – A (7.5)	WB – B (10.2) SBL – A (7.6)
Background (2031) Traffic	WB – B (12.1) SBL – A (7.5)	WB – A (9.8) SBL – A (7.5)
Build-out (2031) Traffic	WB – B (12.7) SBL – A (7.5)	WB – B (10.2) SBL – A (7.6)

<b>Table 2 Level-of-Service Summary (cont.)</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>Morganton Road at Patriot Way (Unsignalized)</b>		
Background (2022) Traffic	SB – B (11.5)	SB – B (12.8)
Build-out (2022) Traffic	SB – B (11.5)	SB – B (12.8)
Background (2031) Traffic	SB – B (11.9)	SB – B (13.4)
Build-out (2031) Traffic	SB – B (11.9)	SB – B (13.4)
<b>Carlisle Street Extension at Patriot Way (Unsignalized)</b>		
Background (2022) Traffic	NB – B (10.2) WBL – A (7.5)	NB – A (8.7) WBL – A (7.3)
Build-out (2022) Traffic	NB – B (10.3) WBL – A (7.5)	NB – A (8.7) WBL – A (7.3)
Background (2031) Traffic	NB – B (10.2) WBL – A (7.5)	NB – A (8.7) WBL – A (7.3)
Build-out (2031) Traffic	NB – B (10.3) WBL – A (7.5)	NB – A (8.7) WBL – A (7.3)
<b>Pavilion Way at Patriot Way (Unsignalized)</b>		
Background (2022) Traffic	EB – B (11.6) WB – B (11.2) NBL – A (7.3) SBL – A (7.8)	EB – A (9.3) WB – A (9.9) NBL – A (7.2) SBL – A (7.3)
Build-out (2022) Traffic	EB – B (11.5) WB – B (11.2) NBL – A (7.3) SBL – A (7.8)	EB – A (9.3) WB – A (9.9) NBL – A (7.2) SBL – A (7.3)
Background (2031) Traffic	EB – B (11.6) WB – B (11.2) NBL – A (7.3) SBL – A (7.8)	EB – A (9.3) WB – A (9.9) NBL – A (7.2) SBL – A (7.3)
Build-out (2031) Traffic	EB – B (11.5) WB – B (11.2) NBL – A (7.3) SBL – A (7.8)	EB – A (9.3) WB – A (9.9) NBL – A (7.2) SBL – A (7.3)
<b>Carlisle Street Extension at East Site Driveway (Unsignalized)</b>		
Build-out (2022) Traffic	SB – A (9.8)	SB – A (8.6)
Build-out (2031) Traffic	SB – A (9.8)	SB – A (8.6)

The following roadway improvements are proposed to be constructed/implemented as part of other projects in the study area. Note that some of these improvements are already in place but were assumed to only be included in future conditions based on the timing of the turning movement counts:

Morganton Road at Brucewood Road (NCDOT):

- Traffic signal modifications as part of Morganton Road resurfacing project
  - Convert the eastbound and westbound left turns to Dallas Permitted+Protected
  - Convert the westbound right to a Permitted Overlap phase

S. Carlisle Street Extension (Morganton Park Elementary School):

- Extend S. Carlisle Street from Lowe Avenue to Brucewood Road

Morganton Road at Patriot Way (Pinehurst Medical):

- Construct an exclusive westbound right-turn lane on Morganton Road with 150 feet of storage and appropriate tapers
- Construct Patriot Way as a right-in/right-out with one ingress and one egress lane

Carlisle Street Extension at Patriot Way (Pinehurst Medical):

- Construct Patriot Way with one ingress and one egress lane

With the committed improvements in place, all study intersections are expected to operate at an acceptable LOS in the projected 2021 and 2030 build-out traffic conditions, and only minor increases in intersection delay (typically less than 1 second) are anticipated with the addition of project traffic.

It should be noted that Synchro outputs and SimTraffic simulations show the potential for queues for the southbound left-turn movement on Brucewood Road at Morganton Road to extend beyond the available storage in the AM peak hour in the background and build-out scenarios. However, these spillbacks are short in duration are expected to be resolved with signal timings modifications as development occurs.

The future roadway laneage including background roadway improvements and recommended laneage is shown on **Figure 13**.

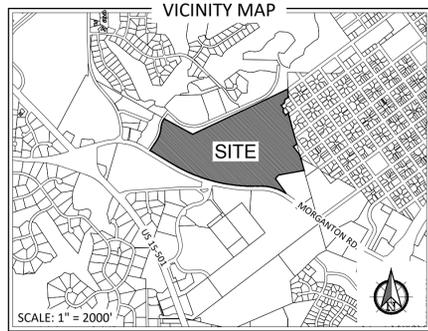
Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or [travis.fluitt@kimley-horn.com](mailto:travis.fluitt@kimley-horn.com).

Sincerely,

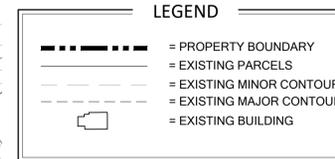
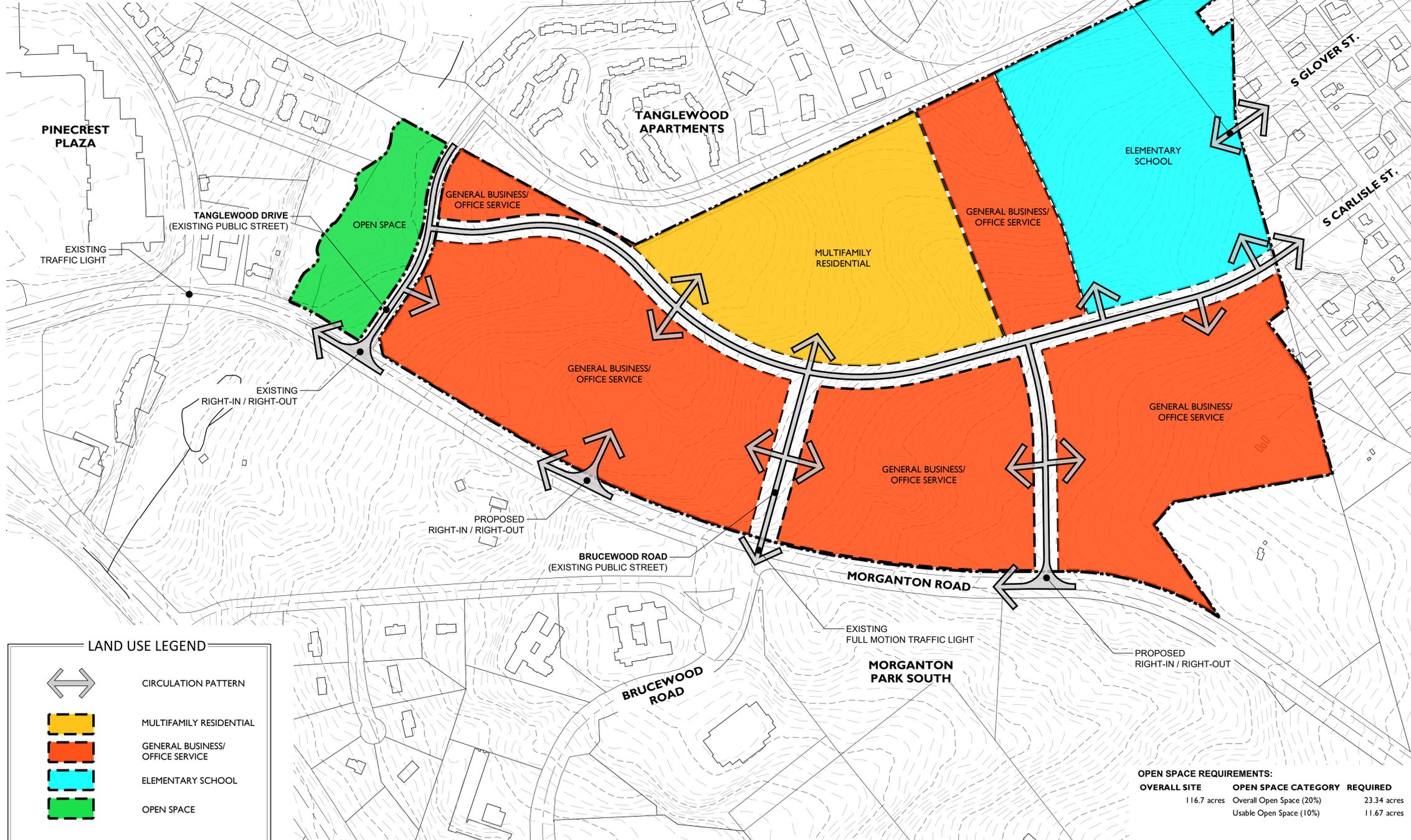


Travis Fluitt, P.E.  
Senior Project Manager

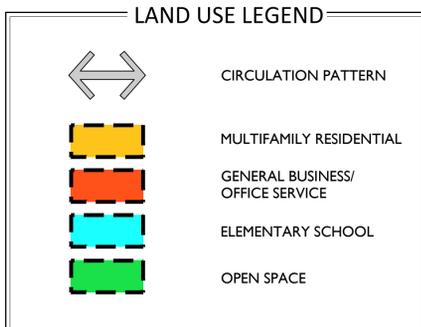
Attachments: Figures 1-13, Traffic Count Data, Approved Development and Traffic Diversion Volumes, Trip Generation Calculations, Volume Development Worksheets, Synchro LOS Reports, Signal Plans and Timing Data



\* THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY AND SUBJECT TO CHANGE. THE PROPERTY OWNER MAY MODIFY THIS PLAN, THE ILLUSTRATED USES AND ANY PHASING.



- GENERAL NOTES**
1. ALL DEVELOPMENT ON THE PROPERTY WILL ADHERE TO THE USES, DIMENSIONAL STANDARDS AND REQUIREMENTS OF EITHER THE GENERAL BUSINESS (GB) OR OFFICE SERVICE (OS) ZONING CLASSIFICATIONS PER THE TOWN OF SOUTHERN PINES UDO. THESE USES MAY BE MIXED ON INDIVIDUAL PROPERTIES OR WITHIN INDIVIDUAL BUILDINGS TO PROMOTE A MIXTURE OF USES THROUGHOUT THE PROPERTY.
  2. DEVELOPMENT WILL ALSO ADHERE TO THE MORGANTON ROAD OVERLAY STANDARDS AS DESCRIBED IN SECTION 3.6.6 OF THE UDO, EXCEPT FOR THE LOCATION OF THE MULTI-USE PATH ALONG MORGANTON ROAD. A WAIVER FROM SECTION 3.5.6(H)(4) WOULD BE AS FOLLOWS: A TRAIL MEASURING EIGHT (8) FEET IN WIDTH WILL BE INSTALLED ALONG THE EDGE OF MORGANTON ROAD. PHASE ONE AND TWO OF THE TRAIL HAVE BEEN CONSTRUCTED WITHIN THE RIGHT-OF-WAY OF MORGANTON ROAD AND CONNECT TO THE GREENWAY IN FRONT OF THE TOWN OWNED PARCELS NEAR HENLEY STREET. ANY REMAINING PHASES OF THE TRAIL SHALL CONNECT TO THE EXISTING TRAIL, REFLECT THE SAME TRAIL DESIGN AND BE LOCATED WITHIN THE RIGHT-OF-WAY ALONG MORGANTON ROAD PER THE PREVIOUS DEVELOPMENT AGREEMENT. THE THIRD AND FINAL SEGMENT OF THE MULTI-USE TRAIL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND TIMEFRAME DESCRIBED IN THE DEVELOPMENT AGREEMENT FOR MORGANTON PARK NORTH.
  3. ALL DEVELOPMENT AND BUILDING PERMITS ARE SUBJECT TO ALL LOCAL, STATE AND FEDERAL PERMITTING GUIDELINES, ARCHITECTURAL REVIEW, RULES AND REGULATIONS AND MUST BE APPROVED BY THE TOWN OF SOUTHERN PINES.
  4. SMALL AREAS OF WETLANDS EXIST ON THE SITE. MOST OF THE PROPERTY'S WETLANDS WILL REMAIN UNDISTURBED, AS REQUIRED BY LAW. ANY IMPACTS MUST BE PERMITTED AND MITIGATED PER THE REQUIREMENTS OF THE ARMY CORPS OF ENGINEERS AND THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.
  5. AS REQUIRED BY US FISH AND WILDLIFE, ANY POTENTIAL RED COCKADED WOODPECKER FORAGING HABITAT WILL BE MANAGED DURING THE DEVELOPMENT PROCESS AND APPROVALS OBTAINED FROM THE AGENCY IF NECESSARY.
  6. THE COMMUNITY LIES OUTSIDE OF ANY PROTECTED WATERSHED DISTRICT ESTABLISHED BY NODWIO. THE PROJECT WILL COMPLY WITH ALL STATE AND LOCAL STANDARDS FOR STORM WATER MANAGEMENT. THE PROJECT WILL UTILIZE BEST MANAGEMENT PRACTICES AND ENGINEERED STORM WATER FACILITIES.
  7. STORMWATER WILL BE PROVIDED IN THE EXISTING STORMWATER BASIN AND OTHER STORMWATER BASINS LOCATED ON THE PROPERTY. THE EXISTING BASIN WAS DESIGNED TO PROVIDE STORMWATER MANAGEMENT FOR A SIGNIFICANT PORTION OF THE PROPERTY. ADDITIONAL STORMWATER BASINS WILL BE ADDED AS NECESSARY TO MANAGE THE BALANCE OF THE PROPERTY. STORMWATER BASINS WILL BE PROVIDED ON THE SCHOOL SITE TO PROVIDE ADEQUATE MANAGEMENT OF THE SITE'S RUNOFF.
  8. ALL ROADWAYS, MULTI-USE PATHS, SIDEWALKS AND ANY POTENTIAL TRAILS WILL BE DEDICATED TO THE TOWN OF SOUTHERN PINES.
  9. OPEN SPACE WILL BE PROVIDED THROUGHOUT THE COMMUNITY AS REQUIRED BY THE TOWN'S UDO. A MINIMUM OF 20% OF THE SITE MUST BE DEDICATED TO OPEN SPACE WITH 50% OF THE OVERALL OPEN SPACE BEING USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. EACH PRELIMINARY DEVELOPMENT PLAN (PDP) PREPARED FOR ANY AREA OF THE OVERALL MORGANTON PARK NORTH PROPERTY SHALL PROVIDE A TABULATION ILLUSTRATING THE OPEN SPACE BEING PROVIDED WITH THEIR PHASE, PREVIOUSLY PROVIDED OPEN SPACE FROM OTHER PHASES AND THE BALANCE OF OPEN SPACE THAT MUST BE PROVIDED IN FUTURE PHASES TO MEET THE OPEN SPACE REQUIREMENTS OF SECTION 3.5.14.
  10. OPEN SPACE WITHIN THE SCHOOL AREA INCLUDING OPEN PLAY FIELDS, PLAYGROUNDS OR OTHER STUDENT RECREATION AREAS WILL BE CREDITED TOWARD USABLE OPEN SPACE REQUIREMENTS.
  11. THE TOWN OF SOUTHERN PINES ARCHITECTURAL REVIEW BOARD WILL REVIEW AND APPROVE ALL NON-RESIDENTIAL BUILDING PLANS FOR COMPLIANCE WITH THE TOWN'S ARCHITECTURAL STANDARDS.
  12. ALL DEVELOPMENT AND BUILDING PERMITS ARE SUBJECT TO ALL LOCAL, STATE AND FEDERAL PERMITTING GUIDELINES, ARCHITECTURAL REVIEW, RULES AND REGULATIONS.
  13. LANDSCAPE STANDARDS WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO PER SECTION 3.5.14(H).
  14. SCHOOLS MAY BE PERMITTED A REDUCTION IN LANDSCAPING REQUIREMENTS. THIS REDUCTION IN LANDSCAPING WILL BE ILLUSTRATED ON ANY PRELIMINARY DEVELOPMENT PLAN SUBMITTED FOR A SCHOOL AND CONSIDERED BY TOWN COUNCIL.
  15. ELECTRIC, WATER, SEWER AND GAS UTILITIES ARE READILY AVAILABLE FOR THE SITE. NEW UTILITY LINES WILL BE INSTALLED PER THE POLICIES OF THE LOCAL UTILITY PROVIDERS AND THE TOWN OF SOUTHERN PINES FOR UNDERGROUND UTILITIES.
  16. FROM TIME TO TIME, TEMPORARY SERVICES MAY BE REQUIRED AND SHALL BE ALLOWED AT COMMUNITY FACILITIES, TEMPORARY CONSTRUCTION OFFICES, TEMPORARY SALES CENTERS, TEMPORARY CONSTRUCTION OFFICES, AND OTHER COMMON AMENITIES SUCH AS PARKS.
  17. STREET LIGHTING WILL BE DESIGNED IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 4.8 IN THE TOWN OF SOUTHERN PINES UDO.
  18. SIGNAGE WILL BE DESIGNED ON A PARCEL BY PARCEL BASIS AND ADHERE THE STANDARDS PROVIDED IN SECTION 4.6 OF THE UDO. UNIFIED SIGN PLANS MAY BE PROVIDED FOR EACH OF THESE PARCELS. HOWEVER, NO OVERALL UNIFIED SIGN PLAN WILL BE PROVIDED FOR THE OVERALL PROPERTY.



**OPEN SPACE REQUIREMENTS:**

OVERALL SITE	OPEN SPACE CATEGORY	REQUIRED
116.7 acres	Overall Open Space (20%)	23.34 acres
	Usable Open Space (10%)	11.67 acres

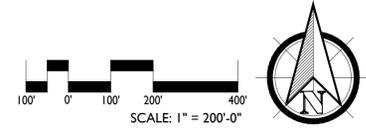
PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

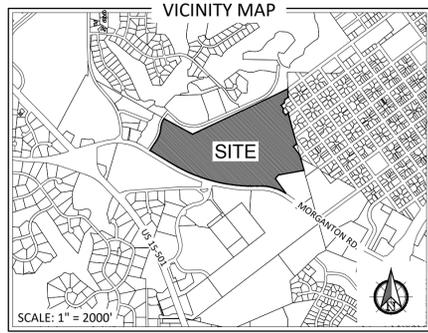
**KOONTZJONESDesign**  
 LAND PLANNING | LANDSCAPE ARCHITECTURE  
 150 S PAGE STREET  
 SOUTHERN PINES, NC 28387  
 P: (910) 684-9867  
 W: www.koontzjonesdesign.com

REVISIONS:

**MORGANTON PARK NORTH  
 CONCEPTUAL DEVELOPMENT PLAN  
 SOUTHERN PINES, NORTH CAROLINA  
 CONCEPTUAL LAND USE PLAN**

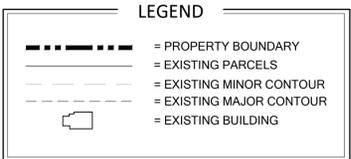
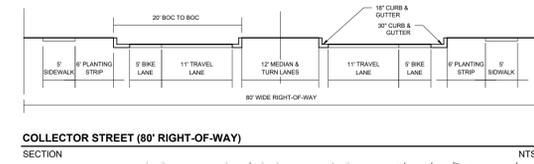
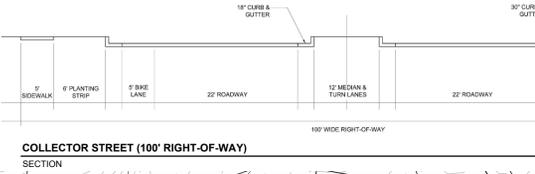
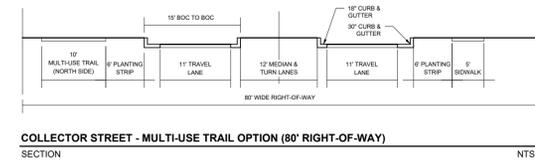
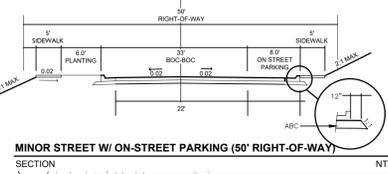
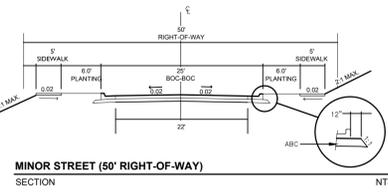
DATE: 03.23.2018  
 DESIGNED BY: REK  
 DRAWN BY: PJS  
 CHECKED BY: REK  
 SCALE: 1" = 200'  
 PROJECT #: KDI1803  
 SHEET NUMBER: L-1.1





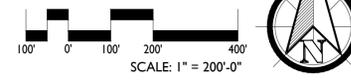
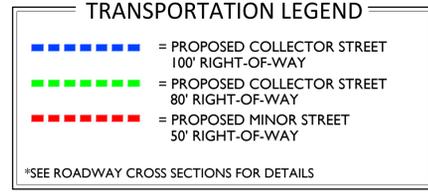
SCALE: 1" = 2000'

\* THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY AND SUBJECT TO CHANGE. THE PROPERTY OWNER MAY MODIFY THIS PLAN, THE ILLUSTRATED USES AND ANY PHASING.



**TRANSPORTATION PLAN NOTES**

1. STORMWATER MANAGEMENT FOR THE TRANSPORTATION FACILITIES AND FUTURE DEVELOPMENT WILL BE PROVIDED USING BEST MANAGEMENT PRACTICES, IN REGIONAL STORMWATER DETENTION FACILITIES. FACILITIES WILL BE LOCATED IN THE GENERAL LOCATIONS SHOWN ON THE CONCEPTUAL DEVELOPMENT PLAN. AS ILLUSTRATED ON THIS SHEET, THE DRAINAGE FLOW LINE DESIGNATES THE GENERAL LOCATION DIVIDING THE SITE DRAINAGE BASINS. STORMWATER, WEST OF THE DRAINAGE FLOW LINE, WILL FLOW TOWARD THE STORMWATER MANAGEMENT DEVICE LOCATED ON THE WEST SIDE OF THE PROPERTY. THE DRAINAGE BASIN LOCATED ON THE NORTHEASTERN PORTION OF THE SITE WILL FLOW TOWARD A STORMWATER DEVICE LOCATED GENERALLY IN THE AREA INDICATED ON THE PLAN. THESE LOCATIONS ARE SUBJECT TO CHANGE THROUGHOUT THE CONTINUED DEVELOPMENT OF THE PROPERTY BASED ON DETAILED ENGINEERING PLANS. EACH INDIVIDUAL SITE MAY ALSO ELECT TO PROVIDE STORMWATER ON-SITE DEPENDING UPON THE SITE CONDITIONS AND ENGINEERING STANDARDS. STORMWATER MUST BE MAINTAINED ON THE OVERALL PROPERTY TO MEET THE TOWN OF SOUTHERN PINES AND ALL STATE AND FEDERAL STANDARDS.
2. MORGANTON PARK NORTH IS NOT LOCATED WITHIN ANY HIGH-QUALITY OR WATER SUPPLY WATERSHED.
3. NO ENDANGERED SPECIES ARE LOCATED ON THE PROPERTY.
4. ALL ROADWAYS WILL BE CONSTRUCTED TO TOWN OF SOUTHERN PINES AND NCDOT STANDARDS.
5. ALL ROADWAYS WITHIN THE DEVELOPMENT WILL BE DEDICATED TO THE TOWN OF SOUTHERN PINES AND BECOME PUBLIC STREETS.
6. STREET STANDARDS WILL FOLLOW TOWN OF SOUTHERN PINES GUIDELINES EXCEPT WITH THE LOCATION OF BIKE LANES AND TRAILS. THE ROAD CROSS SECTION FOR SUB-COLLECTOR STREETS MAY DEVIATE FROM THE TOWN STANDARD. AN ASPHALT MULTI-USE PATH MAY BE USED IN LIEU OF BIKE LANES IN THE ROADWAY FOR SAFETY REASONS. WITH THE CONSTRUCTION OF THE ELEMENTARY SCHOOL ON THE PROPERTY, IT IS ANTICIPATED THAT CHILDREN FROM LOCAL NEIGHBORHOODS AND THE MORGANTON PARK APARTMENT COMMUNITY, WILL BE WALKING AND/OR BIKING TO SCHOOL. IT WOULD BE PREFERABLE TO HAVE A WIDENED MULTI-USE PATH, SEPARATED FROM VEHICULAR TRAFFIC TO ALLOW STUDENTS A SAFE PATHWAY TO SCHOOL. THIS CROSS SECTION WAS ALSO USED ALONG OLD MORGANTON ROAD IN MORGAN PARK ON THE SOUTH SIDE OF MORGANTON ROAD.
7. IN THE VICINITY OF THIS PROPERTY THERE IS ONE OTHER APPROVED PROJECT. MORGANTON PARK SOUTH PHASE II (ADJACENT TO LOWE'S FOOD) HAS BEEN APPROVED. THE MORGANTON ROAD MEDIAN PREVENTS DIRECT CONNECTION TO ROADWAYS IN THE MORGANTON PARK SOUTH SHOPPING CENTER. CONNECTION TO THIS APPROVED DEVELOPMENT WOULD UTILIZE THE TRAFFIC LIGHT AT BRUCEWOOD ROAD.
8. GLOVER STREET MAY BE EXTENDED AND UTILIZED BY THE SCHOOL, FOR ACCESS TO BUS OR CAR DROP-OFF AND CONNECT TO THE SCHOOL CIRCULATION SYSTEM.
9. OPEN SPACE WILL BE PROVIDED FOR THE OVERALL DEVELOPMENT. AS REQUIRED, A MINIMUM OF 20% OPEN SPACE WILL BE PROVIDED THROUGHOUT THE DEVELOPMENT.
10. ALL TRAVEL DISTANCES & TIMES ARE BASED FROM THE EXISTING TRAFFIC LIGHT AT BRUCEWOOD ROAD. TRAVEL DISTANCES & TIMES WERE OBTAINED FROM GOOGLE MAPS AND REFLECT TYPICAL DRIVING TIMES OBSERVED AT 6 PM. TRAVEL TIMES MAY FLUCTUATE BASED ON TIME, WEATHER, CONSTRUCTION, TRAFFIC ACCIDENTS, AND INCREASES IN TRAFFIC DUE TO HOLIDAYS AND SPECIAL EVENTS.



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

**KOONTZJONESDesign**  
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET  
SOUTHERN PINES, NC 28387  
P: (910) 684-6867  
W: www.koontzjonesdesign.com

REVISIONS:

**MORGANTON PARK NORTH  
CONCEPTUAL DEVELOPMENT PLAN  
SOUTHERN PINES, NORTH CAROLINA  
CONCEPTUAL TRANSPORTATION PLAN**

DATE: 05.11.2018  
DESIGNED BY: REK  
DRAWN BY: PJS  
CHECKED BY: REK  
SCALE: 1" = 200'  
PROJECT #: KDJ1803  
SHEET NUMBER: #  
**L-1.3**

**AMENDED ATTACHMENT “A”**  
**Draft Planning Board Findings of Fact**  
**Preliminary Development Plan Application PD-02-21**

**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 Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, 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 §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

**1. The application demonstrates that it will achieve the purposes of the PDD and this section;**

The Planning Board finds that the Preliminary Development Plan (PDP) for a multi-family community that has been submitted as Phase 7 of the Morganton Park North Conceptual Development Plan (CDP) will achieve the purposes of the PD-Planned Development zoning district with the appropriate modifications related to approving deviations from building height, building density increase, building setback requirements, and signage requirements and as PD-02-21 was amended by applicant.

**2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;**

The Planning Board finds that the proposed PDP is generally consistent with the approved PD-01-18 file, plans and “General Notes” that are set forth in the approved Morganton Park North CDP. The proposed PDP is also generally consistent with the Unified Development Ordinance. However, in order to be approved, deviations that the applicant has not addressed must be evaluated. The deviations that the applicant needs to address are: the applicant is proposing a 50’ building height, that once all three (3) parcels are combined, the applicant will meet density requirements, not to provide play areas for school aged children and signage that cannot be determined if it meets the standards of the UDO. The Planning Board finds that each of the deviation requests for a 50’ building height, and not requiring play areas for school aged children meet the respective criteria for approval of a deviation, and therefore the Planning Board recommends approval of these deviation requests. The developer shall be relieved of the requirement to provide the Carlisle Street extension and sidewalks as the path that exists currently is adequate, as stated by the Town Engineer and Fire Marshal at the April 20, 2021 TRC Meeting. The applicant shall provide the required setbacks as required in UDO § 4.10.8 and will apply for a sign permit for a multi-family development entrance sign in accordance with UDO §

4.6.12 and meet the UDO § 4.10.8 setback requirements as the applicant amended in the application at the PB Regular meeting April 22, 2021.

3. **The proposed Development is located in an area of the Town that is appropriate; and**

The Planning Board finds that the proposed PDP is located in an appropriate area of Town because the proposed multi-family community is served by existing public utilities, is accessed by an existing Town roadway. The proposed addition of multi-family residences will provide easy access to shopping and employment centers. Furthermore, development of the site will not remove critical wildlife habitat or add impervious surface in a High Quality Watershed.

4. **The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.**

The Planning board finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed lots and the development is to be accessed by existing Town roadways. Most municipal public services are presently provided to adjoining land uses so the proposed multi-family community is not creating a new location of public service delivery demand.

## Agenda Item

**To:** Reagan Parsons, Town Manager

**From:** BJ Grieve, Planning Director

**Subject:** Resolution to Amend to Resolution #930, “A Resolution Authorizing Specific Business Operations During North Carolina COVID-19 Response: Phase 2.”

**Date:** May 11<sup>th</sup>, 2021

---

### I. SUMMARY:

On June 3<sup>rd</sup>, 2020 the Southern Pines Town Council passed Resolution #930 entitled “A Resolution Authorizing Specific Business Operations During North Carolina COVID-19 Response: Phase 2 Within The Town of Southern Pines.” The purpose of the resolution was to waive certain zoning standards during a declared emergency<sup>1</sup> in order to help local businesses that were facing unprecedented challenges related to mandated COVID-19 restrictions and prohibitions. The resolution waived zoning standards related to the location and operation of food trucks, the use of temporary signage, the design of curbside take-away and outdoor dining functions and restrictions on Home Occupations. The Resolution originally expired at the end of North Carolina COVID-19: Phase 2.

On October 7<sup>th</sup>, 2020 after Governor Roy Cooper signed Executive Order #169 and North Carolina’s moved into Phase 3 of the statewide COVID-19 response, the Town Council approved an extension of Resolution #930 through the end of Phase 3. While North Carolina remains in Phase 3 of the statewide COVID-19 response, many restrictions have eased since October, 2020 in what the state refers to as a “dimmer switch approach” to the lifting of restrictions.

The temporary emergency waiver of zoning standards related to the location and operation of food trucks, the design of curbside take-away and outdoor dining functions and restrictions on Home Occupations continues to help the community during Phase 3 and planning staff have not observed or experienced significant deleterious effects resulting from the temporary waiving of these standards. However, the waiving of zoning standards related to temporary signage has created confusion about applicable regulations, potential safety hazards due to signs encroaching in roadway rights of way, increased litter due to unmaintained temporary signs, and overall negative aesthetic impacts to the community. Planning staff is observing increased numbers of vinyl banners, feather flag banners, inflatables and temporary yard signs as businesses compete with neighboring businesses for the public’s attention. It is planning staff’s professional opinion that the benefits to the community of allowing temporary “We’re Still Open” signs are now being outweighed by

<sup>1</sup> Per UDO §8.5.1.

the confusion, potential safety hazards, litter and negative aesthetic impacts resulting from the misunderstanding of a COVID-19 sign exemption.

At the April 26<sup>th</sup>, 2021 Town Council Work Session, planning staff brought this to the attention of Town Council. Members of Council discussed the importance of temporary waivers pertaining to the location and operation of food trucks, the design of curbside take-away and outdoor dining functions and restrictions on Home Occupations to the community, and the desire to ensure that plenty of time is granted in the future to gradually rollback these waivers when Phase 3 ends. However, Town Council also indicated an understanding of the challenges created by the temporary waiver of zoning standards related to temporary signage and expressed a willingness to end that particular waiver for the reasons described herein.

Therefore, staff has prepared a resolution for the Town Council's consideration to amend two sections of Resolution 930:

1. Amend Section 3 such that the expiration of Resolution 930 is now 30 days after the end of North Carolina COVID-19: Phase 3 to allow for time for ample notification and a gradual return to normal code enforcement operations, and
2. Amend Resolution 930 to rescind only Section 8 pertaining to the waiving of zoning standards for temporary signage, effective 15 days after passage.

Planning staff feels that these two amendments to Resolution 930 will adequately address the topics of discussion from the April 26<sup>th</sup>, 2021 Work Session.

## **II. ATTACHMENTS:**

1. DRAFT Resolution Amending Resolution 930.
2. Resolution 930.

## **III. TOWN COUNCIL ACTION:**

Planning staff is requesting the Town Council adopt the attached Resolution Amending Resolution #930. If the Town Council wishes to approve the attached resolution, the following motion may be made:

**I move to approve the resolution as drafted by planning staff to amend Section 3 of Resolution 930 to extend the temporary waivers of zoning standards related to the location and operation of food trucks, the design of curbside take-away and outdoor dining operations and the restrictions on Home Occupations through 30 days after the end of North Carolina COVID-19: Phase 3, but to rescind Section 8 of Resolution 930 pertaining to the temporary waiver of zoning standards for temporary signs for the reasons stated by planning staff, effective 15 days from today.**

**A RESOLUTION AMENDING  
TOWN OF SOUTHERN PINES RESOLUTION 930**

**WHEREAS**, on June 3<sup>rd</sup>, 2020 the Town of Southern Pines approved Resolution 930 entitled “A Resolution Authorizing Specific Business Operations During North Carolina COVID-19 Response: Phase 2 Within the Town of Southern Pines” and per Section 3, the resolution was effective through the end of North Carolina COVID-19: Phase 2; and

**WHEREAS**, when on September 30<sup>th</sup>, 2020 the signing of Executive Order 169 moved North Carolina into Phase 3 effective October 2<sup>nd</sup>, 2020, the Town Council did, on October 7, 2020 approve an extension of Resolution 930 through the end of Phase 3.

**WHEREAS**, during this time, the temporary emergency waivers of zoning standards granted in Resolution 930 related to the location and operation of food trucks, the design of curbside take-away and outdoor dining functions and restrictions on Home Occupations have been generally beneficial to the community and have not been found to create undue zoning code enforcement problems or public costs; but

**WHEREAS**, during this time, the temporary emergency waiver of zoning standards granted in Resolution 930 related to temporary signage has created confusion about applicable sign regulations, potential safety hazards due to temporary signs encroaching into roadway rights of way, increased litter due to unmaintained temporary signs and overall negative aesthetic impacts to the community.

**WHEREAS**, on April 29<sup>th</sup>, 2021 Executive Order 209 was signed by Governor Roy Cooper further extending the Phase 3 gradual lifting of restrictions through at least June 1, 2021; and

**WHEREAS**, at such time as Phase 3 does end, the Town Council wishes to allow time for those temporary waivers of zoning standards that have been found to be beneficial to the community to end gradually with ample advance notice, and for town staff to resume normal code enforcement operations in a gradual manner.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southern Pines, North Carolina, in a regular meeting assembled this 11<sup>th</sup> day of May, 2021, as follows:

- That Resolution 930 is hereby amended such that the expiration as set forth in Section 3 is now 30 days after the end of North Carolina COVID-19: Phase 3, unless further amended, replaced or repealed prior to by Town Council; and
- That Resolution 930 is further hereby amended such that Section 8 granting a temporary emergency waiver of zoning standards related to temporary signs is rescinded, effective 15 days after passage.

Adopted this, the 11<sup>th</sup> day of May, 2021.

SEAL

\_\_\_\_\_  
Carol R. Haney, Mayor

ATTEST:

\_\_\_\_\_  
Peggy K. Smith, Town Clerk

NOT FOR REVIEW DRAFT:  
NOT FOR SIGNATURES

**A RESOLUTION AUTHORIZING SPECIFIC BUSINESS OPERATIONS DURING  
NORTH CAROLINA COVID-19 RESPONSE: PHASE 2  
WITHIN THE TOWN OF SOUTHERN PINES**

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

**WHEREAS**, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

**WHEREAS**, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the Governor of the State of North Carolina has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, and 138-140; and

**WHEREAS**, the Governor of the State of North Carolina identified three individual phases for the response and protective action to address the COVID-19 pandemic.

**WHEREAS**, on May 20, 2020, the Governor of the State of North Carolina issued Executive Order No. 141 which declared a State of Emergency to coordinate the State's response and protective actions to address the COVID-19 pandemic as part of its move into Phase 2.

**WHEREAS**, the risk of contracting and transmitting COVID-19 is higher in settings that are indoors, where air does not circulate freely and where people are less likely to maintain social distancing by staying six ( 6) feet apart; and

**WHEREAS**, the risk of contracting and transmitting COVID-19 is higher in settings where people are stationary and in close contact for long periods of time; and

**WHEREAS**, the risk of contracting and transmitting COVID-19 is higher in gatherings of larger groups of people because these gatherings offer more opportunity for person-to-person contact with someone infected with COVID-19; and

**WHEREAS**, to lower the risk of contracting and transmitting COVID-19, the Governor of the State of North Carolina imposed restrictions on businesses that limit the number of contacts between people, particularly in settings that are indoors, involve people being stationary and in close contact for long periods of time, or are part of mass gatherings; and

**WHEREAS**, certain types of businesses by their very nature present greater risks of the spread of COVID-19 because of the nature of the activity, the way that people have traditionally acted and interacted with each other in that space, and the duration that patrons stay in the establishment; and

**WHEREAS**, all business, including retail and food service, are critical to the long-term success of Southern Pines; and

**WHEREAS**, food service and food availability remain an important component of North Carolina's response to the COVID-19 pandemic, such that food service providers, including restaurants and other dine-in facilities are encouraged to open to the extent practicable to safely provide food and nutrition to people in North Carolina; and

**WHEREAS**, reopening restaurants for on-premises or adjacent premises dining in a safe, strategic manner should ameliorate the adverse economic effects on workers, farms, and businesses involved in the sale of food through the restaurant supply chain, prevent the waste of food, and reduce stress on the supply chain for grocery stores, thereby lowering grocery prices for consumers; and

**WHEREAS**, UDO Section 8.5.1 grants the Town Council the authority to waive standards within this UDO during local emergencies declared by federal, state, or local officials; and

**WHEREAS**, the North Carolina COVID-19: Phase 2 limits business and restaurant capacities to no more than 50%, Southern Pines recognizes the need to accommodate patrons outdoors; and

**WHEREAS** the Southern Pines Town Council recognizes that the 50% indoor capacity creates excess parking demand and that outdoor parking lots and facilities may be used to accommodate patrons; and

**WHEREAS**, Southern Pines recognizes that many restaurants or businesses have shifted their daily operations to curbside pickup or mobile options or are in need of outdoor operations; and

**WHEREAS**, Southern Pines wishes to accommodate these altered operations during the COVID-19 pandemic with alternative requirements for temporary mobile food vendors, signs, and outdoor dining; and

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southern Pines, North Carolina, in a regular meeting assembled this 3<sup>rd</sup> day of June, 2020, as follows:

**SECTION 1.**

All entities and individuals within the Town of Southern Pines are expected to comply with North Carolina Gubernatorial Executive Orders pre-dating and post adoption of this resolution. This resolution in no way, shape, form, or manner supersedes any directive of the Governor of the State of North Carolina.

**SECTION 2.**

Pursuant to and as an extension of the State of Emergency Declaration for the Town of Southern Pines for the COVID-19 pandemic dated March 17, 2020, the standards of the UDO and the Town Code of Ordinances shall remain in effect in their entirety with the following exceptions and deviations as listed herein. The terms and conditions of the March 17, 2020 State of Emergency Declaration for the Town of Southern Pines for the COVID-19 pandemic remain in effect until rescinded.

**SECTION 3.**

This resolution is effective at 6:00pm on June 3, 2020. This resolution shall remain in effect through the entirety of the North Carolina COVID-19: Phase 2 and shall automatically expire at the end of North Carolina COVID-19: Phase 2 unless repealed, replaced, or rescinded prior to by the Town Council.

**SECTION 4.**

An order rescinding the State of Emergency Declaration for the Town of Southern Pines for the COVID-19 pandemic will automatically rescind and thereby expire any provisions listed herein.

**SECTION 5.**

Any continued infringement of the standards of the UDO or Code of Ordinances after the expiration of the North Carolina COVID-19: Phase 2 by continuing any operations solely permitted under this resolution shall be subject to immediate civil penalty upon the expiration.

**SECTION 6.**

The Town Council may wish to extend these locally adopted Phase 2 standards or create new standards for North Carolina COVID-19: Phase 3 or for any specified time period as it deems appropriate.

**SECTION 7.**

Food Trucks, Food Trailers and Food Carts shall adhere to all standards set forth under UDO Section 5.9 subject to the following:

- All mobile food vendors may operate in any commercial district to include GB, NB, I and OS. Reference UDO Section 5.9.1(A).
- No permit from the Town nor any permit fee payable to the Town for Food Trucks, Food Trailers and Food Carts is required.
- Multiple mobile food vendors may operate on the same parcel at the same time as another mobile food vendor. Reference UDO Section 5.9.1(B)(3).
- All mobile food vendors may be located within 100' of any eating establishment or outdoor dining area. Reference UDO Section 5.9.1(B)(4).
- All mobile food vendors may occupy parking spaces required for minimum parking requirements of the principal use, excluding handicap accessible parking. Reference UDO Section 5.9.1(B)(7).
- Mobile food vendors who do not hold an approved Town of Southern Pines zoning permit for a Food Truck, Food Trailer or Food Cart may operate without the need of a permit. All mobile food vendors shall be prepared to present upon inspection a food vending permit from Moore County Environmental Health Department, a North Carolina Sales and Use Certificate for collecting and paying the proper sales taxes, and a means for the disposal of grease within an approved grease disposal facility and a letter from the property owner granting consent to the food vendor with hours of operation, days of operation and a site plan depicting the agreed upon placement of the vendor on private property. If any of the required materials are revoked or not available upon inspection, the operation shall cease and desist and may be subject to civil penalty. Reference UDO Section 5.9.2(E).

**SECTION 8.**

All signs shall adhere to all standards set forth under UDO Section 4.6 subject to the following:

- In addition to approved existing signage, all commercial entities may be permitted one temporary (1) banner or window decal sign, not to exceed thirty-two (32) square feet in display area, and two (2) temporary freestanding signs, not to exceed six (6) square feet in display area each. UDO specified timeframes for placement are superseded by this resolution and these signs shall be permitted throughout COVID-19 Phase 2. All signs shall be located on premises. These temporary signs shall not require a sign permit. Reference UDO Section 4.6.16.

**SECTION 9.**

Any curbside take-away operations may be permitted in any commercial zoning district to include CB, GB, NB, I and OS and shall not be considered or subject to the standards drive-through facilities. Reference UDO Section 5.8.

**SECTION 10.**

Any citizen or resident working from home or remotely at a residence due to COVID-19 shall not be considered to be operating as a Home Occupation. However, all performance standards for Home Occupations set forth in UDO Section 5.10.2 shall be in effect for those working from home or remotely at a residence. Reference UDO Section 5.10.

**SECTION 11.**

Business activities may include outdoor dining operations for restaurants. No permit or permit fee is required and outdoor dining operations for restaurants are subject to the following:

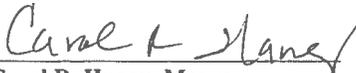
- Private Property: Outdoor dining operations for restaurants in commercial zoning districts to include CB, GB, and NB may occupy up to 50% of the required minimum parking spaces located on private property, must be completely contained to the private property and shall not interfere with any pedestrian movement along public sidewalks. Outdoor dining operations may operate between the hours of 7:00am – 10:00pm. Outdoor dining operations shall keep all areas clean and dispose of trash in private receptacles only. Outdoor dining operations shall delineate seating areas separate from parking areas with barriers, ropes or similar device. The allowance of outdoor dining operations is subject to and does not supersede any County or State requirement related to the serving of food or alcoholic beverages. Any outdoor dining furniture shall be temporary and not subject to Historic District guidelines. Reference UDO Section 5.13.
- Public Streets and Sidewalks: Outdoor dining operations for restaurants may be allowed along Town maintained public streets and sidewalks in the CB and NB zoning districts. Outdoor dining shall not interfere with any pedestrian movement along public sidewalks and shall meet the furniture placement requirements set forth in Code of Ordinance Section 100.42. Outdoor dining operations may operate between the hours of 7:00am – 10:00pm. Outdoor dining operations shall keep all areas clean and dispose of trash in private receptacles only. Any outdoor dining furniture shall be temporary and not subject to Historic District guidelines. All tables, chairs, and the like must be promptly removed from the sidewalk at the end of each business day, unless they are secured overnight by consolidating all pieces of furniture in one location and locking them together by cable or chain. Furniture shall not be affixed to the sidewalk, signpost, or trees. Personal liability insurance naming the Town of Southern Pines as an additional insured in the amount of no less than \$1,000,000 under the policy of business is required and shall be presented upon inspection. Reference Code of Ordinance Sections 93.04(F) and 100.42.

**SECTION 12.**

In the event of interpretative ambiguity or definitional guidance, the codified standards of the UDO and the Code of Ordinances are to prevail. No operations conducted utilizing any of the exception standards listed herein shall be grounds for establishing a vested right or a legal non-conforming situation.

Adopted this the 3<sup>rd</sup> day of June, 2020.

**SEAL**

  
 Carol R. Haney, Mayor

ATTEST:  
  
 Peggy K. Smith, Town Clerk

**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 11<sup>th</sup> day of May, 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>
General Fund	Transfer to – Open Space Fund	10-670-4100	\$ 225,340	
General Fund	Fund Balance Appropriations	10-397-1000	\$ 225,340	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of May 11, 2021 as shown in the minutes of the Town Council for that date.

\_\_\_\_\_  
Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE AMENDING THE EAST  
MORGANTON ROAD WATER LINE REPLACEMENT PROJECT FUND**

**BE IT ORDAINED**, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital reserve project budget is hereby amended:

Section 1: The project authorized is to establish a fund for the purpose of replacing an existing 6" water line with a 12" water line along East Morganton Road.

Section 2: The officers of this unit are hereby directed to proceed with the capital reserve fund within the terms of the budget contained herein.

Section 3: The following additional amount is appropriated for the project:

Construction	<u>\$ 100,000</u>
Total Additional Project Appropriation	<u>\$ 100,000</u>

Section 4: The following additional revenue is anticipated to be available for this project:

Transfer In – Water & Sewer Improvements Construction Water	<u>\$ 100,000</u>
Total Additional Project Revenues	<u>\$ 100,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective May 11, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of May 11, 2021 as shown in the minutes of the Town Council for that date.

\_\_\_\_\_  
Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE AMENDING THE  
WATER & SEWER IMPROVEMENTS CAPITAL PROJECT FUND**

**BE IT ORDAINED**, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital reserve project budget is hereby amended:

Section 1: The project authorized is for the purpose of funding improvements to the water and sewer distribution and collection system.

Section 2: The officers of this unit are hereby directed to proceed with the capital reserve fund within the terms of the budget contained herein.

Section 3: The following amount is appropriated for the project:

Transfer Out – East Morganton Road Water Replacement	<u>\$ 100,000</u>
Total Additional Project Appropriation	<u>\$ 100,000</u>

Section 4: The following appropriation is reduced for this project:

Construction Improvements – Water	<u>\$ 100,000</u>
Total Appropriation Reduction	<u>\$ 100,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective May 11, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of May 11, 2021 as shown in the minutes of the Town Council for that date.

\_\_\_\_\_  
Elizabeth Robertson, Deputy Town Clerk

**AN ORDINANCE AMENDING  
THE OPEN SPACE PROJECT BUDGET**

**BE IT ORDAINED**, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital reserve project budget is hereby amended:

Section 1: The project authorized is for the purpose of acquisition, renovation and/or construction of open space.

Section 2: The officers of this unit are hereby directed to proceed with the capital reserve fund within the terms of the budget contained herein.

Section 3: The following additional amount is appropriated for the project:

Land	<u>\$ 1,125,340</u>
Total Additional Project Appropriation	<u>\$ 1,125,340</u>

Section 4: The following additional revenue is anticipated to be available for this project:

Financing Proceeds	\$ 900,000
Transfer In – General Fund	\$ 225,340
Total Additional Project Revenues	<u>\$ 1,125,340</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective May 11, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of May 11, 2021 as shown in the minutes of the Town Council for that date.

\_\_\_\_\_  
Elizabeth Robertson, Deputy Town Clerk

**MINUTES**  
**Regular Business Meeting of the Southern Pines Town Council**  
**April 13, 2021, 6:00 PM Virtual Meeting**

**1. CALL TO ORDER**

Mayor Haney welcomed everyone to the meeting.

**2. PLEDGE OF ALLEGIANCE**

**3. TOWN MANAGER'S COMMENTS**

Town Manager Parsons noted that the Town has published the details for the webinar for the April 26, 2021 Council work session. He stated a decision is pending on whether meetings will transition to in-person or remain virtual as of May 2021 and will be announced soon.

Town Manager Parsons reviewed the agenda. He requested that the Council add a resolution to the consent agenda to allow for the appointment of a Deputy Town Clerk in the event the Town Clerk is unavailable. He stated that Town Attorney Doug Gill and Assistant Town Manager Jessica Roth had prepared the necessary resolution.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the motion was approved to update the consent agenda.

**4. PUBLIC HEARING**

*Per GS §166A-19.24(e) no action may be taken until at least 24 hours after a remote public hearing to allow for additional written comments. Council action on the following item will be included on the April 26, 2021 agenda.*

**A. RA-01-21: Request for the Town of Southern Pines to vacate a section of right-of-way for W. Massachusetts Avenue and S. Glover Street**

*Mr. John Birath, on behalf of Moore County Schools Board of Education, is requesting abandonment of a section of an eighty-foot unimproved right-of-way, 1,270-linear-feet, for West Massachusetts Avenue and South Glover Street bounded by West Indiana Avenue, West New York Avenue, and South Carlisle Street.*

Upon motion by Mayor Pro Tem Murphy, seconded by Councilmember Saulnier and carried unanimously 5-0, the public hearing was opened.

Planner Lauren Long presented a report of the item.

Public Hearing comments:

- Phyllis Carol Wall asked for clarification on the definition of abandonment in this issue.
- Richard Dowdy asked if the property was being abandoned due to lack of upkeep or in order to add to the school's property
  - o Town Manager Parsons clarified that the town does not intend to construct a public road and, through this abandonment, is giving up its authority to do so.

- John Birath spoke on behalf of the school board and provided further details
- Lynn Thompson asked for clarification about servicing sewer lines.
  - o Town Manager Parsons clarified that there will still be a utility easement.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing was closed.

**5. ACTION ITEMS**

**A. Consider Ordinance Decreasing Speed Limits on Talamore Drive and Highland View Drive to 25 MPH**

*The Talamore Westside HOA has submitted a petition requesting a reduction in the speed limit on Highland View Drive and Talamore Drive from 35 MPH to 25 MPH. The petition includes signatures from over 75% of the residences.*

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the ordinance was approved.

**B. Consider Resolution Exempting the DFI Phase 2 Study from G.S. §143-64.31**

*This proposed resolution will exempt the contracts related to design services for the DFI Phase 2 study from G.S. §143-64.31, which requires solicitation and evaluation of firms to be based on qualifications and without regard to fee.*

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the ordinance was approved.

**C. Consent Agenda**

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the Consent Agenda was approved as follows:

**i. Approve Council Minutes**

1. February 22, 2021 Work Session
2. March 3, 2021 Agenda Meeting
3. March 9, 2021 Regular Business Meeting

**ii. Approve Amendments to the FY 2020-2021 Budget**

DEPARTMENT	LINE ITEM	CODE	INCREASE	DECREASE
Legislation	Special Appropriations	10-410-6300	\$27,685	--
General Fund	Fund Balance Appropriations	10-397-1000	\$27,685	--
General Fund	Misc. Revenue	10-335-0000	\$4,352	--
Fire	Equipment Maintenance	10-530-1600	\$4,352	--

**iii. Approve Resolution to Appoint a Deputy Town Clerk**

## 6. PUBLIC COMMENTS

Mr. Rich – spoke regarding the 4/7/21 Budget Retreat:

- Many West Southern Pines residents are living on \$800 - \$1000 a month and are concerned about the proposed increase to water rates in conjunction with increased garbage fees.
  - o Town Manager Parsons clarified that there were a number of years the water rates did not increase which has put the Town in a position of needing to consider increases.
  - o Town Manager Parsons also shared that the cost for the garbage contract is increasing and that while the Town is passing along a portion of that increase, the Town is still paying over 50% of the contract.
- With regards to the Community Development Specialist Position, Mr. Rich asked how the Town intends to ensure applicants represent a diverse group of people who understand West Southern Pines. He added that he would like to see the town diversify its staff as a whole.
  - o Town Manager Parsons answered that recruitment ads are sent out to multiple sources, including outlets that are reviewed by professionals with the necessary qualifications.
- Mr. Rich closed by stating that coming out of the pandemic, the Town should consider marginalized citizens who need these essential services and their ability to pay for proposed increases.

Laura Douglas submitted an online question and asked who will pay for BLET (Basic Law Enforcement Training)?

- Town Manager Parsons answered that the Town will sponsor a qualified candidate.

## 7. CLOSED SESSION AS PERMITTED IN N.C.G.S. § 143-318.11

Upon motion by Councilman Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, Council retired to closed session at 6:34 pm.

Council re-entered Open Session at 7:25 pm.

Upon motion by Councilman Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the meeting was adjourned at 7:26 pm.

Respectfully Submitted,

---

Elizabeth Robertson  
Deputy Town Clerk