



AGENDA

Tuesday, September 14, 2021: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. ACTION ITEMS

a. Introduce West Southern Pines Community Connectors

Mayor Haney will introduce the newly formed West Southern Pines Community Connectors Group.

b. Consider Resolution for Police Officer Christopher Coleman

Officer Christopher Coleman is retiring from the police department after 14 years and has been a law enforcement officer for 23 years total. Staff requests to award Officer Coleman's badge and service sidearm to him, in accordance with NCGS § 20-187.2.

c. Consider AR-04-21: Architectural Compliance Permit for American Whiskey Kompany

Neal Smith Engineering, Inc., on behalf Rickhouse Properties, LLC, requests approval of an architectural compliance permit for the Phase 1, 15,380 square foot building for a mixed-use whiskey distillery located at 175 Yadkin Road.

5. HEARINGS

Action may be taken by Town Council following the close of each hearing.

a. AX-04-21: Public Hearing for Voluntary Annexation Petition, 1042 SW Broad St.

Ms. Toni Anne Washington has petitioned the Town for a voluntary annexation of a contiguous +2.03-acre parcel.

b. CU-02-21: Evidentiary Hearing for CUP & Major Subdivision Preliminary Plat, 660 SW Service Rd.

Paramounte Engineering, on behalf of Tams Properties LLC., has applied for a Conditional Use Permit (CUP) for the new construction of a mixed use residential and office development as well as a Major Subdivision Preliminary Plat for single family attached townhomes. The five parcels total 2.085 acres.

c. PD-06-21: Legislative Hearing for CDP, 470 NW Broad St.

Koontz Jones Design, on behalf of Riley Walker Development, requests approval of a Planned Development Conceptual Development Plan (CDP) for a three-story mixed-use building.

d. PD-07-21: Evidentiary Hearing for PDP, 470 NW Broad St.

Koontz Jones Design, on behalf of Riley Walker Development, requests approval of a Planned Development Preliminary Development Plan (PDP) for a three-story mixed-use building.

e. PD-08-21: Legislative Hearing for CDP, Morganton Park South

Koontz Jones Design, on behalf of John Silverman, has applied for a Planned Development District – Conceptual Development Plan (CDP) for Morganton Park South. The applicant proposes a mixed-use development allowing up to 700,000 square feet of retail and/or office space and up to 650 residential dwelling units over nine phases of development on ± 98.95 acres on the south side of W. Morganton Rd. between South Henley St. and Patriot Blvd.

f. PD-09-21: Evidentiary Hearing for PDP, Morganton Park South, Phase 1

Koontz Jones Design, on behalf of John Silverman, has applied for a Planned Development District – Preliminary Development Plan (PDP) for Morganton Park South. The applicant proposes a four-lane roadway linking W. Morganton Rd. and US Hwy. 15-501 as well as approximately 221,000 square feet of retail space on approximately ± 35.7 acres.

6. CONSENT AGENDA

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

a. AX-05-21: Set Public Hearing for Voluntary Annexation Petition

Pinehurst Medical Group, LLC and Pinehurst Surgical Clinic Realty, LLC have petitioned the Town for a voluntary annexation of two contiguous parcels, totaling ± 19.78 acres. The parcels are at 200 and 300 Pavilion Way, between W. Morganton Rd. and S. Carlisle St. The Town Clerk has provided a Certificate of Sufficiency and a public hearing will be scheduled for October 12, 2021.

b. Approve Ordinance to Reduce Speed Limit on Paddock Lane

The Town has received a petition from 25 property owners requesting a reduction of the speed limit on Paddock Lane from 35 MPH to 25 MPH.

c. Approve Resolution to Surplus Library Books and Materials

Staff recommends that Council grant ongoing authority to the Library Director and Purchasing Agent to surplus books and other circulating materials that are no longer usable by the Town.

d. Approve UCA with NCDOT for Project BR-0035 on NC-22 Over Nick's Creek

NCDOT plans to replace the bridge on NC-22 over Nick's Creek. The DOT has forwarded a Utility Engineering and Construction Agreement (UCA) that outlines the Town's financial and other responsibilities.

e. Approve Water Purchase Contract with the Town of Aberdeen to Provide Water to the Shaw Landing Development

The Town of Aberdeen has requested that Southern Pines sell them water at a Master Meter for the purpose of serving the proposed Shaw Landing subdivision located off SW Broad Street.

f. Approve a Waiver of the Requirement to Install Town Sewer to Parcel ID 96000262, 295 N. Bethesda Road

Owners Lisa and Bryan Murphy are requesting a waiver from hooking up to Town Sewer for the purpose of constructing a single-family home. Town Council may provide this waiver per the Code of Ordinances.

g. Approve a Waiver of the Requirement to Install Town Sewer to Parcel ID 00037933, 347 Eastman Road

Owner Ron Jackson is requesting a waiver from hooking up to Town Sewer for the purpose of constructing a single-family home. Town Council may provide this waiver per the Code of Ordinances.

h. Approve Minutes

- i. July 26, 2021 Closed Session
- ii. August 4, 2021 Agenda Meeting
- iii. August 10, 2021 Business Meeting
- iv. August 23, 2021 Work Session

i. Open Minutes from July 26, 2021 for Public Inspection

Under NCGS § 143-318.10(e), Council may withhold minutes from a closed session so long as public inspection would frustrate the purpose of a closed session. The subject matter of legal advice from the Town Attorney for which the Closed session was held on July 26th is no longer pertinent to any pending items before the Town Council.

j. Approve Ordinance Amending Chapter 50, Appendix A of the Town Code of Ordinances

In October of each year, the water and sewer tap fees are subject to an automatic price increase based on the Consumer Price Index for all urban customers (CPI-U) for water and sewerage maintenance. The rate adjustment effective October 1, 2021 for water and sewer taps is 3.4%.

7. PUBLIC COMMENTS

8. ADJOURNMENT



Police Department

450 W. Pennsylvania Avenue
Southern Pines, NC 28387

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

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

To: Reagan Parsons

From: Nicholas Polidori
Chief of Police

Date: August 26, 2021

Re: **Awarding of Service Weapon and Badge**

North Carolina General Statute 20-187.2 (below) allows for the awarding of a service firearm and the badge worn or carried by a retiring member of the Southern Pines Police Department. I am requesting that such consideration be made to the Town Council by you to approve Officer Christopher Coleman be awarded his service firearm (Glock, 9mm, model 17, serial # BACB992) and his badge of office upon his retirement on 10/01/2021. In the past, the price determined by the Council in accordance with NCGS 20-187.2 was set in the amount of \$1.00.

§ 20-187.2. Badges and service side arms of deceased or retiring members of State, city and county law-enforcement agencies; weapons of active members.

(a) Surviving spouses, or in the event such members die unsurvived by a spouse, surviving children of members of North Carolina State, city and county law-enforcement agencies killed in the line of duty or who are members of such agencies at the time of their deaths, and retiring members of such agencies shall receive upon request and at no cost to them, the badge worn or carried by such deceased or retiring member. The governing body of a law-enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired. Governing body shall mean for county and local alcohol beverage control officers, the county or local board of alcoholic control; for all other law-enforcement officers with jurisdiction limited to a municipality or town, the city or town council; for all other law-enforcement officers with countywide jurisdiction, the board of county commissioners; for all State law-enforcement officers, the head of the department.

Thank you for your consideration in this matter.

Xc: Personnel File



~ A Nationally Accredited Law Enforcement Agency ~



RESOLUTION #983 DECLARING THE BADGE AND SERVICE WEAPON CARRIED BY OFFICER CHRISTOPHER COLEMAN AS SURPLUS AND AWARDING IT TO HIM ON HIS RETIREMENT

WHEREAS, G.S. 20-187.2 provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the badge and service sidearm of such retiring members; and

WHEREAS, Officer Christopher Coleman has been a sworn law enforcement officer for 23 years, and has served as a member of the Town of Southern Pines Police Department for a period of 14 years, and retired from the Town of Southern Pines Police Department on 10/01/2021.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines that the badge, “**Police Officer**”, and service weapon, a **9mm Glock, model number 17, serial number BACB992**, issued to and carried by Officer Christopher Coleman, be declared surplus and awarded to him on the occasion of his retirement.

BE IT FURTHER RESOLVED that appreciation be expressed to Officer Christopher Coleman for the dedicated service rendered by him during his employment with the Town of Southern Pines.

Adopted this 14th day of September, 2021.

ATTEST:

TOWN OF SOUTHERN PINES:

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of September 14, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager
From: Suzy Russell, Planner II
Subject: AR-04-21 Brad Halling American Whiskey Kompany
Date: September 10, 2021

I. SUMMARY OF APPLICATION REQUEST:

Neal Smith of Neal Smith Engineering, Inc., on behalf of Jessica and Brad Halling of Rickhouse Properties, LLC., is requesting approval of an architectural compliance permit for the Phase 1, 15,380 square foot building, within the approved planned development, for a mixed-use whiskey distillery located at 175 Yadkin Road. The planned development also has multiple warehouse buildings, known as Rickhouses, that are not included in Phase 1 and are not part of this architectural compliance permit application.

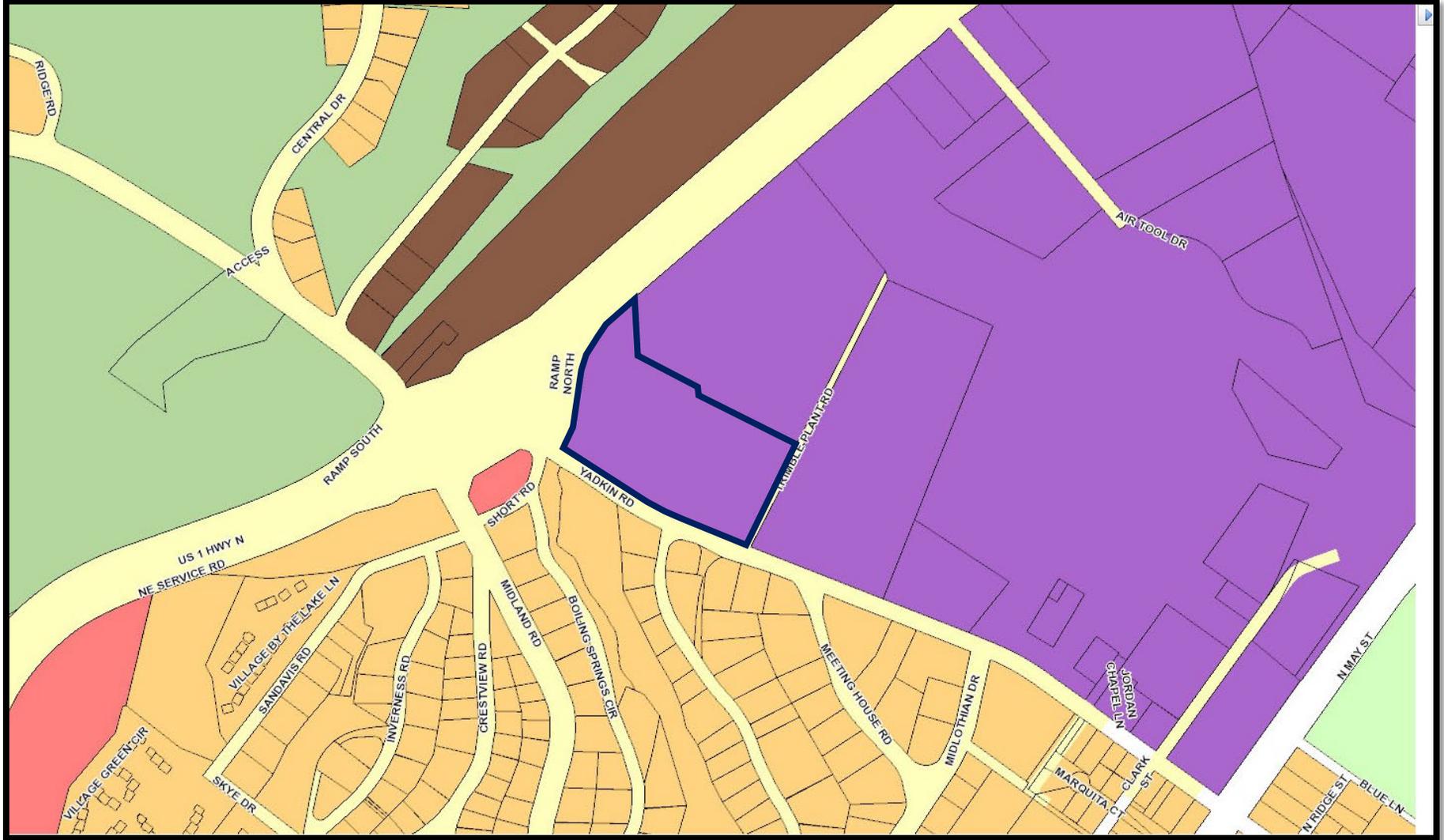
II. PROJECT INFORMATION:

- 1. PARID 00036849; PIN 858200642631**
- 2. Physical Address:**
175 Yadkin Road
Southern Pines, NC
- 3. Owners:**
Rickhouse Properties, LLC
304 Edgewood Road
Cameron, NC 28326
- 4. Applicant / Agent:**
Neal Smith Engineering, Inc.
Neal Smith
139 Pinehurst Avenue
Suite C
Southern Pines, NC 28387

Figure 1: Vicinity Map and Zoning Map



Figure 2: CLRP Future Land Use Map Designates Property as Industrial (Subject Property Outlined in Dark Blue)



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

5. Comprehensive Long-Range Plan Designation:

The area is designated as industrial on the Future Land Use Map in the Comprehensive Long-Range Plan (CLRP). *The “industrial” designation applies to the Southern Pines Corporate Park, allowing for manufacturing, light industrial and other similar uses. It focuses on providing land for the location of jobs in Southern Pines and draws access from US-1 and the railroad.*

6. Zoning:

The parcel is currently zoned Planned Development (PD) (See figure 1). The PD district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5 of this UDO. This district is intended to allow mixed-use Developments in areas where sufficient public water and sewer service is available (or can be readily extended) and where the street system is adequate (or can be readily improved) to handle the projected traffic volumes generated by the Development.

III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: August 11, 2021

Application Complete: August 16, 2021

Town Council Agenda Meeting: September 8, 2021

Town Council Meeting: September 14, 2021

3. Criteria for Review:

When reviewing an application for an Architectural Compliance Permit, the Town Council shall approve, conditionally approve or deny the application based on the following criteria, as set forth in **UDO §2.26.7:**

1. *The application is consistent with applicable Comprehensive Plan goals and policies;*
2. *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*
3. *The application is consistent with applicable conditions of prior Development approvals; and*
4. *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments:

- The proposed commercial building 15,380 square feet in area. The proposed design is compliant with §4.10.4 *Building Design Requirements* with regards to building orientation and entries, building dimensions, windows, mechanical equipment and garage bay location.

The proposed design is not compliant with §4.10.4 with regards to the following requested deviations:

- UDO §4.10.4 (C) *states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The Permit Issuing Authority may approve:*
(1) The use of alternative building materials that establish an equivalent appearance and have equal or greater durability. (2) Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district. (3) Alternative materials satisfying minimum building code standards for structures located within a planned golf course Development that are compatible with the Development and the proposed location within the Development.

The applicant is requesting a deviation and is proposing metal building walls and metal roof panels. Please see below for specific color samples provided by the applicant.

- UDO §4.10.4 (E) (3) *states awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.*

The applicant is requesting a deviation and is proposing a metal awning over the southern office entrance. Please see below for specific color samples provided by the applicant.

- UDO §4.10.4 (G) (3) *states shingles or standing seam, non-reflective metal shall be used on all roofs visible to public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.*

The applicant is requesting a deviation and is proposing a burgundy metal roof. Please see below for specific color samples provided by the applicant.

- The Town of Southern Pines Town Council approved, at the March 9, 2021 regular business meeting, PD-01-21, a four phased planned development district conceptual development plan with two (2) conditions:
 - Allow a 50' building height for the distillation still roof column.
 - The approval does not include parking space requirement details. Parking space requirement details will be provided from the applicant with their preliminary development plan submission.
- The Town of Southern Pines Town Council approved, at the June 8, 2021 regular business meeting, PD-03-21, a four phased planned development district preliminary development plan with three (3) conditions:
 - The applicant shall be allowed a parking reduction, based on the parking analysis provided by the applicant, and to meet the parking requirements for 147 parking spaces.
 - Parking will comply with the UDO regulations and requirements put forth at site plan review with the Technical Review Committee and specifically:

- Surface material will be approved at TRC review.
- Per UDO 3.5.14 (M) (4) the applicant shall meet off street loading requirements.
- The applicant will comply with the Town of Southern Pines landscape code found in the UDO § 4.3 and specifically:
 - Landscape screening for the parking lot shall be provided in Phase 2 or when the 75th parking space is proposed.

IV. ATTACHMENTS:

1. Written Narrative Addressing Compliance with §4.10.4 of the UDO
2. Elevations
3. Color Samples
4. Site Plan
5. Roof Detail
6. Similar Construction Photos

V. TOWN COUNCIL ACTION:

The Town Council shall vote on whether the proposed application for the Architectural Compliance Permit complies with the UDO and should consider whether the application is consistent with UDO Section 2.26 and UDO Section 4.10.4 as well as UDO Section 3.5.8 (D). The Town Council may make one of the following motions or any alternative they wish:

I move to:

1. Approve AR-04-21;
2. Approve AR-04-21 with the following conditions...
3. Deny AR-04-21;



Neal Smith Engineering, Inc.

139 Pinehurst Ave. – Suite C

Southern Pines, NC 28387

Phone: (910) 695-8825 | Fax: (910) 695-8832

www.nseengineering.com | NC License No. C-1425



**NARRATIVE AND ARCHITECTURAL COMPLIANCE
FOR
BRAD HALLING AMERICAN WHISKEY KO.
CORNER OF TRIMBLE PLANT RD. / YADKIN RD. – SOUTHERN PINES
NSE PROJECT NO. 2000534
AUGUST 5, 2021**

NARRATIVE:

This is a project that will consist of an approximately 14,464 square foot building that will house a whiskey distillery, distillery offices, restaurant, cocktail bar, and retail space.

ARCHITECTURAL COMPLIANCE – CHAPTER 4 DEVELOPMENT AND DESIGN STANDARDS:

4.10.4(A)(1): The front of buildings shall face and have the primary customer entry facing that street. Corner Lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage.

This facility sits on a corner lot with the primary entrance facing mostly towards Yadkin Rd. which would be classified as the higher order road.

4.10.4(A)(2): Maximum spacing or distance between customer entries shall not exceed the standards established in Exhibit 4-16.

This project is classified as PD. PD has no requirements listed in the above-mentioned exhibit.

4.10.4(B)(1): In the CB and DTO districts, buildings or building segments shall be taller than wide.

This facility is not located within the CB or the DTO districts

4.10.4(B)(2): In other districts, the width of buildings or building segments shall not be more than twice the building height.

No portion of the building based on sketches provided by the architect are greater than twice the highest roof line.

4.10.4(B)(3): Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.

This facility has multiple roof lines in combination with porch (w/columns) as well as court yards. Client feels they meet this requirement.

4.10.4(B)(4): Large scale retail structures shall comply with Section 4.10.6.

This is not a large retail structure. The building will have a small section for merchandise and distillery associated sales.

4.10.4(C): The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.

This facility is primarily consisting of metal walls and metal roof panels. The client is requesting an exemption based on the development requirement of Zoning PD.

4.10.4(D): Windows

4.10.4(D)(1): Windows shall be glazed in non-reflective, clear glass

They shall meet or exceed this requirement. The windows will be tinted to meet the requirements of NC Energy Conservation Codes

4.10.4(D)(2): The following standards apply in the CB district

This project does not lie within the CB district

4.10.4(E): Awnings

There is a small awning over the southern office entrance. The materials and color will match the proposed roof.

4.10.4(F): Galleries and Arcades

None are planned.

4.10.4(G): Roofs

4.10.4(G)(1): In the CB district horizontal parapets with cornices shall be required along Broad Street. Parapets, gable or hip roofs may be used along other streets in the CB district. Parapet height should vary between adjacent buildings.

This facility is not located within the CB district.

4.10.4(G)(2): In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet)

This building is longer than 200 as it is viewed from the road. Within the 200ft length there are multiple roof changes

4.10.4(G)(3): Shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

The building will have a Hi-Rib roofing system and shall burgundy (see example provided)

4.10.4(H): Mechanical Equipment

Any mechanical equipment will be screened, refer to civil plans.

4.10.4(I): Loading Zones and Garage Bays

Refer to civil plans for location of the loading zone. No garage doors are planned for the front of the building or any portion of the building that is visible from the street.

4.10.4(J): Signage

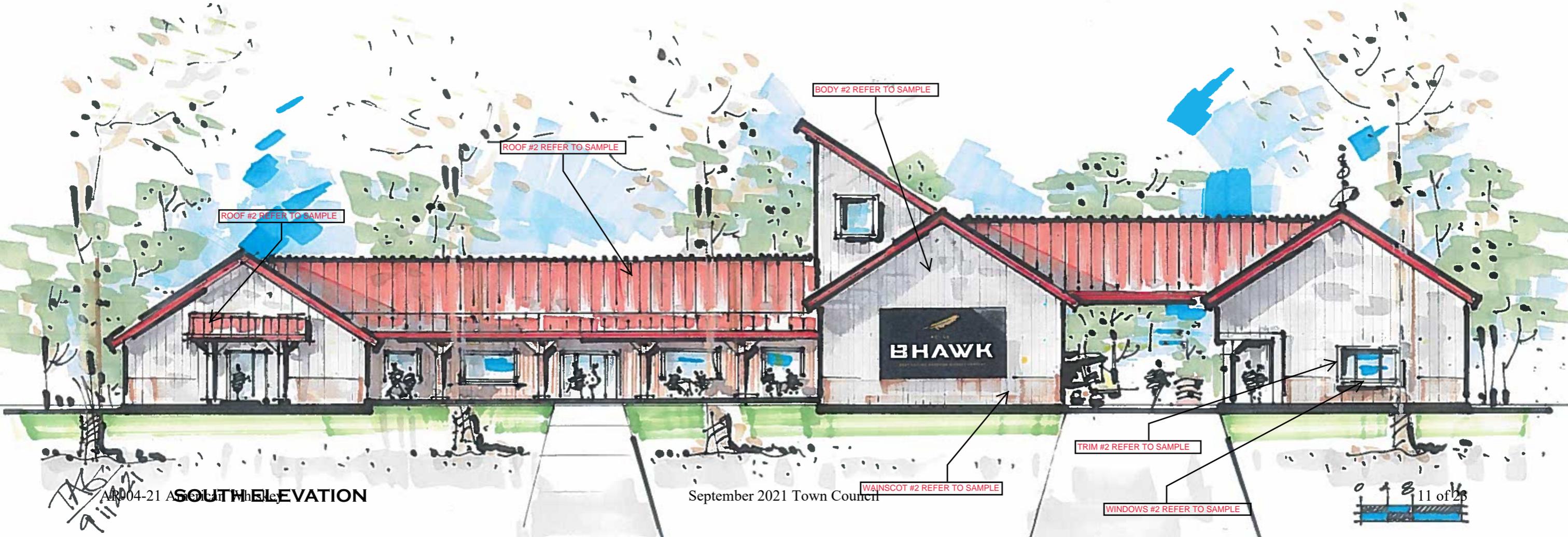
Signage will be applied for under a different permit and shall meet all the requirements of this section.

If you any additional questions or concerns, please feel free to contact us at any time.

Sincerely,
NEAL SMITH ENGINEERING, INC.



Neal E. Smith, P.E.
President



ROOF #2 REFER TO SAMPLE

ROOF #2 REFER TO SAMPLE

BODY #2 REFER TO SAMPLE

SHAWK

TRIM #2 REFER TO SAMPLE

WAINSCOT #2 REFER TO SAMPLE

WINDOWS #2 REFER TO SAMPLE

TAS 9/11/21
APR 04-21 ARCHITECTURE
SOUTH ELEVATION

September 2021 Town Council

11 of 23



APR 04-21
9/11/21
SOUTH ELEVATION

September 2021 Town Council

12 of 25



NORTH ELEVATION

AR-04-21 American Whiskey

September 2021 Town Council

13 of 23



EAST ELEVATION



WEST ELEVATION

BHASK.



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Material Sample Enclosed

Caution: Sharp Edges

TAB.
3 VII 2021

■ Body #2

THANK.



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Material Sample Enclosed

Caution: Sharp Edges

TRB.
300 2021

■ Wainwright #2

BHAWK.



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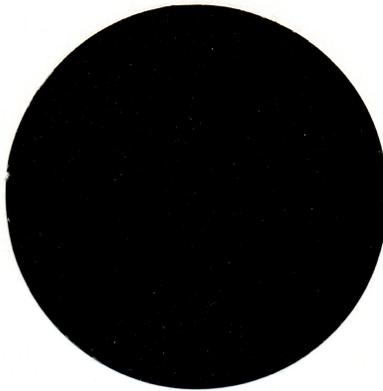
Material Sample Enclosed

Caution: Sharp Edges

TAB.
3 VII 2021

■ windows #2

BHAWK.



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Material Sample Enclosed

Caution: Sharp Edges

TAG
3/11/2021

■ Trim #2

BHAWK.



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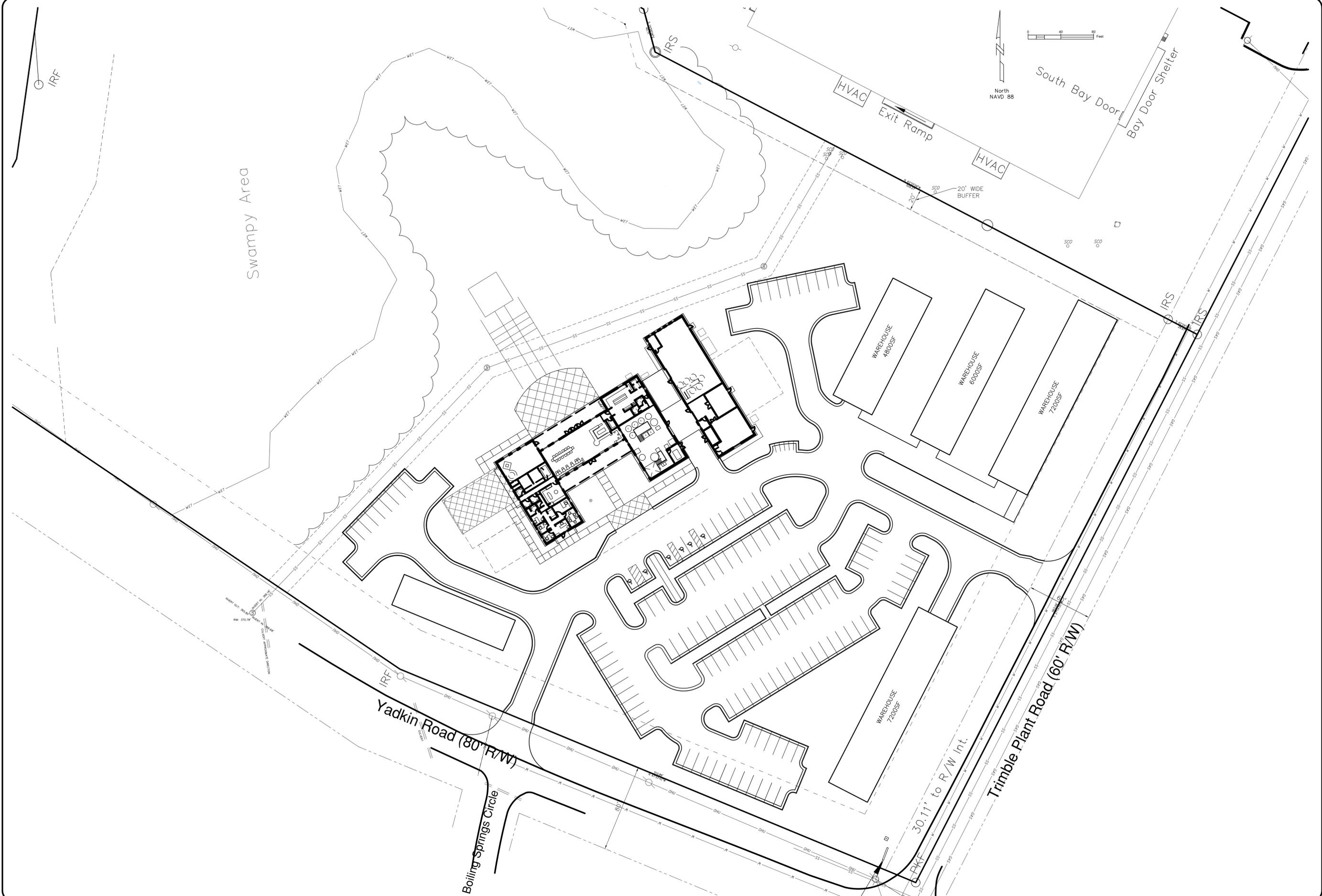
800-447-7436 • mortonbuildings.com

Material Sample Enclosed

Caution: Sharp Edges

TRB.
3/11/2021

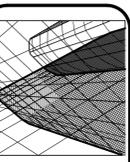
■ Box #2



BRAD HALLING AMERICAN WHISKEY KO.
SOUTHERN PINES, NC
SITE LAYOUT PLAN

REVISIONS:

REVISIONS:



Neal Smith Engineering, Inc.
139 Pinchurst Avenue - Suite C
Southern Pines, NC 28387
Phone: (910) 695-8825
Fax: (910) 695-8832
www.nseengineering.com
License No. CE1425

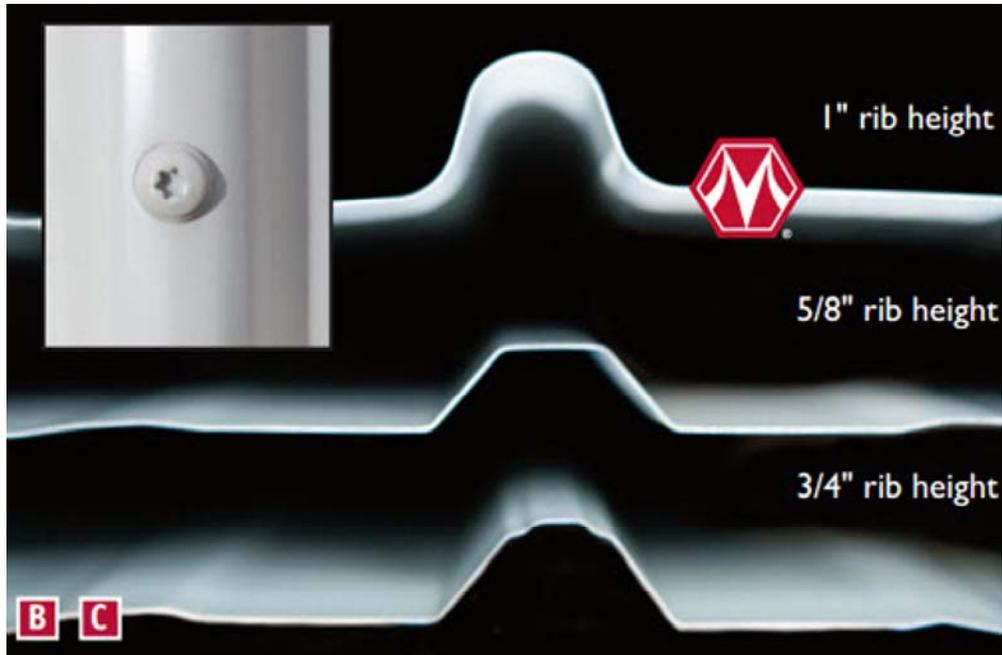


PRELIMINARY
Do not use
for
construction

DRAWN BY:
BCW
SCALE:
As Noted
DATE:
08-06-2021
JOB NUMBER:
2000534
DRAWING KEY:
SLP-1

THIS DRAWING IS THE PROPERTY OF NEAL SMITH ENGINEERING, INC., AND MAY NOT BE REPRODUCED WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER. THIS DRAWING IS VOID WITHOUT ORIGINAL SIGNATURE AND SEAL.

Morton Hi-Rib Detail







**ORDINANCE #1944 TO EXTEND THE CORPORATE
LIMITS OF THE TOWN OF SOUTHERN PINES,
NORTH CAROLINA AX-04-21: 1042 SW Broad Street**

THAT WHEREAS, the Town Council has been petitioned under G.S. 160A-31 as amended to annex the area described herein; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation, AX-04-21, was scheduled to be held in regular session of the Town Council at the Douglass Community Center at 6:00 P.M. on the 14th day of September, 2021 after due notice by publication on August 29, 2021; and

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentation at that hearing, and

WHEREAS, based on the certification of the Town Clerk and other information presented at said hearing, Council finds it proper and in the best interest of the Town to annex the following parcel according to the requirements of G.S. 160A-31:

A certain parcel of land in Sandhill's Township, Moore County, North Carolina fronting on the southeast side of Old US Highway No. 1 and on the northwest side of Broad Street Extension, and described as follows:

Beginning at the northwest common corner of Lots 5 and 6 of the Powell & Suggs Subdivision and being depicted on the plat recorded in Plat Cabinet 18 at Slide 301 in the Office of the Register of Deeds for Moore County, NC; running thence from the beginning N56-0200"E 100.00 feet to an iron stake; thence S 55°29'08"E 193.33 feet to an iron stake; thence S 41°15'41"W 65.83 feet to an iron stake; thence S 53°01'12"E 217.28 feet to an iron stake in the line of Broad Street Extension; thence as Broad Street Extension S 32°05'54"W 288.91 feet to an iron stake; thence N 51°24'35"W 264.81 feet to an iron stake; thence N 41°39'28"E 248.22 feet to an iron stake; thence N 53°34'39"W 218.30 feet to the beginning, containing 2.03 acres, more or less.

A map of the area herein described is provided with this Ordinance as Attachment A.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 14th day of September, 2021:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 14th day of September, 2021.

Section 2. Upon and after the 14th day of September, 2021 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Southern Pines shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Section 4. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 14th day of September, 2021.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

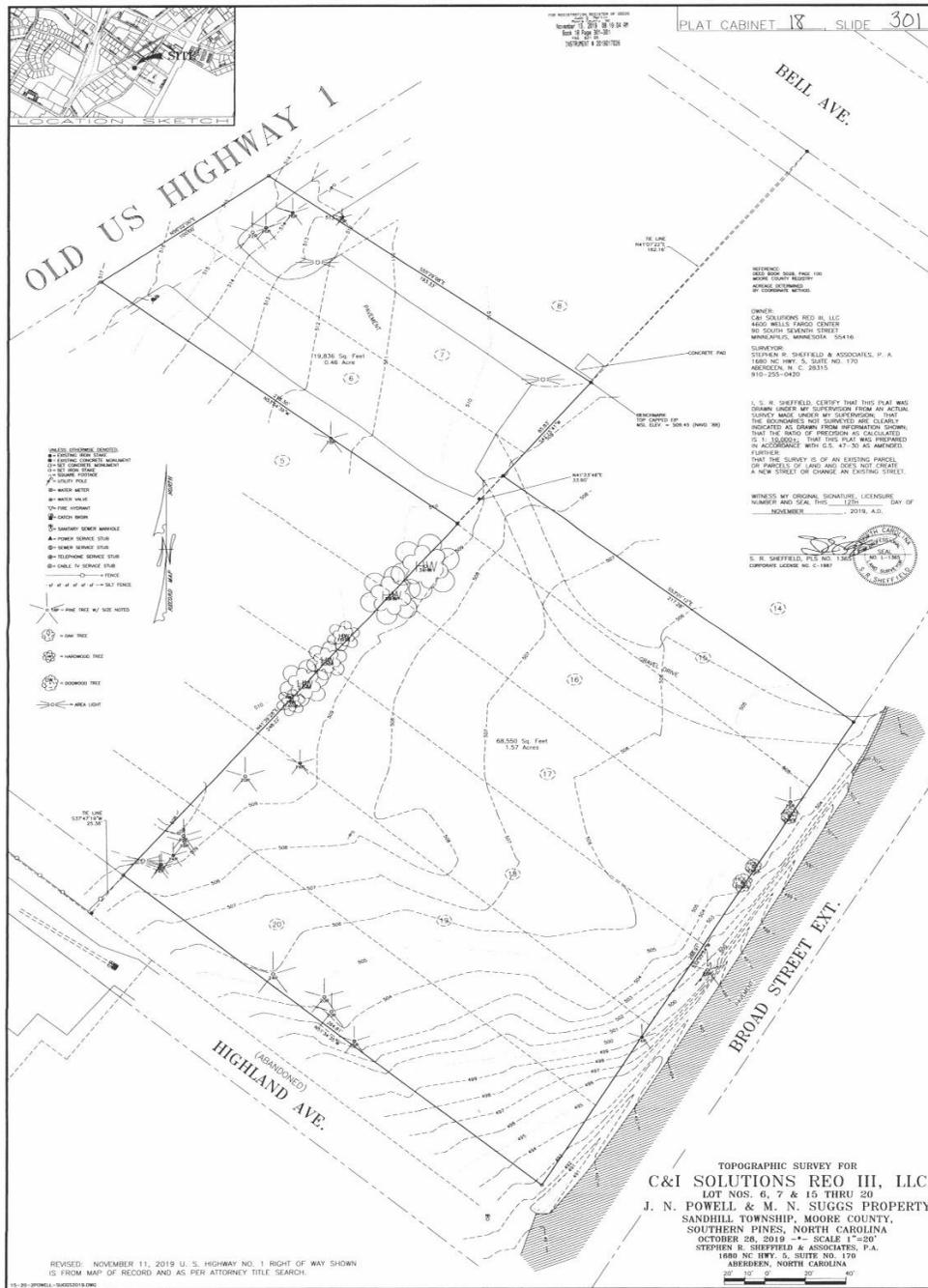
APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on September 14, 2021 as shown in the Minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

ATTACHMENT "A"



Agenda Item

To: Reagan Parsons, Town Manager

From: Cindy Williams, Planning Technician

Subject: AX-04-21: Public Hearing on a Request for Voluntary Annexation of Property Contiguous to the Corporate Limits of the Town of Southern Pines; ±2.03 Acres; Petitioner: Toni Anne Washington

Date: September 14, 2021

I. SUMMARY OF APPLICATION REQUEST:

Ms. Toni Anne Washington is requesting voluntary annexation of a contiguous parcel that is currently outside of the corporate limits of the Town of Southern Pines. The subject parcel is identified PIN 857100951443 (PARID 00055811). Per the Moore County tax records, the property owners are listed as T & S Developers LLC.

II. TOWN COUNCIL ACTION:

During the July 26, 2021 Town Council work session, the Town Council approved a *Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31*.

During the August 10, 2021 Town Council Regular Meeting, the Town Council approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.

III. PROJECT INFORMATION:

A. Physical Addresses:

1042 SW Broad Street
Southern Pines, NC 28387

B. Property Owner:

T & S Developers LLC
55 Woodenbridge Lane
Pinehurst, NC 28374

C. Applicant:

Toni Anne Washington
55 Woodenbridge Lane
Pinehurst, NC 28374

D. Property Identification Number (PIN) & Parcel Identification:

PIN: 857100951443; PARID: 00055811

E. Size of Property:

Total Current Acreage: ±2.03 acres

IV. STAFF COMMENTS:

- The applicant has submitted an annexation petition accompanied by a map and a written metes and bounds description of the subject property.
- The request is a voluntary request for a contiguous annexation as a portion of the subject parcel is within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject property is presently zoned GB (General Business) and the adjacent properties are also presently zoned GB.
- At the July 26, 2021 work session, the Town Clerk was directed to investigate the sufficiency of the petition for voluntary annexation of the subject property.
- At the August 10, 2021 Town Council Regular Meeting, the Town Clerk certified the sufficiency of the petition for annexation and the Town Council approved a Resolution (#975) fixing a date for a public hearing on the petition for annexation.
- The purpose of this agenda item is to hold a public hearing to consider the annexation request.
- **Comprehensive Long Range Plan Analysis:**
 - The subject property is identified as “Commercial” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

“The Commercial designation applies to all land dedicated to retail, professional, office, or other primarily non-residential, commercial use. It includes the Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.”

Figure 1: Adjacent Property (Area to be Annexed Outlined in Red)



□ Town of Southern Pines Corporate Limits

□ Town of Southern Pines ETJ

Figure 2: Zoning Map (Area to be Annexed Outlined in Black)

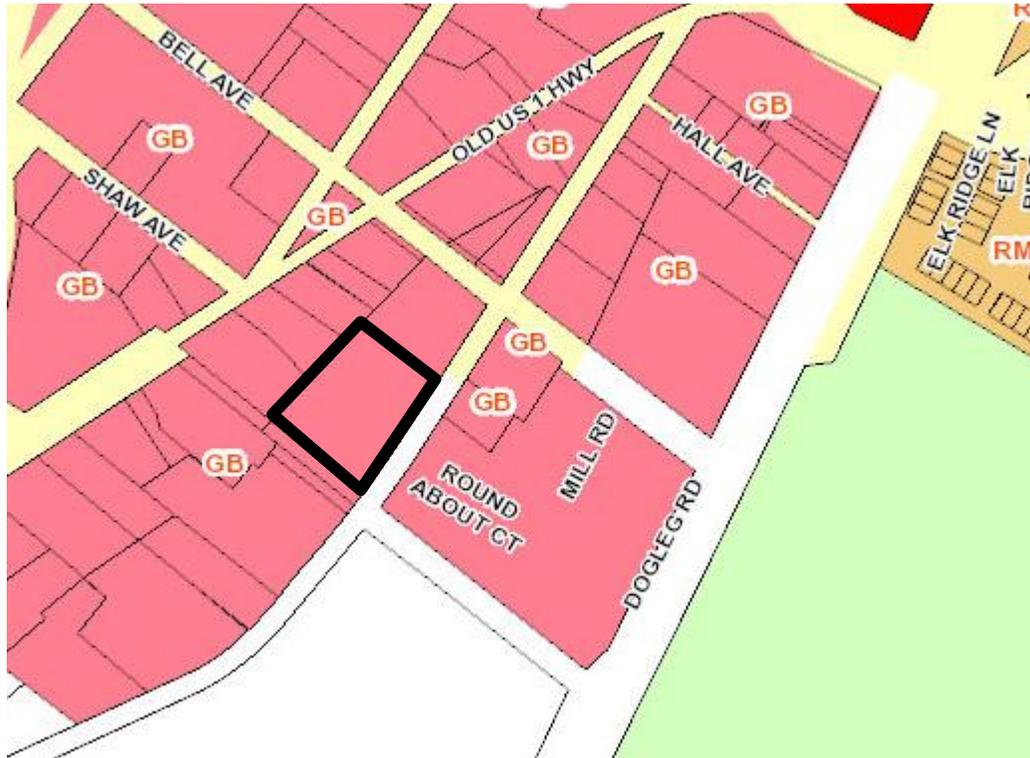


Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Blue)



V. ATTACHMENTS:

1. Petition
2. Written metes and bounds description
3. Survey of subject property

VI. TOWN COUNCIL ACTION:

To either approve or deny the Voluntary Annexation, the Town Council may choose one of the following motions or any alternative they wish:

- 1) I move to adopt an Ordinance approving the Voluntary Annexation request in application AX-04-21 for the property as defined in the submitted written metes and bounds description, and to have the Ordinance effective immediately.

-or-

- 2) I move to deny the Voluntary Annexation in application AX-04-21 for the property as defined in the submitted metes and bounds description.

**PETITION FOR VOLUNTARY ANNEXATION OF REAL
PROPERTY CONTIGUOUS TO THE
TOWN OF SOUTHERN PINES, NORTH CAROLINA**

JULY 9 _____, 202¹

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA:

- 1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-31.**

- 2. The area requested to be annexed is contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:**

A legal metes and bounds description of boundaries of annexation, or a legal metes and bounds description of boundaries must be included.

Name & Signature of Owner

Address of Owner

Toni Anne Washington


55 woodenbridge Ln.
Pinehurst NC 28374

Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (new projects or properties that are being subdivided are to obtain address numbers from the Southern Pines Planning office while properties with existing structures are to obtain/confirm those addresses through the Southern Pines Fire Department) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.

Metes & Bounds Description of Property Petitioning for Annexation:

A certain parcel of land in Sandhills Township, Moore County, North Carolina fronting on the southeast side of Old US Highway No. 1 and on the northwest side of Broad Street Extension, and described as follows:

Beginning at the northwest common corner of Lots 5 and 6 of the Powell & Suggs Subdivision and being depicted on the plat recorded in Plat Cabinet 18 at Slide 301 in the Office of the Register of Deeds for Moore County, NC; running thence from the beginning N56-0200"E 100.00 feet to an iron stake; thence S 55°29'08"E 193.33 feet to an iron stake; thence S41°15'41"W 65.83 feet to an iron stake; thence S 53°01'12"E 217.28 feet to an iron stake in the line of Broad Street Extension; thence as Broad Street Extension S 32°05'54"W 288.91 feet to an iron stake; thence N 51°34'35"W 264.81 feet to an iron stake; thence N 41°39'28"E 248.22 feet to an iron stake; thence N 53°34'39"W 218.30 feet to the beginning, containing 2.03 acres, more or less.

Agenda Item

To: Reagan Parsons, Town Manager

From: Suzy Russell, Planner II

Subject: CU-02-21 Conditional Use Permit; S-20-21 Major Subdivision Preliminary Plat; New Construction of a Mixed-Use Residential and Office Development; 660 SW Service Road; Authorized Agent, Paramounte Engineering, Owner, Tams Properties, LLC

Date: September 14, 2021

I. SUMMARY OF APPLICATION REQUEST:

On behalf of Tams Properties LLC., Mr. Mike Nichols, of Paramounte Engineering, has submitted an application for a Conditional Use Permit for the new construction of mixed-use residential and office development and Major Subdivision Preliminary Plat for single-family attached townhomes. The applicant is proposing to develop six buildings with 32 residential units, consisting of single-family attached townhomes and two (2) office units. The subject property is located at 660 SW Service Road and is comprised of five (5) parcels for a total of 2.085 acres of undeveloped forested land. The subject properties are identified as PIN: 857108887345 (PARID: 96000398), PIN: 857108888362 (PARID: 00039171), PIN: 857108889334 (PARID: 00033309), PIN: 857108980445 (PARID: 00039172), PIN: 857100981555 (PARID: 20190151). The property owner according to the Moore County tax records is Tams Properties, LLC.

II. PLANNING BOARD ACTION:

At the June 17, 2021 Regular Meeting of the Planning Board, the Planning Board opened the public hearing per UDO §2.5.2 and followed rules for a legislative hearing. After hearing feedback from the public, the applicant requested, per UDO §2.5.14, a continuance from the Planning Board in order to address concerns from the residents of West Southern Pines. The Planning Board granted the applicant a continuance to the July 22, 2021 Regular Planning Board Meeting.

At the July 22, 2021 Regular Meeting of the Planning Board, with six members present, Mr. Andy Bleggi being absent, the Planning Board heard from staff as well as those in attendance regarding application CU-02-21 and S-20-21. Planning Director, MR. BJ Grieve addressed the citizens in attendance. He gave an overview of the quasi-judicial procedures and explained how to determine what land uses are by-right land uses in the zoning district you are wishing to develop in. Ms. Suzy Russell, planner II, presented a review of the conditional use permit application for a major subdivision and preliminary

plat. Planning staff reviewed details of the project and discussed compliance with the applicable standards and criteria found within the Unified Development Ordinance (UDO).

Mr. Marcel Goneau spoke to the board and gave an overview of the land uses that are allowed by right on the subject property. Mr. Nichols, of Paramounte Engineering, presented a slideshow presentation and answered a variety of questions from the public and the Planning Board. Mr. Brad Shuler, of Paramounte Engineering, presented a slideshow on median income levels for the West Southern Pines area.

The Board opened the hearing for public comment. Approximately five to eight residents of Southern Pines spoke against the project. Approximately two residents spoke in favor of the project. After hearing testimony from those wishing to speak the Planning Board closed the public hearing and proceeded with Board Discussion. During Board discussion, a variety of issues were discussed that the Planning Board wished to forward to the Town Council.

After discussing the public's testimony, Kim Wade made a motion to adopt Attachment A of the staff report as the Planning Board's findings of fact regarding the proposed Conditional Use Permit CU-02-21, with changes. The motion was seconded by Lem Dowdy. The Board voted 4 - 2 with one absence. A copy of the revised Planning Board Attachment A may be found attached to this staff report. Ms. Wade then moved to recommend denial of CU-02-21. The motion was seconded by Lem Dowdy. The Board voted 3-3 with one absence. A vote was not taken on S-20-21 based on the Conditional Use Permit not passing.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that although the Planning Board forwarded a revised Attachment A and a recommendation for the Council's consideration, no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council's decision on CU-02-21.

Following the Planning Board hearing, on July 27, 2021 the applicants requested a continuance to the September 14, 2021 Town Council hearing. Per UDO §2.5.14(B), the request was received more than 7 days prior to the date of the hearing, so the request was automatically granted.

III. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

- i. Property Owner:**
Tams Properties, LLC
207 Midlothian Drive
Southern Pines, NC 28387

- ii. Applicant:**
Goneau Construction

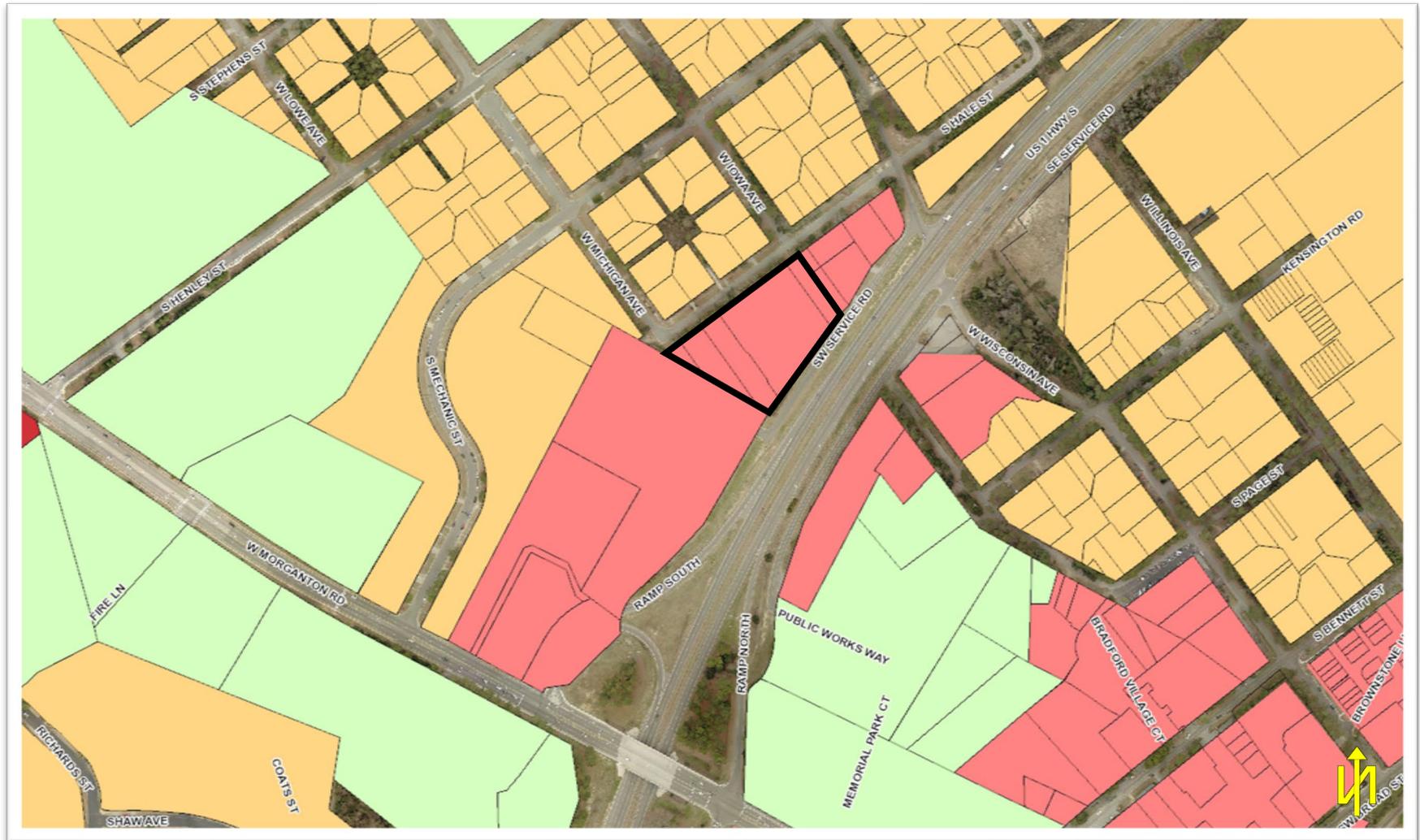
Marcel Goneau
PO Box 4839
Pinehurst, NC 28374

- iii. **Authorized Agent:**
Paramounte Engineering
Mike Nichols, RLA
122 Cinema Drive
Wilmington, NC 28403

B. Project History and Site Information:

- i. **Location:**
The subject properties are located on the northwest side of SW Service Road between SW Service Road and S Hale Street. (See Figure 1).
- ii. **Zoning:**
The site is currently zoned Office Service (OS). (See Figure 2).
- iii. **Comprehensive Long Range Plan and Future Land Use Map Designation:**
The subject property is designated as Commercial in the GIS CLRP layer. The subject property is designated as Commercial on the Future Land Use Map. *The Commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.* (See Figure 3).

Figure 3: Comprehensive Long Range Plan (CLRP) Map (Subject Property (RR) Outlined in Black):



- Commercial
- Traditional Mixed Use
- Residential
- Facilities Resource Recreation

IV. STAFF REVIEW:

A. Application Review Dates:

- Conditional Use Permit Application and Major Subdivision Preliminary Plat Application Submitted: May 11, 2021
- Application Not Complete: May 17, 2021
- Application Complete: May 21, 2021
- TRC Review: March 02, 2021
- Notice of Planning Board Public Hearing:
 - Posted On-site: June 01, 2021
 - Mailed: June 01, 2021
 - Internet: June 01, 2021
 - Published: June 02, 2021
- Planning Board Agenda Meeting: No Meeting Held
- Planning Board Public Hearing: June 17, 2021 and granted a continuance
- Planning Board Public Hearing Continued to: July 22, 2021
- Town Council Agenda Meeting: September 8, 2021
- Town Council Public Hearing: September 14, 2021

B. Process of Review:

The procedures for review and approval of a Conditional Use Permit, per UDO §2.21 establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. Classification of a major subdivision has been met with the creation of 26 single-family attached townhomes and requires that a Major Subdivision Preliminary Plat application accompany the CUP.

C. Criteria for Review:

The criteria for review for this Conditional Use Permit application submittal and approval are as follows:

- Conditional Use Permit UDO §2.21.7 (A-F)
- Major Subdivision Preliminary Plat UDO §2.20.5 (G) (1-6)
- Office/Service Zoning District Requirements UDO §3.5.11
- West Southern Pines Overlay UDO §3.6.4
- Highway Corridor Overlay UDO §3.6.5 (UTHCO)
- Development Design Standards UDO Chapter 4

D. Staff Comments:

Compliance with the UDO:

i. Compliance with Conditional Use Permit – UDO §2.21.7 (A-F):

A conditional use is permitted only if the applicant demonstrates that:

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

The subject property is in the OS – Office / Service zoning district. Single-family attached townhomes fall under land use code 1112 and are an authorized land use but subject to supplemental use regulations established in the zoning district regulations and Chapters 4 and 5 in the UDO.

Per UDO §3.7.1 (F): *Multi-Family Structures and Townhomes. When used in connection with Multi-Family Residential structures, the designation "ZC" means that: (1) Development of apartments with fewer than ten (10) Dwelling Units may be established pursuant to a zoning permit and Developments of (10) or more Dwelling Units require approval of a Conditional Use Permit or be developed as part of a PD. (2) Townhomes require a Conditional Use Permit when major subdivision regulations apply and when six (6) or more Townhouse Lots are created. (3) Condominium Developments require a Conditional Use Permit when ten (10) or more Dwelling Units are proposed in a Development Project.* Professional Office under land use function codes of 2200, 2300 and 2400 that are allowed in the OS zoning district as an authorized use.

The applicant appears to be generally consistent with these criteria.

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

The subject properties are currently wooded and are located on the service road adjacent to US 1 Highway South. To the North of the properties is Hale Street which borders a well-established RS-1 neighborhood. The mixed-use residential office development may offer a transition from the RS-1 neighborhood to the highway and does not appear to planning staff to injure property in the immediate vicinity in a manner like some other more intensive land uses. This type of growth and change may be less impactful to the quality of the existing neighborhood and maintains compatible scale and intensity of development. Planning staff finds that the applicant appears to be generally consistent with these criteria and has drafted findings of fact accordingly, but recommends the Planning Board and Town Council carefully considering the draft findings following the public hearing and evidence presented therein.

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

The subject property has access to public sewer and water.

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

The development provides open space, buffers and appropriate building scale. The mixed use residential and professional office development is located along the highway corridor and provides for compatibility by being a transition within the Office Services zoning district and a single-family residential zoning district. The applicant appears to be generally consistent with these criteria.

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

The scale, orientation and intensity of buildings appears to planning staff to be compatible with adjacent development and will help to minimize negative visual, noise and traffic impacts of the highway. Of all the uses possible for the Office Service zoning district, the proposed mixed use residential professional office uses accommodate a mix of housing and non-residential development required to serve this neighborhood. The applicant appears to be generally consistent with these criteria and planning staff have drafted findings of fact accordingly, but the Planning Board and Town Council should carefully consider testimony provided at the public hearings and compare and contrast that testimony with staff's draft findings of fact. *and,*

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

The proposed mixed-use residential and professional office development may be of more benefit to the surrounding neighborhood than other land uses allowed in the current Office Services zoning district. Planning staff can find no reason that the proposed development is not generally compatible with the public interest and welfare based on the current zoning. The applicant appears to be generally consistent with these criteria.

ii. Compliance with Major Subdivision Preliminary Plat – UDO §2.20.5(G) (1-6):

(G) Criteria:

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

This is not applicable.

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

The subject property is designated as Commercial in the GIS CLRP layer. The subject property is designated as Commercial on the Future Land Use Map. *The Commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.* (See Figure 3). The applicant appears to be generally consistent with these criteria.

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

The project will be required to obtain final site plan approval per UDO §2.48. The applicant has provided a site plan, sheet C-2.0, that contains all applicable site data. The applicant appears to be generally consistent with these criteria.

(4) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;

The proposed subdivision is required to provide 10,000 square feet for the first residential unit and then 3,600 square feet for each unit thereafter. This development is allowed 32.16 units, or 32 residential units total. The applicant appears to be generally consistent with these criteria.

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

The proposed land uses are compatible with existing and allowable residential uses on adjacent properties per the zoning map and the development is consistent with the CLRP. *And,*

(6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to

provide for the efficient and timely extension to serve future Development.

Public water and sewer utilities are available and can serve the project. Pedestrian access is to be provided with a sidewalk that will be located along South Hale Street.

The applicant has provided adequate documentation and is generally compliant with the applicable standards. The documents submitted can be found in the attachment portion of this report.

iii. General Staff Comments

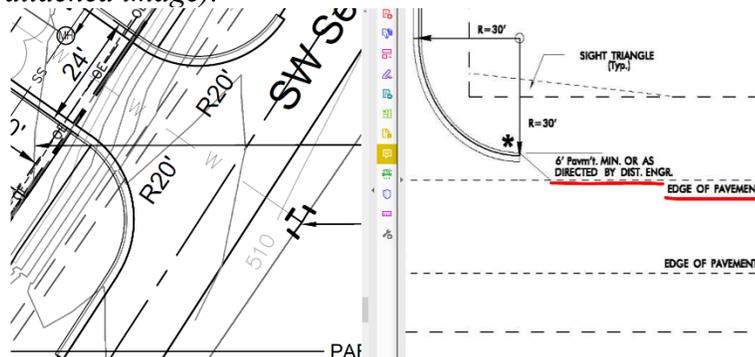
- The applicant has submitted a narrative addressing compliance with the criteria for a Conditional Use Permit as well as a narrative addressing compliance with Major Subdivision Preliminary Plat, copies of which are attached to this report.
- In the OS zoning district, building walls facing streets and residential lots shall be finished predominantly with brick, stucco, wood or other non-metal siding. Side and rear building walls that do not face streets or residential lots shall be finished with the same materials as the walls facing the streets for at least the lesser of 25% or 25' of the length of the wall extending from the nearest street facing walls. Per NCGS: structures built to building code for one- and two-family dwellings are not subject to architectural codes but multi-family and office building are subject to architectural codes.
- Building sides facing streets and residential lots shall have parapets mansard or false mansard roofs or shingled or stand seam roofs with a minimum pitch of 6:12 vertical rise: horizontal run.
- Maximum building height in the Urban Transition Highway Corridor Overlay is 35'
- The subject property is within the High-Quality Watershed and will need to apply for the 5/70 exemption. The maximum built upon surface is regulated to 65% in the Urban Transition Highway Corridor Overlay.
- The applicant is required to apply for a sign permit with the Town of Southern Pines if they propose signage.
- The applicant shall meet all applicable landscape, parking, lighting and building design requirements found in Chapter 4 of the UDO.
- Per UDO §4.5.7 (D) Barrier curbs are required to:
 - Protect landscaped areas from damage
 - Ensure that vehicles do not extend over sidewalks
 - Protect building walls or other structures from damage
- Per UDO §4.5.7 (E) Non-continuous curbs or wheel stops shall be used where stormwater drains into landscaping, detention or retention areas.

- This development will be subject to permitting through the inspections department and will be required to submit for site plan review. All state level development regulation and the applicable development regulations in the Unified Development Ordinance (UDO) must be met prior to site plan approval.

E. Outside Agency Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission on June 01, 2021. Any comments received after the publishing of this report will be forwarded to the Planning Board at the public hearing as an exhibit.

- Comments from the North Carolina Department of Transportation were received on June 2, 2021. The comments state as follows: *For this one we will need a driveway permit for the connection to SR 1872, the service road. We will also need an encroachment agreement for the proposed storm drainage pipe work that connects to the existing system on SR 1872. As part of that encroachment we will also need to see drainage calculations to make sure the existing system can handle what they are proposing. There is curb and gutter being proposed on their connection to the service road, that curb and gutter will need to be set back 6ft. from the road (see attached image).*



V. ATTACHMENTS:

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

1. Attachment A: Draft Town Council Findings of Fact for Conditional Use Permit CU-01-21
2. Attachment B: Draft Town Council Finding of Fact for Major Subdivision Preliminary Plat S-20-21
3. Conditional Use Permit Application

4. Major Subdivision Preliminary Plat Application
5. Site Plan
6. Project Description
7. Major Subdivision Preliminary Plat Narrative
8. Conditional Use Permit Narrative
9. Trip Generation Calculations
10. Revised Planning Board Attachment A

VI. TOWN COUNCIL ACTION:

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

I move to:

1. Adopt Attachment “A” of the staff report as our Findings of Fact regarding the proposed Conditional Use Permit CU-02-21.
2. Adopt Attachment “A” of the staff report as our Findings of Fact regarding the proposed Conditional Use Permit CU-02-21 with the following changes _____.

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

I move to:

1. Approve of the Conditional Use Permit CU-02-21.
2. Deny of the Conditional Use Permit CU-02-21
3. Approve the Conditional Use Permit for CU-02-21 with the following additional conditions....

TOWN COUNCIL ACTION:

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

I move to:

1. Adopt Attachment “B” of the staff report as our Findings of Fact regarding the proposed Preliminary Plat S-20-21.
2. Adopt Attachment “B” of the staff report as our Findings of Fact regarding the proposed Preliminary Plat S-20-21 with the following changes _____.

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

I move to:

1. Approve of the Preliminary Plat S-20-21.
2. Deny of the Preliminary Plat S-20-21.
3. Approve of the Preliminary Plat for S-20-21 with the following additional conditions....

ATTACHMENT “A”
Draft Town Council Findings of Fact
Conditional Use Permit Application CU-02-21

Finding of Fact #1:

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

Finding of Fact #2:

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

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

1 The Town Council finds that the application CU-02-21 does not deviate from any
2 applicable standards summarized in §3.5.11 *Office Service Zoning District Standards* of
3 the Unified Development Ordinance and the applicable supplemental use regulations
4 summarized in the applicable standards of the Unified Development Ordinance.

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

5 The Town Council finds that the mixed-use residential and professional office development
6 offers a transition from the RS-1 neighborhood to the highway and would not injure the
7 use and enjoyment of property in the immediate vicinity. This type of growth and change
8 does not degrade the quality of the existing neighborhood and maintains compatible scale
9 and intensity of development.

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

10 The Town Council finds the subject properties have access to and can be served by TOSP
11 public facilities.

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

12 The Town Council finds that the proposed development is consistent with the existing
13 zoning standards. The mixed use residential and professional office development is located
14 along the highway corridor and provides for compatibility by being a transition within the
15 Office Services zoning district and a single-family residential zoning district.
16

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

17 The Town Council finds that the development will be required to adhere to all site
18 development standards and building standards, including, but not limited to compliance
19 with the building and fire code. The applicants will be required to meet all conditions
20 imposed as well as meet all regulatory measures.

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

21 The Town Council finds that the proposed development complies with applicable standards
22 and regulations found within the Town of Southern Pines UDO that are based on the public
23 interest and welfare. The mixed-use residential and professional office development
24 benefit the surrounding neighborhood more so than other land uses that are allowed in the
25 current Office Service zoning district.

ATTACHMENT “B”
Draft Town Council Findings of Fact
Preliminary Plat Application S-20-21

Finding of Fact #1:

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

Finding of Fact #2:

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

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

1 This is not applicable.

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

2 The Town Council finds that the proposed Preliminary Plat is generally consistent with the
3 standards set forth in the CLRP because the property is designated as commercial on the
4 Future Land Use Map. The commercial designation applies to land dedicated to retail,
5 professional office and higher density residential which may be incorporated into mixed-
6 use developments,

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

7 The Town Council finds that the proposed subdivision generally complies with the UDO.
8 The project will not be granted Site Plan approval per UDO §2.48 without necessary
9 approvals from applicable state and federal agencies. The burden of demonstrating
10 compliance with applicable state and federal regulations rests with the applicant per UDO
11 §2.5.6.

4. The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and / or permissible zoning and future land use of adjacent property;

12 The Town Council finds the proposed subdivision compatible with the existing and
13 permissible zoning and future land use of the adjacent properites because the proposed
14 subdivision is required to provide 10,000 square feet for the first residential unit and then
15 3,600 square feet for each unit thereafter. This development is allowed 32.16 units, or 32
16 residential units total.

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

17 The Town Council finds that the proposed subdivision will not have detrimental impacts
18 on the safety or viability of permitted uses on adjacent properties because the land use is
19 compatible with existing and allowable uses on adjacent properties per the zoning map and
20 the development is consistent with the CLRP.

6. **The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development;**

21 The Town Council finds that public water and sewer utilities are available to serve the
22 project. Adequate stormwater facilities will be verified prior to approval of site plans for
23 any of the individual phases of the proposed subdivision.



Conditional Use Permit

REQUIRED APPLICATION MATERIALS:

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

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

REVIEW AND APPROVAL:

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

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

7-1-19



Conditional Use Permit Application

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

Street Address: 660 SW Service Rd Southern Pines
 PIN: 857108887345, 857108888362, 857108889334, 857108980445, 857100981555 Parcel ID: 96000398, 00039171, 00033309, 00039172, 20190151
 Site Size: 2.805 ACRES Zoning: OS

Applicant:

Name(s): MARCEL O. GONEAU JR.
 Email: marcel@goneauconstruction.com Phone: 910-585-0618
 Mailing Address: P.O. Box 4839 Pinhurst NC 28374

Authorized Agent, if different from Applicant:

Name(s): MIKE NICHOLS, RLA & TIM CLINKSCAVES, PE - PARAMOUNT ENGINEERING
 Email: MNICHOLS@PARAMOUNT-ENG.COM Phone: 910-791-6707
 Mailing Address: 122 CINEMA DR., WILMINGTON, NC 28403

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

Name(s): Tams Properties, LLC
 Email: ncalfree@nc.rr.com Phone: 910-315-6225
 Mailing Address: 207 Middlethiana Dr Southern Pines, NC 28387

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 Conditional Use Permit as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the NW side of SW SERVICE RD. (St./Ave.), between SW SERVICE RD. (St./Ave.) and S. HALE ST. (St./Ave.). The property has a frontage of 370 feet and a depth of VARIABLES feet. *→ MAX. 376', MIN. 221'*

The conditional use sought is based upon Section(s) 3.5.11 of the Town of Southern Pines Unified Development Ordinance. The proposed use of the property is as follows:

OS - OFFICE/SERVICE DISTRICT: MIX OF MEDIUM DENSITY RESIDENTIAL W/ OFFICES AND SERVICES, AND ALLOW FOR SF DWELLINGS IN BUSINESS CORRIDORS, PROVIDE BUFFER AND TRANSITION BETWEEN RESIDENTIAL DISTRICTS (SEE RS-1 DISTRICT ON OPPOSITE SIDE ADJACENT PROPERTY OWNERS: OF HALE ST.) AND INTENSIVE NON RESIDENTIAL USES AND MAJOR ARTERIAL STREETS (US 1). SUBJECT PROP. PROVIDES

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.

BUFFER AND TRANSITION.

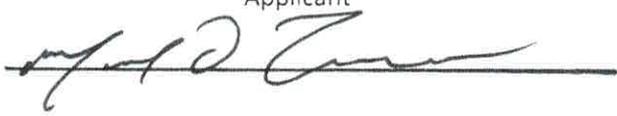
1. Adjacent property: _____ Parcel ID #: _____
 Property owner(s): _____
 Mailing address: _____
2. Adjacent property: _____ Parcel ID #: _____
 Property owner(s): _____
 Mailing address: _____
3. Adjacent property: _____ Parcel ID #: _____
 Property owner(s): _____
 Mailing address: _____
4. Adjacent 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: _____

SEE ATTACHED FOR INFO.

- 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: _____

SEE ATTACHED FOR INFO

Date: _____

Applicant


DATE: 5/10/2021 SUBMITTED BY: MIKE NICHOLS, PARAMOUNT ENGINEERING
 (910) 791-6707

UDO §2.21.7. Criteria for a Conditional Use Permit

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

- (A) The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;
- (B) The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;
- (C) Adequate public facilities shall be provided as set forth herein;
- (D) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;
- (E) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and

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

APPOINTMENT OF AGENT

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

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

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

Signed this 16th day of May, 2021.

Donald A. Calhoun, GENERAL PARTNER
Property Owner

Property Owner
Marcel Geneau
Agent



Major Subdivision Preliminary Plat

REQUIRED APPLICATION MATERIALS:

- ✓ **Conditional Use Permit Application** and all supporting documentation.
- ✓ **Completed Major Subdivision Preliminary Plat Application** signed by the applicant.
- ✓ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- ✓ **Deed** copy to provide proof of ownership and property boundaries.
- ✓ **Preliminary Plat**: Please refer to Appendix A of the UDO (pg. A-11) for detail requirements.
- ✓ **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with **UDO §2.19** and **§2.20**.
- ✓ **Additional documentation**: Additional text and/or maps provided to demonstrate consistency with the criteria for approval of a preliminary plat listed in **UDO §2.20.5(G)**. The list of criteria is attached.
- **Covenants and Restrictions**, if applicable. *N/A*
- **Utility letters** confirming the availability of service and improvements necessary to provide water, wastewater, natural gas or telecommunications services (not needed for Town services). *N/A*
- ✓ **Drainage concept plan**, if applicable – see drainage impact analysis checklist. *SEE PLAN*
- **Traffic impact analysis**, if applicable – see traffic impact analysis checklist. *N/A*
- ✓ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net

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

REVIEW AND APPROVAL:

1. **Staff Review**: Planning staff will review the application within five business days and notify the applicant if additional materials are needed.
2. **Public Hearing**: A public hearing will be held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) In addition to the regular meeting, the applicant or a representative is expected to attend the Town Council agenda meeting the Wednesday prior to the regular meeting.
3. **Approval**: The Town Council may approve, conditionally approve or deny the application based on the criteria listed in **UDO §2.20.5(G)**. The Conditional Use Permit shall not become effective until the Planning Director approves and the Applicant records the final plat for the applicable area.

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



Major Subdivision Preliminary Plat Application

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

Subdivision Name: Village Walk Street Address: 660 SW Service Rd.
 PIN: 857108887345, 85710888362, 857108889334, 857108980445, 857100981555 Parcel ID: _____ Zoning District: OS
 PARCEL ID: 96000398, 00039171, 00033309, 00039172, 20190151
 Project acreage in: Lots _____ + Roads _____ + Open Space _____ + Common Area _____
ACRES = 2.805 NO ROADS/PARKING, DRIVEWAYS ONLY OPEN SPACE / 13,000 SF
 + Other (describe) _____ = Total Project Acreage _____
 Number of Lots: 20 Minimum Lot Size: N/A - CONDO'S Setbacks: N/A - SEE PLAN FOR PROJECT SETBACKS
 Highway Corridor Overlay: Yes/No YES If yes, Urban Village _____ Urban Transition X Rural Hwy _____
 Watershed: Yes/No YES If yes, LR #2: X LR Vass: _____ Nicks Creek: _____ HQW: Yes/No _____
 Does the site contain a Special Flood Hazard Area: Yes/No NO Does the site contain wetlands: Yes/No NO

Applicant:

Name: Marcel O. GONEAU Jr.
 Phone: 910-585-0618 Email: marcel@goneauconstruction.com
 Mailing Address: P.O. Box 4839 Pinhurst NC 28374

Contact Person, if different from Applicant:

Name: MIKE NICHOLS, RLA & TIM CLINKSCALES, PE - PARAMOUNT ENGINEERING
 Phone: 910-791-6707 Email: MNICHOLS@PARAMOUNT-ENG.COM
 Mailing Address: 122 CINEMA DR., WILMINGTON, NC 28403

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

Name(s): Tamas Properties, LLC
 Phone: 910-315-6225 Email: nealfre@nc.rr.com
 Mailing Address: 207 Middletonian Dr. Southern Pines NC 28387

Date: 5/7/21

 Signature of Applicant

APPOINTMENT OF AGENT

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

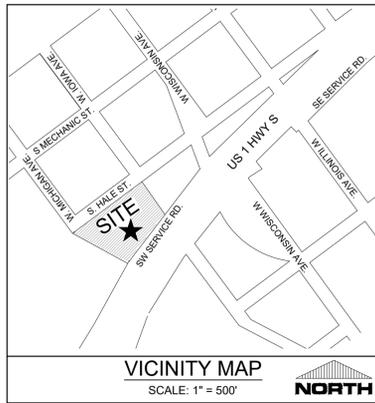
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the issuance of a Conditional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

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

Signed this 10th day of May, 2021.

Donald A. Calf, GENERAL PARTNER
Property Owner

Property Owner
Marcel Gouneau
Agent



SITE DATA
PROJECT NAME: VILLAGE WALK
SITE ADDRESS: 660 SW SERVICE DRIVE, SOUTHERN PINES, NC 28387
CURRENT OWNER: TAMS PROPERTIES, LLC, 207 MIDLOTHIAN DR., SOUTHERN PINES, NC 28387
PARCEL ID: 9600398, 00039171, 0003309, 00039172, 20190151
DEED BOOK: 1181, PAGE: 479; 3191, PAGE: 558; 1923, PAGE: 392
PROPOSED OWNER: GONEAU CONSTRUCTION, PO BOX 4839 PINEHURST, NC 28370
PROPERTY AREA: 2.805 +/- ACRES (+/- 122,185.8 SF)
ZONING: OS (OFFICE SERVICES)
LAND USE: (PROFESSIONAL OFFICE & MULTI-FAMILY / CONDO)
OVERLAY DISTRICTS: WSPO - WEST SOUTHERN PINES OVERLAY, HCO - URBAN TRANSITION HIGHWAY CORRIDOR
WATERSHED: RIVER BASIN: CAPE FEAR; SUB-BASIN: WS-II-HW-HOW, LITTLE RIVER (INTAKE NO. 2), MCDEEDS CREEK - HOW
FLOOD ZONE: NOT IN FLOOD ZONE, MAP: 37108557100J, ZONE X

DENSITY
 ALLOWABLE RESIDENTIAL - 10,000 SF (FIRST UNIT), THEN 3,600 SF FOR EACH UNIT THEREAFTER; 122,185.8 SF - 10,000 SF (1-UNIT) = 112,185.8 SF; 112,185.8 / 3,600 = 31.16 UNITS + 1 UNIT = 32.16 ALLOWABLE UNITS

PARKING
RESIDENTIAL: (7) 2-BR UNITS X 2 PARKS / UNIT = 14 SPACES; (25) 3-BR UNITS X 2 PARKS / UNIT = 50 SPACES
PARKING REQUIRED FOR RESIDENTIAL: 64
GUEST SPACES REQUIRED (32) UNITS / 6 = 6 SPACES
TOTAL RESIDENTIAL PARKING REQUIRED: 70 SPACES

PROFESSIONAL OFFICE: 2,816 SF / 400 = 7.04 (7 SPACES)

TOTAL PARKING SPACES REQUIRED: 77
TOTAL PARKING SPACES PROVIDED: 77

DIMENSIONAL REQUIREMENTS

OFFICE SERVICES (OS)
 - FRONT SETBACK: 75'
 - REAR SETBACK: 25'
 - SIDE SETBACK: 25'

BUFFER REQUIREMENTS (PER UDO EXHIBITS 4-3)
 HIGHWAY YARD (PER HCO): 50'
 SIDE AND REAR YARD (PER HCO): 15'
 (*NOTE: BUFFER REQUIREMENTS SHALL NOT APPLY WHEN A PUBLIC STREET OR RAILROAD R.O.W. SEPARATES APPLICABLE ZONING DISTRICTS OR USES)

MINIMUM PLANTING REQUIRED IN BUFFER (UDO EXHIBIT 4-4)
 (1) LARGE TREE PER 400 SF
 (1) SMALL TREE PER 400 SF
 (1) SHRUB PER 50 SF (BUFFER LESS THAN 20')
 (1) SHRUB PER 200 SF (BUFFERS 50' OF WIDER)

LANDSCAPE REQUIREMENTS

VEHICULAR USE AREA (VUA):
 15% (MIN.) OF THE PAVED VUA SHALL BE USED FOR PLANTING TREES OR SHRUBS, AS DEFINED BY SEC. 4.3.6 (B) (3);
 VUA = 27,088.8 SF * 15% = 4,063.32 SF REQUIRED
 VUA LANDSCAPE AREA PROVIDED = 4,343 SF

20% OF PARKING LOT AREAS SHALL BE SHADED BY LARGE TREES (30" DIAMETER); OR 707 SF REQUIRED FOR EACH TREE;
 27,088.8 SF * 30% = 8,126.64 SF REQUIRED
 8126.64 / 707 = 11.5 TREES (12 TREES REQUIRED / 12 PROVIDED)

STREET TREES: (SECTION 4.3.3) PLANTED AT AT RATE OF 1 TREE PER 30 LF OF STREET FRONTAGE

LANDSCAPE BUFFER: (SECTION 4.3.4) BUFFERS LOCATED ON PLAN SHALL BE PLANTED PER TOWN U.D.O.

STORM WATER

STORM WATER TO BE COLLECTED ON SITE AND PIPED TO A STORM WATER MANAGEMENT AREAS (SEE PLAN) DESIGNED TO CONTROL THE POST DEVELOPMENT RUNOFF TO BE LESS THAN OR EQUAL TO THE PRE-DEVELOPMENT RUNOFF FOR THE 10-YEAR, 6 HOUR DESIGN STORM, PER THE U.D.O.

DESIGN OF STORM SEWER SYSTEM SHOWN IS SCHEMATIC AND EXACT SIZE, LOCATION OF PIPE, INLETS, AND STORAGE SYSTEM TO BE DESIGN WITH CONSTRUCTION DRAWINGS.

BUILDING USE:
BUILDING 1: (7) 3-BR ATTACHED RESIDENTIAL UNITS, MULTI-FAMILY (TOWN HOMES)
BUILDING 2: (6) 3-BR ATTACHED RESIDENTIAL UNITS, MULTI-FAMILY (TOWN HOMES)
BUILDING 3: (6) 3-BR ATTACHED RESIDENTIAL UNITS, MULTI-FAMILY (TOWN HOMES)
BUILDING 4: (2) 3-BR ATTACHED RESIDENTIAL UNITS, MULTIFAMILY (TOWN HOMES), (2) 2-BR ATTACHED RESIDENTIAL UNITS, MULTIFAMILY (TOWN HOMES), AND (1) OFFICE UNIT (1,408 SF)
BUILDING 5: (2) 3-BR ATTACHED RESIDENTIAL UNITS, MULTIFAMILY (TOWN HOMES), AND (2) 2-BR ATTACHED RESIDENTIAL UNITS, MULTIFAMILY (TOWN HOMES)
BUILDING 6: (2) 3-BR ATTACHED RESIDENTIAL UNITS, MULTIFAMILY (TOWN HOMES), (3) 2-BR ATTACHED RESIDENTIAL UNITS, MULTIFAMILY (TOWN HOMES), AND (1) OFFICE UNIT (1,408 SF)

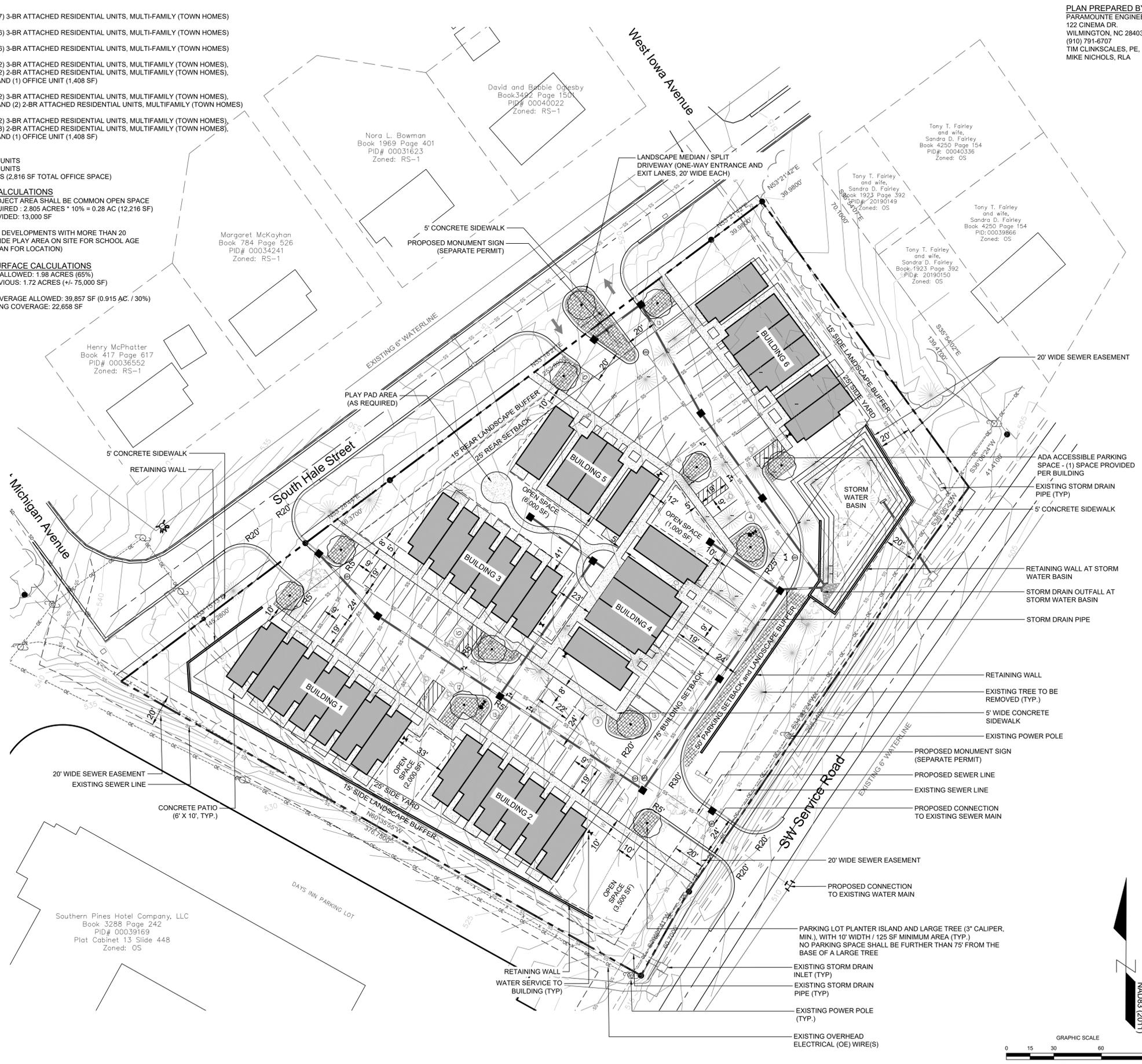
SUMMARY:
 (25) 3-BEDROOM UNITS
 (7) 2-BEDROOM UNITS
 (2) OFFICE UNITS (2,816 SF TOTAL OFFICE SPACE)

OPEN SPACE CALCULATIONS
 10% OF TOTAL PROJECT AREA SHALL BE COMMON OPEN SPACE
 OPEN SPACE REQUIRED: 2.805 ACRES * 10% = 0.28 AC (12,216 SF)
 OPEN SPACE PROVIDED: 13,000 SF

FOR MULTI-FAMILY DEVELOPMENTS WITH MORE THAN 20 DWELLINGS, PROVIDE PLAY AREA ON SITE FOR SCHOOL AGE CHILDREN (SEE PLAN FOR LOCATION)

IMPERVIOUS SURFACE CALCULATIONS
 MAX. IMPERVIOUS ALLOWED: 1.98 ACRES (85%)
 PROPOSED IMPERVIOUS: 1.72 ACRES (+/- 75,000 SF)

MAX. BUILDING COVERAGE ALLOWED: 39,857 SF (0.915 AC / 30%)
 PROPOSED BUILDING COVERAGE: 22,658 SF



PLAN PREPARED BY
 PARAMOUNT ENGINEERING, INC.
 122 CINEMA DR.
 WILMINGTON, NC 28403
 (910) 791-6707
 TIM CLINKSCALES, PE, PLS
 MIKE NICHOLS, RLA

REVISIONS:

CLIENT INFORMATION:
GONEAU CONSTRUCTION
 PO BOX 4839 PINEHURST
 NORTH CAROLINA

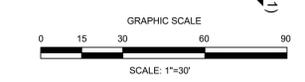
PARAMOUNT ENGINEERING
 122 Cinema Drive
 Wilmington, North Carolina 28403
 (910) 791-6707 (O) (910) 791-6700 (F)
 NC License #: C-2846

SITE PLAN
 VILLAGE WALK
 660 SW SERVICE RD.
 SOUTHERN PINES, NC

PROJECT STATUS
 CONCEPTUAL LAYOUT:
 FINAL DESIGN:
 RELEASED FOR CONSTRUCTION:
DRAWING INFORMATION
 DATE: 08/20/2021
 SCALE: 1" = 30'

SEAL
C-2.0
 PEI JOB#: 21302.PE

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION





Village Walk Project Description

Applicant: Goneau Construction, Inc.
Project Type: Mixed-use residential and office development
Parcels: Five parcels (Parcel ID's: #96000398, #00039171, #00033309, #00039172, & #201901151)
Project Size: Approximately 2.805 Acres
Zoning: Office/Services (OS)
Overlay District: West Southern Pines and Urban Transition Highway Corridor

Property Address: 660 SW Service Rd., Southern Pines, North Carolina

Existing Conditions: The property is located between SE Service Rd. and S. Hale St. and is comprised of five parcels equaling 2.085 acres of undeveloped (vacant) land. There are several abandoned, unoccupied structures on the site, and the site is primarily wooded with heavy unmanaged understory growth and a mix of pines and hardwoods.

Proposed Project: The proposed improvements will provide residential and office uses to serve residents and visitors of Southern Pines, including:

- Six Buildings, with (32) total Residential Units and (5) total Office Units
- 10% Minimum open space / common area
- Driveways and required parking per U.D.O. requirements
- Storm Water Management as required per U.D.O.
- Landscaping for parking/vehicle use areas and buffers as required per U.D.O.
- Architectural Elements for Buildings as required per U.D.O and Overlay District



Preliminary Plat Application for the Village Walk project

PROJECT NARRATIVE

The Preliminary Plat shall serve as a guide to the future density, intensity, land uses, pedestrian and bicycle ways, trails, parks and open space, as well as Lot, street and drainage patterns for the proposed project. The Preliminary Plat also provides feedback on the Conditional Use Permit (CUP) application. A narrative explaining how this application complies with the Town of Southern Pines' Unified Development Ordinance (UDO) Section 2.20.5 Preliminary Plat is provided below:

CRITERIA (Section 2.20.5(G))

1. The Application is consistent with the approved Sketch Plat.
 - **The Preliminary Plat and application provided for this project is consistent with, and incorporates revisions based on Staff review comments based on the Sketch Plat that was submitted to the Town of Southern Pines, dated 2/21/2021.**
2. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities.
 - **The proposed project is consistent with the Comprehensive Plan, the proposed uses, lot size and development standards are consistent with the existing property zoning and the UDO.**
3. The proposed subdivision complies with the UDO and applicable state and federal regulations.
 - **The proposed subdivision is compliant with the development standards outlined in the Town's UDO, the project will also meet and be compliant with the applicable State and Federal Standards, and conditional of approval that may be applied to the application approval.**
4. The proposed subdivision, including its Lot sizes, density, access and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property.
 - **The subject property fronts and backs on public streets capable of accommodating the intended uses of the project. The existing properties immediately adjacent to the subject property are similarly zoned (OS) and are compatible with the proposed project. The properties located behind and across the street from the subject property are zoned residential, which is a compatible use of the proposed project that also contains residential uses. The proposed uses for this application are compliant and consistent with existing and future land uses.**
5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties.

PARAMOUNTE

ENGINEERING, INC.

- **There will not be detrimental impacts to the adjacent properties as infrastructure is currently in place to serve the intended uses, the intended use will develop a vacant property into the existing orderly pattern of development and improve the streetscape with sidewalks, increased pedestrian and vehicular circulation opportunities, and increase housing that will result in ownership and care of what is now a vacant and neglected property. The proposed development will have a positive economical and safety impact on the adjacent properties. Environmentally, the proposed subdivision will provide new landscaping for aesthetics, habitat and erosion control. Storm water management and improved water quality will also be mitigated in accordance with Local, State and Federal Standards.**
6. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.
- **Public facilities currently exist in the immediate area and shall be extended as required to adequately serve the normal emergency demands of the proposed Development and the efficient and timely extension to serve future development. The proposed development will provide new vehicle access via driveways connecting SW Service Rd. and S Hale St., which can facilitate emergency access for vehicles to-and-from the existing neighborhood adjacent to the proposed project.**



Conditional Use Permit Application for the Village Walk project (CU-02-21)

I. Summary of Application Request:

The applicant, Goneau Construction, is requesting the approval of a Conditional Use Permit regarding the proposed project located at 660 SW Service Rd. The proposed project consists of mixed-uses, including residential and professional offices on five parcels (Parcel ID's: #96000398, #00039171, #00033309, #00039172, & #20190115), approximately 2.805 acres in size, with an Office/Services (OS) zoning designation.

II. Project Information:

- a. Physical Address:
660 SW Service Rd.
Southern Pines, NC 28387

 - b. Owners:
TAMS Properties, LLC
207 Midlothian Dr.
Southern Pines, NC 28387

 - c. Applicant:
Goneau Construction
PO Box 4839
Pinehurst, NC 28370

 - d. Size of Property (PARID / Acres):
96000398 / 0.098 AC.
00039171 / 0.41 AC.
00033309 / 0.499 AC.
00039172 / 1.588 AC.
20190151 / 0.21 AC.
Total size of all properties: 2.805 Acres

 - e. Zoning of Property:
OS - Office Services
- Overlay Districts:
WSPO – West Southern Pines Overlay
HCO – Urban Transition Highway Corridor



f. Access to Property:

660 SW SW Service Rd. is an existing vacant lot located between S. Hale Street and SW Service Rd., with an existing direct access via driveway from S. Hale Street. The proposed project provided two driveway accesses from S. Hale Street, and one driveway access from SW Service Rd. On-site circulation permits and encourages access to all portions of the project from any of the three proposed access points into the property.

III. Conditional Use Permit Criteria (U.D.O. Sec. 2.21.7 (A-F):

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

The proposed use of the subject property shall comply with all Southern Pines regulations pertaining to OS zoned properties. The proposed project consists of (32) total residential units and (5) total office units, associated open spaces & recreation areas. The proposed project is consistent with the zoning of the immediately adjacent properties located to the north and south and fronting on SW Service Rd. Additionally, the proposed project complies with the purpose of the OS Zone by providing a mixed use of medium-density residential uses with offices and services; and allowing for single family dwellings in business corridors.

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

The proposed mixed-use project is located between an existing single family residential neighborhood and two higher intensity vehicular corridors: SW Service Rd. and N. Sandhills Blvd. US Hwy 1. The proposed project shall serve the existing single family residential neighborhood by acting as a transitional buffer between the higher intensity land uses and major vehicular arterials to the south and east and the existing residential uses to the north and west. The proposed project also contains other special characteristics of development, including architectural compatibility and aesthetics to complement existing community character, dedicated open/common spaces, a well-design network of driveways for vehicles circulation and public safety access, landscaping and stormwater management facilities that allow it to exist in harmony with the adjacent existing residential neighborhood. The proposed project is designed and situated to buffer the existing adjacent uses from potential negative impacts of traffic (noise, dust/pollution). The proposed residential units are all internally facing, with none of the units facing S. Hale St. or any of the existing residential uses located on this street. The proposed landscaping will help to beautify the existing property and enhance the neighborhood with a well-maintained and aesthetically pleasing streetscape, including sidewalks. The project will not injure the use or enjoyment in the immediate vicinity of the existing residential uses.

Other additional adjacent uses to the proposed project include a larger major-chain hotel, located immediately adjoining the subject property at its southwest boundary, and a town-owned multi-family residential development, located to the northwest of the subject property.

PARAMOUNTE

ENGINEERING, INC.

These uses are either more-intense (hotel) or similar (multi-family residential) to the proposed uses for this project. As such, the proposed project conforms to these uses and shall not injure or negatively impact the enjoyment of these existing uses.

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

All required public infrastructure for this project is located on, or adjacent to the subject property and will be extended per the standards of the Town to meet the needs of the proposed uses for this project. Additionally, the proposed project will provide on-site private infrastructure in the form for storm water and electrical services/lighting to meet the needs of the proposed project.

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

The proposed project is in a transitional border between two zoning districts, where an existing single-family neighbor meets with an office / services zoning district, which is also located along a major arterial roadway. The property is also located within two Overlay Districts, the Urban Transition Highway Corridor and the West Southern Pines Overlay. The project will contribute to the orderly development of the immediate area by creating a new residential and office mixed-use project on a currently vacant and neglected property. The development of this property will in no way impede the future development of the adjacent properties, nor will it substantially diminish or impaired the property values in the neighborhood. The development of this project will increase the value the subject property and provide much-needed additional housing and employment opportunities for Southern Pines.

As dictated per the Urban Highway Corridor overlay district, and the Office / Services zoning district, the proposed buildings shall be designed to comply with the applicable design standards, including, but not limited to, site orientation, materials and aesthetics and lot coverage. The project shall also provide an enhanced appearance of Southern Pines from the public roadways with trees, landscape buffers, and other natural landscape elements to help control water quality, reduce soil erosion, mitigate noise, increase shade coverage to reduce heat-island effect and provide habitat and food resources for the town's wildlife.

- E. The establishment, maintenance, or operation of the proposed use shall not be detrimental to, or endanger the public health, safety, comfort or general welfare:

The proposed project will establish an orderly development of residential and office uses on a currently vacant and poorly maintained property that borders an existing residential neighborhood. The proposed use will be a well-maintained development, which will be operated by a collective group of homeowners. The project will provide stability, organization, safety and community to this currently vacant property and will not be detrimental to or endanger the public health, safety, comfort or general welfare.



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

The proposed use supports the public interest and welfare through the provision of additional housing and employment opportunities for the community, located within an existing zoning district (OS) that encourages the development of mixed uses on a property that can serve as a transitional buffer between established residential neighborhoods and existing higher intensity uses in the OS zone. As previously mentioned, the proposed project will also provide an enhanced appearance of Southern Pines from the public roadways with trees, landscape buffers, and other natural landscape elements.

The resources required to support the proposed project are minimal, as all existing public infrastructure is already in place and will be improved or extended as required to serve the proposed development. The project will also contribute the town's tax base with new housing and professional office uses.

The proposed project will increase the value of the existing and adjacent lands by developing a vacant property into a well-designed mixed-use development. The project will not significantly increase traffic onto the existing residential streets, as it will provide a new connection onto SW Service Rd., where no connection exists today, and two additional driveways onto S. Hale Street.

The proposed project will help meet a need in the community for additional housing and employment, buffer and protect existing established residential neighborhoods, enhance the existing landscape through beautification, extend and improve existing public infrastructure, , increase efficiencies of the street network in the immediate area, contribute to the fiscal and economic health of the Town. No adverse effects are envisioned.

Project Name: **Village Walk**
 Address: 660 SW Service Road
 Southern Pines, NC 28387

Prepared By: TGC
 Date: 5/21/21

TRIP GENERATION CALCULATIONS - PRELIMINARY

<i>Use:</i>	Residential		
<i>Land Use Code</i>	220		
<i>Number of Dwelling Units</i>	32		
Weekday: $T=7.56(X)-40.86$			
	T =	201	Avg.VTE
Weekday Peak AM: $\ln(T) = 0.94 \ln(x)-0.29$			
	T =	20	Avg.VTE
Weekday Peak PM: $T = 0.66x+1.41$			
	T =	23	Avg.VTE

<i>Use:</i>	General Office		
<i>Land Use Code</i>	710		
<i>Office Sq Footage</i>	5.76		
Weekday: $T=14.87x$			
	T =	85	Avg.VTE
Weekday Peak AM: $T=1.3x+28.59$			
	T =	36	Avg.VTE
Weekday Peak PM: $T = 1.32x+38.14$			
	T =	46	Avg.VTE

TOTAL - PRELIMINARY TRIP GENERATION CALCULATIONS			
Weekday:			
	T =	286	Avg.VTE
Weekday Peak AM:			
	T =	56	Avg.VTE
Weekday Peak PM:			
	T =	69	Avg.VTE

REVISED ATTACHMENT “A”
Draft Planning Board Findings of Fact
Conditional Use Permit Application CU-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 Conditional Use Permit approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

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

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

1 The Planning Board finds that the application CU-02-21 does not deviate from any
2 applicable standards summarized in §3.5.11 *Office Service Zoning District Standards* of
3 the Unified Development Ordinance and the applicable supplemental use regulations
4 summarized in the applicable standards of the Unified Development Ordinance.

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

5 The Planning Board finds that the mixed-use residential and professional office
6 development does not conform to the neighborhood according to the concerns of the
7 neighborhood.

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

8 The Planning Board finds the subject properties have access to and can be served by TOSP
9 public facilities.

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

10 The Planning Board finds that the proposed development is consistent with the existing
11 zoning standards. The mixed use residential and professional office development is located
12 along the highway corridor and provides for compatibility by being a transition within the
13 Office Services zoning district and a single-family residential zoning district.
14

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

15 The Planning Board finds that the development will be required to adhere to all site
16 development standards and building standards, including, but not limited to compliance
17 with the building and fire code. The applicants will be required to meet all conditions
18 imposed as well as meet all regulatory measures.

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

19 The Planning Board finds that the proposed development complies with applicable
20 standards and regulations found within the Town of Southern Pines UDO that are based on
21 the public interest and welfare. The mixed-use residential and professional office
22 development does not benefit the surrounding neighborhood more so than other land uses
23 that are allowed in the current Office Service zoning district based on the median income
24 level of the residents in the West Southern Pines District Overlay. They cannot afford to
25 live in the development and they testified that it does not comply with the West Southern
26 Pines Development Plan in the CLRP

Agenda Item

To: Reagan Parsons, Town Manager

From: Suzy Russell, Planner II

Subject: PD-06-21; Conceptual Development Plan for a mixed-use building; 470 NW Broad Street

Date: September 14th, 2021

I. SUMMARY OF APPLICATION REQUEST:

Robert Koontz of Koontz Jones Design, on behalf of Riley Walker Development, is requesting approval of a Planned Development Conceptual Development Plan for a three-story mixed-use building. The subject property is located at 470 NW Broad Street and is identified with PIN: 858106491691, PARID: 00035953. The property owner listed on Moore County tax records is 470 NW Broad Street, LLC.

II. PLANNING BOARD ACTION:

At the August 19th, 2021 Regular Meeting of the Planning Board, with all seven members present, the Planning Board held a legislative public hearing for application PD-06-21. Planning staff, Ms. Suzy Russell, presented a review of the conceptual development plan application. Following staff's comments, the applicant's agent, Mr. Bob Koontz, presented the case for approval of the conceptual development plan. The Planning Board followed with questions and comments from Mr. Koontz and staff.

After closing the public hearing, a motion was made by Ms. Kim Wade that after considering the conceptual development plan and considering the criteria for approval of a planned development district found in UDO §2.18.4 (H), the requested conceptual development plan is found to be inconsistent with the comprehensive long-range plan, and the Planning Board adopts the resolution that is included as revised attachment A in the staff memorandum for PD-06-21, as revised at the Planning Board hearing. Ms. Wade further moved to recommend denial of PD-06-21. Mr. Andy Bleggi seconded the motion and the motion carried unanimously.

Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted comprehensive plan and on other matters as deemed appropriate by the Planning Board, and that the Planning Board shall provide this in the form of a written recommendation to the Town Council.

Please find the signed Revised Attachment A of the Planning Board for PD-06-21 in the attachments section of this report.

III. PROJECT INFORMATION:

A. Property Owner

470 NW Broad Street, LLC
Braden Riley
PO Box 3248
Pinehurst, NC 28374

B. Applicant:

Riley Walker Companies
Braden Riley
PO Box 3248
Pinehurst, NC 28374

C. Authorized Agent(s):

Koontz Jones Design
Robert Koontz
150 S Page Street
Southern Pines, NC 28387

D. Subject Property Description:

The subject property has previously been developed with a single-family detached residence and was later converted to a commercial building that is currently being utilized as office space. The subject property is also located in the High-Quality Watershed.

E. Size of Subject Property:

0.60 Acres.

F. Current Property Zoning Classification:

The parcel is currently zoned OS for Office Services. *(See Figure 1: Vicinity & Zoning Map below).*

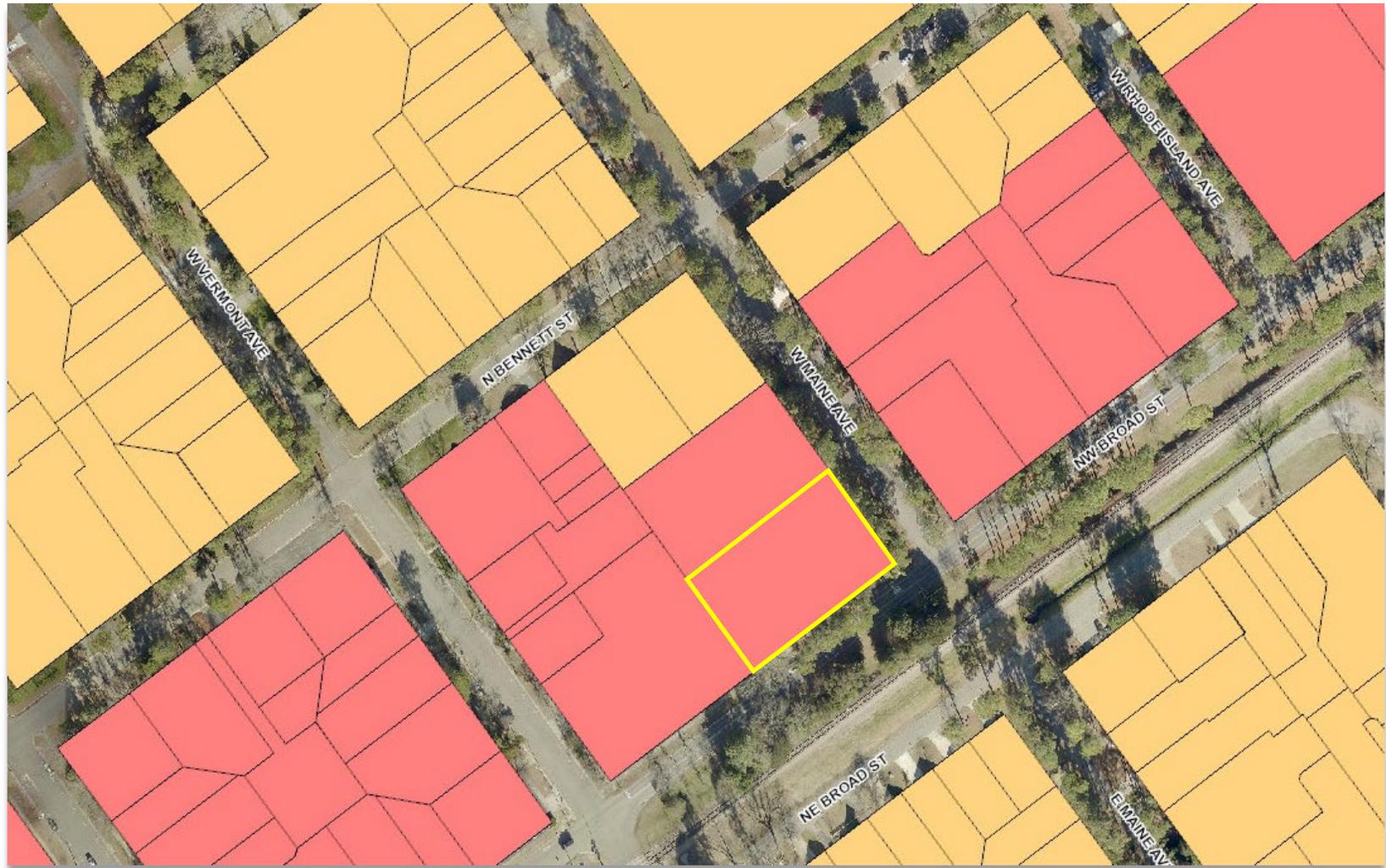
G. Current Comprehensive Long-Range Plan Future Land Use Map Designation: The subject property is designated Commercial on the Comprehensive Long-Range Plan. *(See Figure 2: CLRP Future Land Use Map below).*

Figure 1: Vicinity & Current Zoning Map (Subject Property outlined in yellow):



- CB, Central Business
- RM-2, Residential Multi-Family
- RS-1, Residential Single Family
- OS, Office Services
- Downtown Overlay

Figure 2: CLRP Future Land Use Map (Subject Property outlined in yellow):



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

IV. STAFF REVIEW:

A. Review Process:

Applications for a Planned Development District (PD) are reviewed in accordance with UDO §2.18. Creating a Planned Development District is a three-step process including Conceptual Development Plan (CDP), Preliminary Development Plan (PDP) and Final Development Plan (FDP). The first step, CDP, is when the unique zoning standards to which the entire project will be subject in the future are established via a rezoning process. This application is for a CDP.

B. Summary of Procedural Requirements:

- CDP Application Submitted: July 12, 2021
- Application NOT Complete: July 19, 2021
- Application Complete: July 20, 2021
- Notice of August 19, 2021 Planning Board Public Hearing:
 - Posted On-site: July 22, 2021
 - Mailed: July 30, 2021
 - Publication Dates: August 4, 2021 and August 11, 2021
- Neighborhood Meeting: February 9, 2020
- Planning Board Agenda Meeting: August 12, 2021
- Planning Board Regular Meeting: August 19, 2021
- Town Council Agenda Meeting: September 8, 2021
- Town Council Regular Meeting: September 14, 2021

C. Applicable Criteria for Review:

The criteria for review and approval of a Conceptual Development Plan (CDP) are found in UDO §2.18.4(H):

Conceptual Development Plan

1. *The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;*
2. *The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;*
3. *The proposed Development is appropriate for the area of the Town in which it is located; and*
4. *The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.*

D. Town Staff Review & Comments:

i. Consultation with Technical Review Committee:

A pre-application meeting was held on November 3, 2020 and on August 10, 2021.

ii. Consistency with Criteria for a Zoning Map Amendment:

The applicant is requesting a zoning map amendment from the current Office Services (OS) zoning district to a Planned Development (PD) zoning district. The applicant has submitted a Narrative and Justification that addresses compliance with UDO §2.18.4 (H) Criteria for a Conceptual Development Plan and is attached to this memo. The compliance of this proposal with the criteria for a zoning map is addressed in the applicant’s narrative.

iii. Consistency with Goals and Policies of the Comprehensive Long-Range Plan (CLRP):

The request for multi-family and commercial office space is consistent with the commercial designation of this parcel in the CLRP. The commercial designation includes areas of land dedicated to retail, professional office, and high-density residential within mixed-use developments (*Future Land use Categories: Commercial; 4-3*).

iv. Deviations from Unified Development Ordinance (UDO):

- The applicant is specifically requesting a deviation from UDO §3.5.11, the maximum density standards regulated by the OS District. The standards for maximum density in the OS District are 10,000 square feet for the first dwelling and 3,600 square feet (*Summary of OS Development Standards; Exhibit 3-11*) for every additional dwelling. UDO §3.7.1 (E) establishes the office use and the multi-family use, as a *combination use* and further UDO §3.7.1 (F) requires, because one of the combination uses is multi-family with 10 or more dwelling units, the approval of a special use permit or be developed as a planned development.
- The applicant is requesting the following specific land based code system (LBCS) codes that fall under the multi-family residential classification as well as those that are generally considered to be commercial uses that require office space and are allowed in the OS District:

Residence or Accommodation Functions	Multi-Family	LBCS: 1151, 1153
General Sales or Service	Finance and Insurance	LBCS: 2210, 2220, 2230, 2240, 2250, 2310, 2322, 2336
	Business, Professional, Scientific, and Technical	LBCS: 2411, 2412, 2413, 2414, 2415, 2417, 2421, 2422, 2423, 2424, 2430

- The applicant has provided 31 parking spaces. The total required parking spaces for this project equals 33. The UDO allows for a 20% reduction of

parking spaces based on site conditions and availability of on-street parking per §2.46.3 (D) which for this project would be six (6) parking spaces.

- Per UDO §4.9.1 (A) Every residential development shall be developed so that at least five (5) percent of the total area of the development remains permanently as usable open space. The applicant has provided this. However, because this open space is within a PD district UDO §3.5.14 (G) states that the applicant shall provide 20% open space, 10% of which shall be usable open space. UDO §4.9.5 allows for flexibility to deviate from the open space standards if Town Council finds that:
 1. The objectives underlying these standards can be met without strict adherence to them; and
 2. Because of peculiarities in the applicant's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.If the Town Council approves a deviation from open space standards the official record of action taken shall contain a statement of the reasons for allowing the deviation.
An example of such a statement is:
The Town Council approves a deviation from the 20% open space standards for a Planned Development (PD) because the
- An architectural compliance permit will be required for this project. The applicant will be required to meet the development standards for the OS district in §3.5.11 (D) that outline architectural design in addition to those that address the general architectural standards in §4.10.4.
- Site plan review will be required for this project per UDO §2.48.

E. Cooperating Agency Review and Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission on July 26, 2021.

The following comments were provided by the Assistant District Engineer for Division 8, District 2 of the Department of Transportation:

“For this development, they will need to submit a driveway permit for the connection to Broad Street. I know it is an existing connection, but the permit is triggered by the change of use for this property.”

Comments provided by the Town Engineer can be found in the Attachment section of this report.

V. ATTACHMENTS:

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

1. Applicant's Application
2. Applicants' Deed
3. Applicant's Conceptual Development Plan Narrative and Justification UDO §2.18.4
4. Applicant's Existing Conditions Plan
5. Applicant's Conceptual Development Plan
6. Comments Provided by Town Engineer
7. Emails Received Speaking Against PD-06-21
8. Planning Board Written Recommendation
9. Town Council Consistency Statement

VI. TOWN COUNCIL ACTION:

A request for approval of a Conceptual Development Plan is a request for a rezoning. Per North Carolina General Statute 160D-605(a), when approving or denying a request for a rezoning, the Town Council shall also approve a statement addressing consistency with the Comprehensive Long Range Plan. Furthermore, per North Carolina General Statute 160D-605(b), the Town Council must also approve a statement about the reasonableness of the rezoning.

To assist the Town Council, town staff have prepared the following draft motions consideration, modification as necessary, and adoption:

I move that after reviewing the proposed Conceptual Development Plan and the criteria for consideration of a Conceptual Development Plan, and after considering the comments received at the Town Council’s public hearing and the Planning Board’s written recommendation:

1. The requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan and is not a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-06-21;
2. The requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan and is not a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-06-21 and as modified by Town Council as follows:
3. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning for the following reasons:

And, therefore, I move to:

1. Approve PD-06-21;
2. Deny PD-06-21;



Planned Development District Conceptual Development Plan Application

Date Received: _____	Fee Paid: _____	Case No.: PD-____-____
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Project Information:

Project Name: 470 NW Broad Street

Physical address: 470 NW Broad Street, Southern Pines, NC

PIN: 858106491691 Parcel ID: 00035953

Site Size: 0.59 Zoning: OS

Applicant:

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

Email: randwdevelopment@gmail.com Phone: 919-601-1217

Mailing Address: PO Box 3248, Pinehurst, NC 28374

Authorized Agent, if different from Applicant:

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

Email: bkoontz@koontzjones.com Phone: 910-684-8487

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

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

Name(s): 470 NW BROAD STREET, LLC c/o Braden Riley

Email: randwdevelopment@gmail.com Phone: 919-601-1217

Mailing Address: PO Box 3248, Pinehurst, NC 28374

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 for approval of a Planned Development District – Conceptual 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 NW Broad St (St./Ave.), between W. Maine Ave (St./Ave.) and W. Vermont Ave. (St./Ave.). The property has a frontage of 200.29 feet and a depth of 130 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance**.

The proposed use of the property is as follows:

Office and residential condominium or apartment

ADJACENT PROPERTY OWNERS:

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

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

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

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

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

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

Date: 12/6/2020

Braden Riley
Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), 470 NW Broad Street, c/o Braden Riley, hereby appoint(s) Koontz Jones Design c/o Bob Koontz 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 – Conceptual 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 Planning Board and Town Council for the approval of a Planned Development District – Conceptual 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 -Conceptual 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 6th day of December, 2020.

Braden Riley

Property Owner

Property Owner

Agent

UDO §2.18 Planned Development

§2.18.4(H) Conceptual Development Plan Criteria

- (1) The Conceptual Development Plan conforms to all applicable provisions of this UDO;
- (2) The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;
- (3) The proposed Development is appropriate for the area of the Town in which it is located; and
- (4) The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.

470 NW Broad Street

Adjoining Property Owners

PIN	PARID	NAME	NAME2	ADDRESS	CITY	STATE	ZIP
858106490709	00031262	BIBEY, FREDDIE N SR &	CHARLENE A	445 N BENNETT ST	SOUTHERN PINES	NC	28387
858106398690	00032614	135 WV HOLDING LLC		175 WEST NEW HAMPSHIRE AVE	SOUTHERN PINES	NC	28387
858106492939	00034295	CUNNINGHAM, WILLIAM THOMAS	CUNNINGHAM, RACHEL FRITTS	175 W MAINE AVE	SOUTHERN PINES	NC	28387
858106493902	00035367	WILLIAMS, NATHAN S	WILLIAMS, JENNIFER M	145 W MAINE AVE	SOUTHERN PINES	NC	28387
858106491691	00035953	470 NW BROAD STREET, LLC		PO BOX 3248	PINEHURST	NC	28374
858106399674	00036385	MCKENZIE, B DONALD	MCKENZIE, DEBRA S	PO BOX 152	SOUTHERN PINES	NC	28388-0152
858100399760	00036386	MCKENZIE, B DONALD	MCKENZIE, DEBRA S	PO BOX 152	SOUTHERN PINES	NC	28388-0152
858100398659	00037071	NELSON, MELVIN G & MARY H		9 MASTERS RIDGE	SOUTHERN PINES	NC	28387-4822
858106490886	00039373	WILDER, GREGORY HUGH &	WOODARD SPEED HEATH	1200 FIRETOWER RD	ELLERBE	NC	28338-8587
858106493786	00039662	HICKS, CARMAN THEODORE II	HICKS, FELICIA JOY	213 DEVONHALL LN	CARY	NC	27518-2680
858106491732	00040316	WOLFBRIDGE INVESTMENT GROUP LLC		PO BOX 4839	PINEHURST	NC	28374
858106490522	00040338	WILLIAMS, DAVID & LINDA FAMILY	LIMITED PARTNERSHIP	629 SHADY GROVE RD	CARTHAGE	NC	28327
858100494804	00040386	LALA OF NC, LLC		150 HIGH POINT RD	PINEHURST	NC	28374
858106399535	00040388	WILLIAMS, LINDA O		629 SHADY GROVE RD	CARTHAGE	NC	28327
858100399752	20140680	ROOSTER HILL FARM, INC		PO BOX 1381	SOUTHERN PINES	NC	28388
858106399717	99000592	MARKHAM, DOYLE G	MARKHAM, LINDA S	PO BOX 160	VASS	NC	28394

For Registration Register of Deeds
Judy D. Martin
Moore County, NC
Electronically Recorded
July 16, 2020 12:43:54 PM
Book: 5372 Page: 241 - 243 #Pages: 3
Fee: \$26.00 NC Rev Stamp: \$750.00
Instrument# 2020012574

GENERAL WARRANTY DEED

THIS INSTRUMENT PREPARED BY:

Richard Lee Yelverton III, Esq.
Van Camp, Meacham & Newman, PLLC
2 Regional Circle (28374)
P.O. Box 1389
Pinehurst, North Carolina 28370

NO TITLE WORK COMPLETED BY PREPARING ATTORNEY

Excise Tax: \$750.00
Parcel I.D.: 00035953

TO BE RECORDED IN THE
DEED RECORDS OF
MOORE COUNTY, NC

THIS DEED made this 15th day of July, 2020, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
<p>BARBARA J. MATTHEWS, A SINGLE PERSON Address: 114 Sullivan Drive Carthage, NC 28327</p>	<p>470 NW BROAD STREET, LLC Mailing Address: PO Box 3248 Pinehurst, NC 28374</p>

WITNESSETH:

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

WITNESSETH, the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land (referred to in the singular, whether one or more) situated in the Town of Southern Pines, Moore County, North Carolina, and more particularly described as follows:

See Exhibit A attached hereto.

Submitted electronically by "Trevarrow Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

This property herein described __ is, or X is not the primary residence of the Grantor.

And being the same property conveyed by instrument recorded in Book 1562, Page 473, in the Moore County, North Carolina, Register of Deeds. See also Book 1353, Page 165, and Book 1353, Page 169 Moore County Registry for prior Deeds

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

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

And Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.

Barbara J. Matthews (SEAL)
Barbara J. Matthews

15 July 2020
Date

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, Richard Lee Yelverton III a notary public for the County of Moore and the State of North Carolina, certify that Barbara J. Matthews, personally appeared before me this day, and

- a) () I have personal knowledge of the identity of the principal(s)
- b) (X) I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a:

N.C.D.C.

c) () A credible witness has sworn to the identity of the principal(s) each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this 15 day of July, 2020.

Signature of Notary Public: [Signature]

My Commission Expires: 2-23-2025

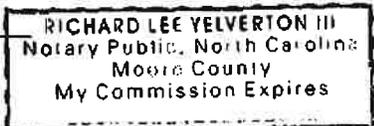


EXHIBIT A**FIRST TRACT:**

All of that certain tract or parcel of land situate in the Town of Southern Pines, McNeill Township, Moore County, North Carolina, and designated as Lots Nos. 7 and 8 and portion of Lots Nos. 6 and 9, all in Block H & 4 as shown on map of Southern Pines, recorded in the Office of the Register of Deeds for Moore County, North Carolina, in Map Book 1, Section 2, Page 70, and BEGINNING At an iron stake at the intersection of the northerly right-of-way line of Broad Street with the westerly right-of-way line of Main Avenue, the easterly corner of Lot No. 8 as shown on the aforesaid map; running thence with the westerly right-of-way line of Main Avenue, North 36 degrees 45 minutes West 130.00 feet to an iron pipe, as new corner in the line of Lot No. 9; thence a new line, South 53 degrees 15 minutes West 125.29 feet to an iron pipe, a new corner; thence South 36 degrees 43 minutes East 130.00 feet to an iron pipe in the northerly right-of-way line of Broad Street; thence North 53 degrees 15 minutes East 125.36 feet to the point of BEGINNING.

SECOND TRACT:

BEGINNING At point located South 53 degrees 15 minutes West 125.36 feet from the intersection of the northwest right-of-way of West Broad Street and the southwest right-of-way of West Main Avenue in the Town of Southern Pines, Moore County, North Carolina, said beginning point also being the southernmost corner of that certain parcel of land heretofore conveyed to Barbara M. Markham and husband, Doyle G. Markham, by deed dated March 17, 1981, and recorded in Deed Book 473 at Page 264 of the Moore County Public Registry; running thence with the northwest right-of-way of West Broad Street, South 53 degrees 15 minutes West 75 feet to the southernmost corner of that certain parcel of land described in that certain deed dated November 30, 1977, recorded in Deed Book 429, at Page 391, of the Moore County Public Registry; leaving said right-of-way and running thence North 36 degrees 43 minutes West 130 feet to a point in the alleyway between Lots 4 and 5 in Block H and 4 in the Town of Southern Pines, said point being a common corner with that parcel of land conveyed to W2, Incorporated by deed dated April 18, 1983; running thence North 53 degrees 15 minutes East 75 feet to the westernmost corner of the above referenced parcel of land, which is recorded in Deed Book 473 at Page 264 of the Moore County Public Registry, and also being the southernmost corner of that certain parcel of land conveyed to W2, Incorporated by deed dated April 30, 1982, and recorded in Deed Book 488, at Page 739, of the Moore County Public Registry; running thence with the southwestern boundary line of the above referenced tract, recorded in Deed Book 473, at Page 264, South 36 degrees 43 minutes East 130 feet to the point and place of BEGINNING, containing 0.22383 acres, more or less, and being a portion of Lots Nos. 5, 6 and 9; and a portion of the alleyway between Lots Nos. 4 and 5 in Block H and 4 in the Town of Southern Pines, Moore County, North Carolina, as shown on a map thereof recorded in Map Book 1, Section 2, Page 70, of the Moore County Public Registry.

470 NW BROAD STREET PD - CONCEPTUAL DEVELOPMENT PLAN NARRATIVE

The purpose of this Planned Development – Conceptual Development Plan (CDP) application is to fully describe the proposed development of a ± 0.60-acre tract of land located at 470 NW Broad Street, between the intersections of West Maine Avenue and West Vermont Avenue in downtown Southern Pines. The property is currently zoned Office/Service (OS). Proposed development of the parcel includes a single mixed-use building containing +/- 4,920 square feet of office space on the ground floor and ten (10) multi-family units on the second and third floors. Multi-family is permitted within the OS district through a CUP process and would permit 5 units. Submission of this CDP application seeks to increase the permitted number of units while following dimensional standards of the OS district. Setbacks, building height, open space, lighting, and landscaping will meet the OS design requirements. The narrative below describes the project and application.

This project represents an infill redevelopment in Downtown Southern Pines and complies with the Town's Comprehensive Long-Range Plan. The mixed-use building will replace an existing 2-story office building currently located on the property. Office and residential uses will be added to Downtown Southern Pines within a short walking distance to the heart of the downtown area. The property is located one block from the Central Business (CB) zoning district and just outside of the downtown overlay.

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

Standards for individual elements of the design are described below.

- **Pedestrian Connectivity**
 - o Parking areas throughout the site will connect to sidewalks leading to the building entrances and provide accessible access as required.
 - o Sidewalks will be added in the street right-of-way along Maine Avenue and NW Broad Street to the extent of the property boundaries. These sidewalks will be constructed to connect to the future sidewalk system in this area.
- **Parking Areas**
 - o Parking areas will be located on the side and in the rear of the building. This will allow for screening of the parking areas.
 - o Parking spaces for the development will be included on-site and, within the Maine Avenue right-of-way, adjacent to the property. New parking spaces will be developed along Maine Avenue and serve the development and the surrounding area. These spaces, along with the on-street parking located on the east side of Maine Avenue, will provide adequate parking for the building.

- Compact parking spaces will be utilized for a portion of the parking, not to exceed 20% of the total parking as permitted in UDO Section 4.5.5.(B)(1).
- The applicant requests that full parking requirements be reduced for the project since it is a mixed-use building and office parking, and residential parking demands occur at different times of day. This building will be a mixed-use facility, peak parking demand for the multi-family and office development will be required at different times.
- Section 2.46.3.(D) allows for up to a 20% reduction based on site conditions and availability of on-street parking. There is currently some on-street parking adjacent to the property and additional on-street parking is proposed for this development. In addition, Section 4.5.10.(B) permits a reduction in parking for shared parking between uses.
- While specific to the Traditional Neighborhood Development, a standard is provided in the UDO for a reduction in parking for shared office and residential buildings. Section 6.4.4(B)(3) of the permits up to a 50% reduction of required office parking spaces for mixed-use development containing a mix of office and residential uses. New on-street and on-site parking will exceed the total number of spaces required by the UDO for mixed-use buildings under this calculation. Downtown Southern Pines is could be considered a Traditional Neighborhood Development as a whole.
- Parking would be provided as follows:
 - OFFICES: ±4,920 SF (1 SPACE/300 SF)
= 16 SPACES x 50% REDUCTION
= 8 SPACES REQUIRED
 - APARTMENTS: (5) 1-BEDROOM UNITS (1 SP/BEDROOM) = 5 SP
(5) 2-BEDROOM UNITS (1 SP/BEDROOM) = 10 SP
VISITOR PARKING (1 SP / 5 UNITS) = 2 SP
= 17 REQUIRED SPACES
TOTAL PARKING REQUIRED (WITHOUT REDUCTION) = 33 SPACES
TOTAL PARKING REQUIRED (WITH 50% OFFICE REDUCTION) = 25 SPACES

PROVIDED PARKING: 31 SPACES

- **Streets and Access**

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

- **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 streetscape plantings, as required.

- **Lighting**

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

- **Open Space**

- 5% open space for the property will be provided in an outdoor courtyard located on the property. This open space will be accessible and usable by the residents

of the multi-family portion of the building. The courtyard may include an outdoor grilling area, seating areas and/or other recreational options. These will be private and maintained by the property owner's association or the property owner. This meets the standard requirement of the OS zoning district.

- **Architecture**

- o The building is designed to front both NW Broad Street and West Main Street. This allows for the building to wrap the corner and place parking areas on the side and rear, away from street frontage.
- o The building will not exceed the 35' maximum building height permitted in the OS district.

- **Stormwater**

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

- **Utility Service**

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

- **Signage**

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

In conclusion, this CDP request follows all standards of the OS zoning district, except for the request of an additional 5 units and a slight reduction in parking based on other UDO standards pertaining to mixed-use, office and residential buildings. If the project were to be reviewed as an OS development, following all standards and density, there would be little if any modification in the building form, site layout, or number of parking spaces. Additional office space could be provided, offsetting the reduction in units. This building will fit within the context of the neighborhood, meets the standards of the underlying zoning, and is consistent with the designation of the property as shown within the Town's Comprehensive Long-Range plan.

EXHIBIT A

470 NW Broad Street Conceptual Development Plan Justification

Below are listed the four (4) criteria required to approve a Conceptual Development Plan (CDP) application as described in Section 2.18.4(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 Conceptual Development Plan is permitted if the Applicant demonstrates that:

(1) The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;

The proposed development satisfies the criteria for a zoning map amendment. The proposed CDP will replace an existing office building located on the property with a mixed-use office and residential building. The current parcel and all surrounding parcels are zoned Office/Service (OS). The CDP application is being filed to permit an increase in the residential density permitted on the property, while following the standards of the existing OS zoning district. If the project were to be reviewed as an OS development, following all standards and density, there would be little if any modification in the building form, site layout, or number of parking spaces. Additional office space could be provided, offsetting the reduction in units. The addition of additional multi-family residential to this property will enhance the property, provide additional residents near downtown, and provide a greater transition between the property and the residential neighborhood located a few parcels to the north, than additional office space. This increase in density will not injure the use and enjoyment of the immediate vicinity.

(2) The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;

The proposed CDP plan is in harmony with the established development pattern within downtown Southern Pines. This project is also consistent with the goals and objectives of the Comprehensive Long-Range Plan and establishes a development pattern, consistent with the surrounding neighborhood. The proposed CDP will establish a mixed-use infill development close to downtown Southern Pines, in conformance with the Town's Comprehensive Long-Range Plan (CLRP). Investment in this development will not impair the property values of other office or residential uses in the nearby area. The development pattern also meets the land use goals defined by the CLRP by adding development where public utilities are available and developing infill locations located within an established area.

This CDP application complies with all UDO standards related to the Offices/Service (OS) zoning district, except for the density and parking classifications. The proposed development includes +/- 4,920 sf of office use and ten (10) multi-family residential units. Proposed development complies with the building setbacks, building height, and development standards set forth in the UDO for OS development. On-street parking is proposed and will be developed to meet the overall parking needs of the development and supply parking for the surrounding area. These spaces are also consistent with other properties in the area and the recent Downtown Southern Pines parking modifications. Sidewalks will be provided along West Maine Street along the property boundary and tie to locations for future sidewalks.

(3) The proposed Development is appropriate for the area of the Town in which it is located; and

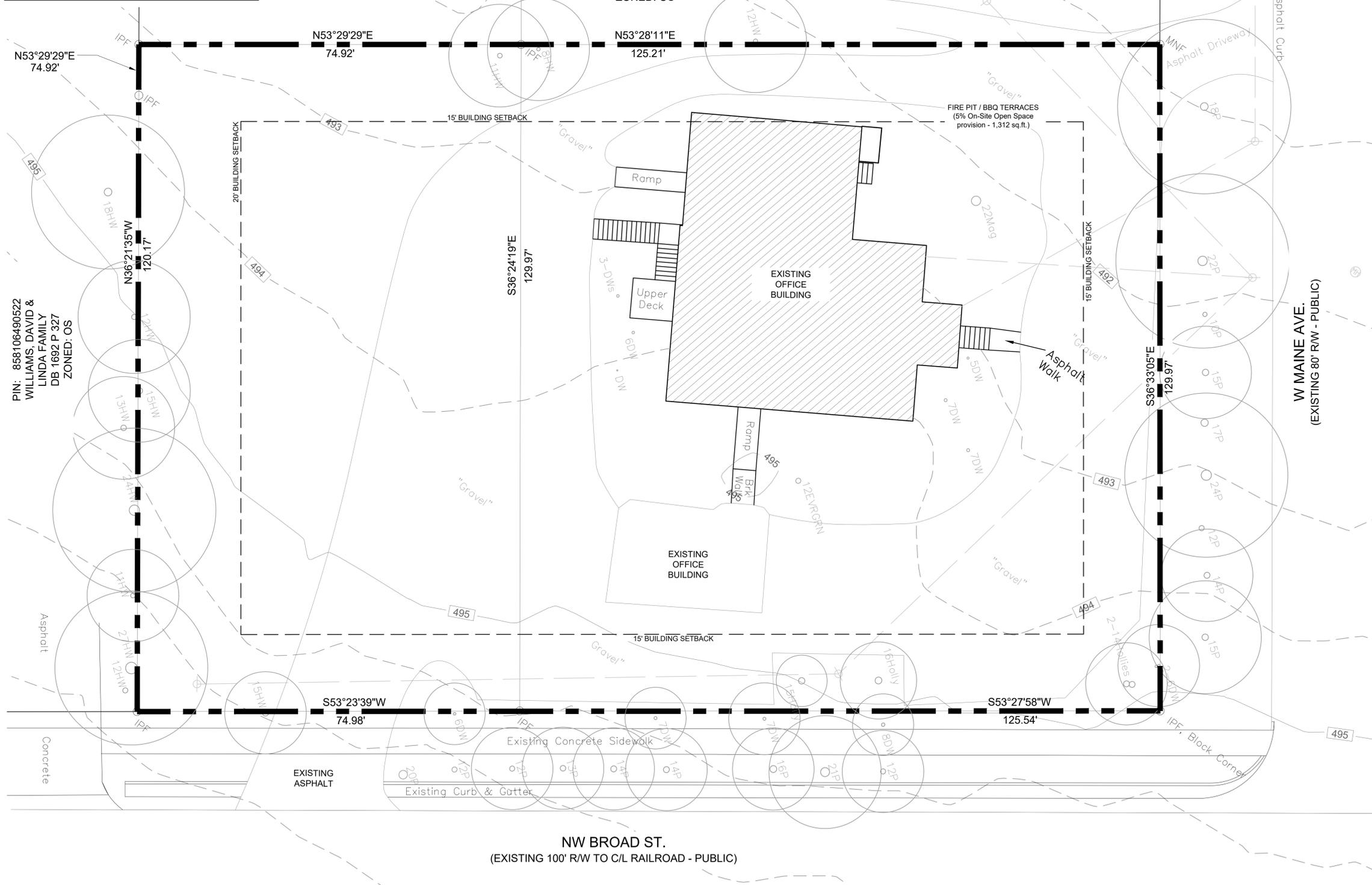
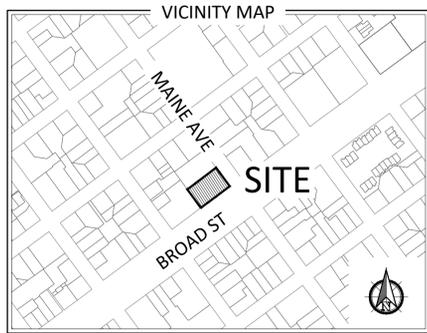
This development will become part of the overall Downtown Southern Pines area and provide additional residential and office development within walking distance of Downtown Southern Pines. Development of this parcel with a mixed-use residential/office building will provide new residents and businesses close to

EXHIBIT A

Downtown that will utilize the recreational, shopping, and dining opportunities presented in the heart of Southern Pines. As a result, the use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding neighborhood.

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

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



PIN: 858106490522
 WILLIAMS, DAVID &
 LINDA FAMILY
 DB 1692 P 327
 ZONED: OS

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

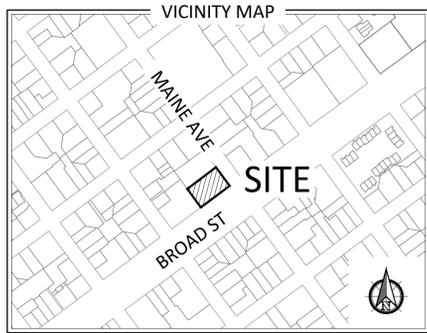
REVISIONS:

LAND PLANNING | LANDSCAPE ARCHITECTURE
KOONTZJONESDesign
 150 S PAGE STREET
 SOUTHERN PINES, NC 28387
 P: (910) 684-9467
 W: www.koontzjonesdesign.com

470 NW BROAD ST & W MAINE AVE
 SOUTHERN PINES, NORTH CAROLINA

EXISTING CONDITIONS

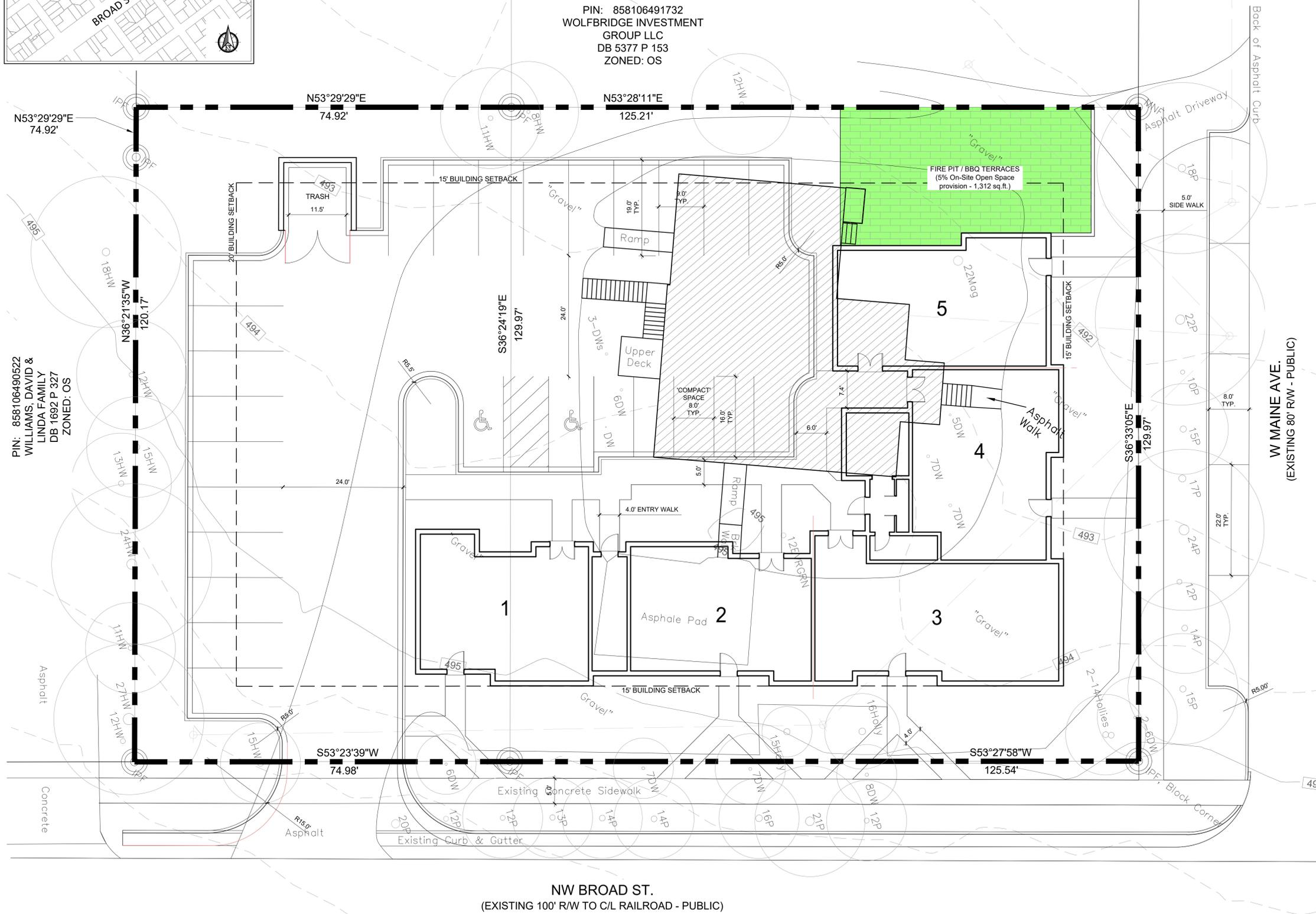
DATE: 12-07-2020
DESIGNED BY: NS
DRAWN BY: JS/TH
CHECKED BY: REK
SCALE: 1" = 10'-0"
PROJECT #: KJD2056
SHEET NUMBER#:
L-1.0



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.

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: 8582
 MAP(S): 3710858200J
 DATE: OCTOBER 17, 2006

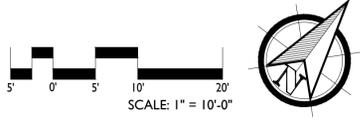
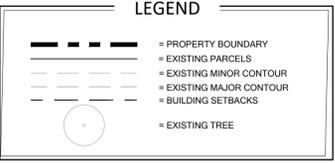
PROPERTY INFORMATION
PROPERTY OWNER(S):
 470 NW BROAD STREET, LLC
 C/O BRADEN RILEY
 PO BOX 3248
 PINEHURST, NC 28374
APPLICANT:
 RILEY WALKER COMPANIES
 C/O BRADEN RILEY
 PO BOX 3248
 PINEHURST, NC 28374
PARCEL IDS: 00035953
 DB 5372 P 241
TOTAL ACREAGE: ±0.59 AC
TOTAL OPEN SPACE: ±0.03 AC (1,312 SF)
TOTAL IMPERVIOUS SURFACE: ±0.42 AC (70.0%)
REQUIRED PARKING:
 OFFICES: ±4,920 SF (1 SPACE/300 SF)
 = 16 SPACES x 50% REDUCTION
 = 8 SPACES REQUIRED
 APARTMENTS: (5) 1-BEDROOM UNITS (1 SP/BEDROOM) = 5 SP
 (5) 2-BEDROOM UNITS (1 SP/BEDROOM) = 10 SP
 VISITOR PARKING (1 SP / 5 UNITS) = 2 SP
 = 17 REQUIRED SPACES
TOTAL PARKING REQUIRED (WITHOUT REDUCTION) = 33 SP
TOTAL PARKING REQUIRED (WITH 50% OFFICE REDUCTION) = 25 SP
PROVIDED PARKING: 31 SPACES



ZONING INFORMATION
ZONING CLASSIFICATION (EXISTING):
 OS - OFFICE SERVICES
ZONING CLASSIFICATION (PROPOSED):
 PD - PLANNED DEVELOPMENT
REQUIRED SETBACKS (MEETS OS STANDARD):
 FRONT: 15' MINIMUM
 INTERIOR SIDE: 20' MINIMUM
 EXTERIOR SIDE: 15' MINIMUM
 REAR: 20' MINIMUM
MAX. BUILDING HEIGHT (MEETS OS STANDARD):
 35'

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

DRAINAGE NOTES:
 1. STORMWATER MANAGEMENT DEVICES WILL FOLLOW THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
 2. ALL DRAINAGE TO BE UNDERGROUND.
 3. DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. DETAILED STORMWATER MANAGEMENT PLANS WILL BE PROVIDED DURING PERMITTING OF THE DEVELOPMENT.



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



470 NW BROAD ST & W MAINE AVE
 SOUTHERN PINES, NORTH CAROLINA
 CONCEPTUAL DEVELOPMENT PLAN

DATE: 12-07-2020
 DESIGNED BY: NS
 DRAWN BY: JS/TH
 CHECKED BY: REK
 SCALE: 1" = 10'-0"
 PROJECT #: KJ02056
 SHEET NUMBER:
L-1.2

Comments Provided by Town Engineer:

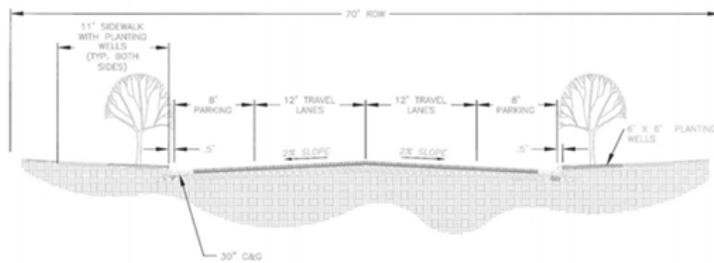
In my opinion W. Maine is classified as a commercial local street. The UDO defines this as "A street whose principal function is to provide access to businesses within commercial districts, carrying automobile and delivery truck traffic at relatively low speeds". Though the area consist of some residential uses right now, the current zoning does allow for commercial uses for the majority of the block and the commercial standards are more stringent than the residential standards. The Town's current standard for a commercial local street are as follows.

Exhibit 4-17: Commercial Street Design Standards

Street Type: Commercial Local Streets

- Right-of-Way Width Minimum: 70 feet
- Street Width: 45 feet from back of curb to back of curb
- Travel Lane Width: 12 feet
- Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet)
- Curb and Gutter Width: 2.5 feet
- Sidewalks: 11 feet in width on both sides with planting wells included in the sidewalks. Planting wells should be 6 feet by 6 feet in width and located on both sides of the road with street trees planted in the strip between the pavement and sidewalks

Appendix I: Street Cross Sections #4



The existing W. Maine street is not compliant with the current standard in that it does not include sidewalks, curb and gutter, or on-street parking. The existing 80 feet ROW does have adequate area to include the minimum items. The proposed plan does show improvements (including sidewalks, curb and gutter, and on-street parking) to the street to the extent of its property on the side of the road that the project occurs. An extension of the road meeting Town standards should improve both sides of the street to the same standard. The current street also has 11 feet travel lanes. This does not meet the minimum requirement but given the amount of traffic and dimensions of surrounding streets, I would have no objection to allowing 11 feet travel lanes in lieu of the 12 feet. It should also be noted that on-street parking located with Town rights-of-way should be considered public parking and not be dedicated for the use of a specific development.

Email Received From Carley Sutton:

From: Carley Sutton <corva_coa@yahoo.com>
Date: August 18, 2021 at 6:17:41 PM EDT
To: Peggy Smith <pesmith@southernpines.net>
Subject: Please forward to Planning Board
Reply-To: Carley Sutton <corva_coa@yahoo.com>

To whom it may concern,

I am a Southern Pines native, small business owner, and have been a volunteer with the Welcome Center for more than 5 years. I'd be happy to share with you what brings the majority of visitors and relocators to our town. They come because SP is a charming and unique historic town with a plethora of small businesses and a thriving downtown. They come for the small, quaint neighborhoods that are full of families and walkers. These are things that they cherish and value about our town. They do not come here

because of big box corporations that can be easily found online or within an hour's drive. They do not come here to see historic buildings replaced with cookie cutter homes and businesses. Especially if new buildings do not fit with the historic fabric of their neighborhoods, such as the one being proposed at 470 NW Broad St. The current building on that site is still in good shape and easily refurbished for mixed-use purposes, as well as being of historic interest to the town due to its origins.

On another, similar, note I grew up on a dirt road in the woods off of Morganton Road, an area now being cleared of that forest. I remember the fight against Walmart coming into that area, which was strong enough to push them into their current Aberdeen location. And I remember lamenting those woods when KMART took over that same spot, now occupied by Kohls shopping center. And now even more of that land is being stripped of the beautiful pine forests that are the backbone of this area and the reason this town formed at all. We need those forests far more than we need a Target.

I hope that you take mine and other citizens' thoughts on these matters to heart and make the right decisions to ensure the charm of our beautiful town for generations to

come.

Thank you,
Carley Sutton

[Sent from Yahoo Mail on Android](#)

Email Received From Kim Collins Cotty :

I want to express My great displeasure with the proposed changes to The following properties: 1) to tear down a 1915 property in downtown Southern Pines in order to build yet another three-story apartment building is ludicrous and not in keeping with the quaint village commercial district we have downtown. 2) The property Morganton Rd S, proposed for Target and 600 apartments: overload existing concentration of retail;Unsafe traffic congestion;Overload water and sewer.Vote No!

Kim Collins Cotty at 864-907-4567

Email Received From The Pines Preservation Guild:



August 18, 2021

To: Planning Board
Southern Pines, N.C.

From: The Pines Preservation Guild
Moore County, N.C.

Re: 470 N.W. Broad Street
PID: 00035953

Dear Members of the Board,

We are writing this letter regarding PD-06-21 and PD-07-21, the proposed Planned Development Conceptual Development Plan for 470 NW Broad Street on the August 19 Planning Board agenda.

The application calls for the removal of the circa 1915 C.T. Patch building, to be replaced with one building that includes ten multi-family units and one 4,920sq ft office building. The building in question is on the boundary of but isn't included within the local and national historic districts. Our organization considers this property and the adjacent building on 130 W. Maine Ave, which is also threatened with redevelopment, as two of the most at-risk heritage properties in Moore County.

The C.T. Patch building was built as a home in 1915 for C. T. Patch, one of the founders of Southern Pines and an owner of one of the first department stores in Southern Pines - located at what is now the Ice Cream Parlor and DAHR. C.T. Patch was also instrumental in creating First Citizens Bank, which he and others founded so residents would no longer need to travel to Raleigh for their banking needs. This information can be confirmed by the Moore County Historical Association.

While The Pines Preservation Guild fully supports the new addition of much-needed housing in Southern Pines and Moore County, especially if it is affordable, we also believe that using our existing heritage properties is essential to solving this problem and they should be both protected and sensitively integrated into new housing and commercial plans. This 106-year-old building already offers affordable commercial and residential opportunities and while some rehabilitation is needed, it is generally in good repair. Until last year the structure housed both commercial and residential uses. While the proposal does technically fit within the town's Long Range Plan, it chips away at the very fabric of what makes Southern Pines such a desirable place to live: our heritage buildings and small-scale development. This proposal also sets a precedent of consisting of the first three-story building constructed on the entirety of Broad Street, negatively altering the existing pedestrian-focused streetscape of one- and two-story commercial and residential properties. The height of the proposed buildings also threatens the established human-scale of the primarily residential neighborhood. Until an official Preservation Plan is adopted by the town

WWW.PINESPRESERVATION.ORG • @PINESPRESERVATIONGUILD

HIGHLIGHTING AND ADVOCATING FOR THE BUILT HERITAGE OF THE SANDHILLS

of Southern Pines, any heritage building outside of the small 10-block Historic District Overlay Zone can be threatened with removal without any ramifications. One heritage building lost ends up turning into a hundred buildings lost, which turns into communities lost.

We are requesting the Southern Pines Planning Board take the above-mentioned factors into consideration when reviewing this application, looking beyond the basic application and understanding the precedent that approving this demolition and redevelopment will have on the very fabric of downtown Southern Pines.

Sincerely,

Leslie L. Brians, President
Emily D. Yopp, Vice President
Grace Crawford, Secretary

Board Members
The Pines Preservation Guild

Email Received From Rachel Cunningham:

To Whom it May Concern,

Good morning! My name is Rachel Cunningham and I live at 175 W Maine Ave with my husband and two children (ages 4 & 6). We have received your letters informing us that there is intent, and plans, to develop the property on 470 NW Broad Street and W Maine Ave.

This development plan would be disruptive to the neighborhood, our way of life, and destructive to the appeal of downtown Southern Pines. We have already been impacted by the increase in development in our area. Since development has increased, we constantly have to be vigilant and safeguard our children, and neighborhood children, from the vehicles going up to 60mph between stop signs, speeding up and down Bennett St to turn up W Maine Ave to bypass downtown traffic and recent drug sales in the neighborhood at the apartments to the right of our property.

We cannot fathom what life would be like in our neighborhood with even more apartments and offices so close to the young families that have made Southern Pines their home. We would dread more traffic due to these apartments/offices bring more people speeding up and down our street and more drunk people walking the streets that stumble/yell loudly through our yard at times. When asked at our community meeting who he was targeting to live in these apartments Mr. Walker said, "families like you". A family of four in 1-2bedroom apartment?! If we are ALL being honest this type of apartment largely targets the single soldier population which is exactly the reason we live in Southern Pines, not Fayetteville, and choose to pay double the cost for a home, double the cost for child care, and it is worth it for now. Since we are a military family we obviously support our military, but fear this approval will start a chain reaction that can't be undone with bringing the "party" lifestyle to downtown vs. the family feel locals are desperately try to keep!

I am also extremely concerned about the demolition of this historic home that belonged to one of Southern Pines founding fathers, C. T. Patch. Our beloved "Ice Cream Parlor" use to be home to his dry goods store for almost 50yrs! And he helped establish the first bank in town so the community didn't have to travel to Raleigh. I will gladly bring in The Pilot clippings I've collected from the archives if needed. One of the main reasons families and visitors flock to this area is because of its historical charm. If we allow developers to destroy historical properties closer and closer to downtown we will eventually lose our reputation as a small charming town! Someone will have to be accountable at the end of the day for tearing down town history that SHOULD be restored!

I could go on with several more reasons why you should NOT approve this. But if I'm being honest with you, and myself, would it really even matter at this point? I'm still confused why myself, neighbors and this community have to bleed reasons after reasons why this is not a benefit to the downtown integrity/look/feel/vibe/etc! It's very defeating being in this position where we're voicing concerns/evidence/facts because we physically live on this street and these developers are finding ways to get around zoning. This property has already had a specific zoning for years, why have I been put in a position to defend why you should NOT allow this change of zoning! They want higher, to push out farther and more more more!

My husband is a active duty Lt. Colonel and currently is the Professor of Military Science at North Carolina State University. I am a native to this beautiful town and we've come back to put down roots. We both are unfortunately unable to attend tonight's meeting (Thursday, August 19th, 2021, at 6pm at the Douglass Community Center) due to work schedules. We are pleading with the Town of Southern Pines to consider the safety and way of life for the residence of this neighborhood, and deny Riley Walkers development company the opportunity to rezone the property on NW Broad St. and W Maine Ave.

Thank you for your time,
Abutter: Rachel Cunningham
175 W Maine Ave
Southern Pines



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-06-21**

WHEREAS, Section 160D-604(d) of the North Carolina General Statutes specifies that the Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the planning board, but that a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

WHEREAS, pursuant to Section 160D-701 of the North Carolina General Statutes, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare.

WHEREAS, the Planning Board conducted a public hearing on August 19th, 2021 for consideration of a Conceptual Development Plan for a rezoning to Planned Development District for application PD-06-21;

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the Conceptual Development Plan application PD-06-21 is inconsistent with the Town of Southern Pines Comprehensive Long-Range Plan (CLRP) because the existing OS – Office/Service zoning on the subject property already encourages and allows for a mixture of medium-density residential uses and offices and services uses and is an appropriate and desirable implementation of the Commercial future land use designation found in the CLRP in this area of Southern Pines.

AND, THEREFORE, BE IT FURTHER RESOLVED that the following additional matters were considered by the Planning Board as a basis for a recommendation of denial to the Town Council regarding PD-06-21:

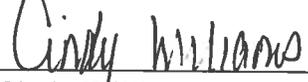
1. That the additional multi-family units proposed as part of the Planned Development is too high of a density for the subject property.
2. That there is no community support for the proposed development, with four emails submitted prior to the hearing and five residents speaking at the hearing against the project.
3. That the proposed development is inconsistent with the historic character of downtown Southern Pines.
4. That the Planning Board feels that this parcel is suitable as it is presently zoned and the Planning Board is supportive of mixed-use at the density that would be allowed under the existing zoning.

ADOPTED this the 19th day of August, 2021



Gary Carroll, Chairman

ATTEST:



Cindy Williams
Secretary to the Planning Board

Agenda Item

To: Reagan Parsons, Town Manager

From: Suzy Russell, Planner II

Subject: PD-07-21; Preliminary Development Plan for a mixed-use building; 470 NW Broad Street

Date: September 14th, 2021

I. SUMMARY OF APPLICATION REQUEST:

Robert Koontz of Koontz Jones Design, on behalf of Riley Walker Development, is requesting approval of a Planned Development Preliminary Development Plan for a three-story mixed-use building that would include 4,920 square feet of office space and ten multi-family residential units. The subject property is located at 470 NW Broad Street and is identified with PIN: 858106491691, PARID: 00035953. The property owner listed on Moore County tax records is 470 NW Broad Street, LLC.

II. PLANNING BOARD ACTION:

At the August 19th, 2021 regular meeting of the Planning Board, with all seven members present, the Planning Board opened the quasi-judicial hearing for application PD-07-21. Mr. Bob Koontz entered his presentation into the public record and stated he had nothing further to add. Planning staff, Ms. Suzy Russell entered the staff report for PD-07-21 into the record.

After closing the public hearing, a motion was made by Mr. Cooper Carter to adopt the following transmission to the Town Council as a result of the August 19, 2021 preliminary forum on application PD-07-21, 470 NW Broad Street PDP:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a PDP to application PD-07-21:

1. that the Planning Board finds and recommends to the Town Council that the Conceptual Development Plan application PD-06-21 is inconsistent with the Town of Southern Pines Comprehensive Long-Range Plan (CLRP) because the existing OS – Office/Service zoning on the subject property already encourages and allows for a mixture of medium-density residential uses and offices and services uses and is an appropriate and desirable implementation of the Commercial future land use designation found in the CLRP in this area of Southern Pines.

And that the following additional matters were considered by the Planning Board as a basis for a recommendation of denial to the Town Council regarding PD-06-21:

1. That the additional multi-family units proposed as part of the Planned Development is too high of a density for the subject property.
2. That there is no community support for the proposed development, with four emails submitted prior to the hearing and five residents speaking at the hearing against the project.
3. That the proposed development is inconsistent with the historic character of downtown Southern Pines.
4. That the Planning Board feels that this parcel is suitable as it is presently zoned and the Planning Board is supportive of mixed-use at the density that would be allowed under the existing zoning.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that although the Planning Board forwarded a list of issues for the Council's consideration, no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council's decision on PD-09-21.

III. PROJECT INFORMATION:

A. Property Owner

470 NW Broad Street, LLC
Braden Riley
PO Box 3248
Pinehurst, NC 28374

B. Applicant:

Riley Walker Companies
Braden Riley
PO Box 3248
Pinehurst, NC 28374

C. Authorized Agent(s):

Koontz Jones Design
Robert Koontz
150 S Page Street
Southern Pines, NC 28387

D. Subject Property Description:

The 0.60 acre subject property is located at 470 NW Broad Street between West Maine Avenue and West Vermont Avenue.

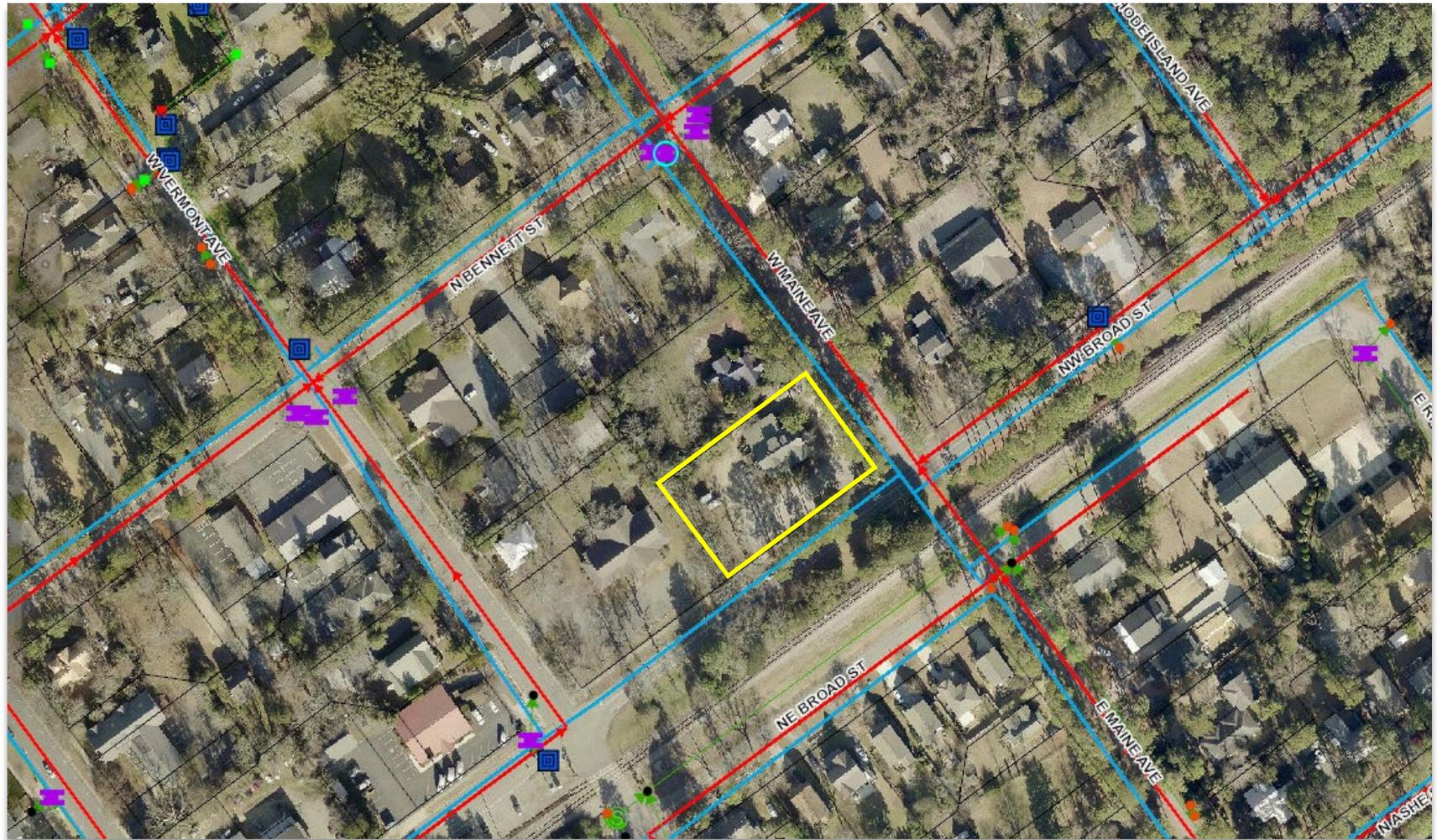
E. Existing Conditions:

The subject property is located in the High-Quality Watershed. West Maine Avenue is a Town maintained road. Please see the comments provided by the Town Engineer regarding street standards and compliance. North West Broad Street is maintained by the Department of Transportation. The parcel's access to sewer is derived from the 8-inch diameter clay gravity sewer main that is located on West

Main Avenue. Access to Town water is obtained by the 8-inch water main that runs parallel to North West Broad Street (*Figure 1*). See Figure 3 for Existing Transportation Infrastructure.

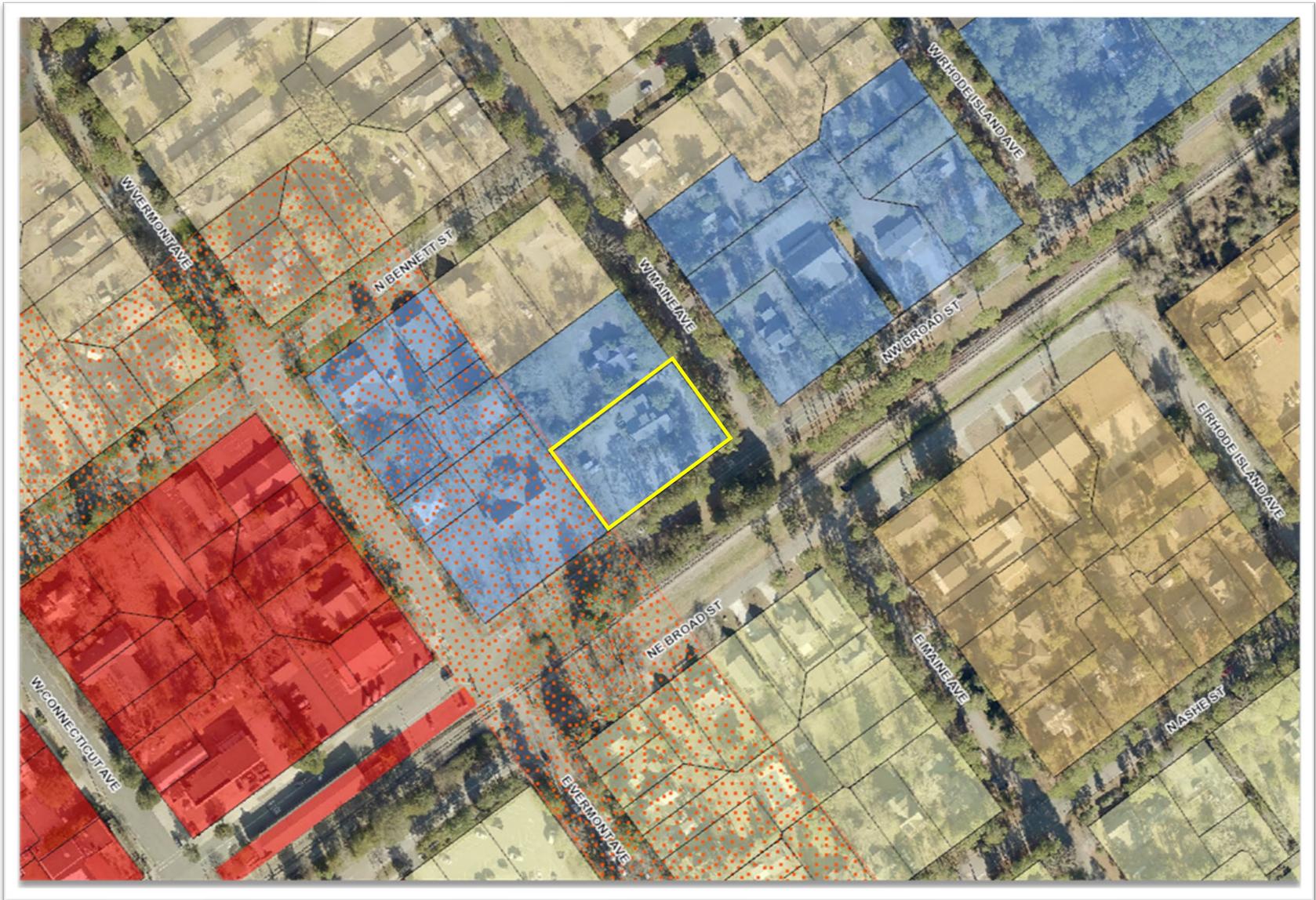
F. Current Property Zoning Classification The subject property is zoned Office Services OS (*Figure 2*).

Figure 1: Existing Public Utility Infrastructure (Subject Property outlined in yellow):



- Gravity Sewer Mains
→
- Force Sewer Mains
--
- WR wMain
—
- Water Easement
⊞
- Culvert
●
- Storm MH
Ⓢ
- Catch Basin
■
- BMP
▲
- Curb Inlet
⊞

Figure 2: Vicinity & Current Zoning Map (Subject Property outlined in yellow):



- CB, Central Business
- RM-2, Residential Multi-Family
- RS-1, Residential Single Family
- OS, Office Services
- Downtown Overlay

Figure 3: Existing Transportation Infrastructure (Subject Property outlined in yellow):



- State System Streets
- Unpaved Town Streets
- Paved Town Streets
- Private Streets

IV. STAFF REVIEW:

A. Review Process:

Applications for a Planned Development District (PD) are reviewed in accordance with UDO §2.18. Creating a Planned Development District is a three-step process including Conceptual Development Plan (CDP), Preliminary Development Plan (PDP) and Final Development Plan (FDP). The second step, PDP, is when a project or phase of a project are reviewed for compliance with the unique zoning standards established in the CDP. An application for approval of a Preliminary Development Plan (PDP) follows the procedure for a quasi-judicial decision by the Town Council. Prior to the quasi-judicial decision by the Town Council, the Planning Board may hold a Preliminary Forum to review the project.

B. Summary of Procedural Requirements:

- PDP Application Submitted: July 12, 2021
- Application NOT Complete: July 19, 2021
- Application Complete: July 20, 2021
- Notice of August 19, 2021 Planning Board Public Hearing:
 - Posted On-site: July 22, 2021
 - Mailed: July 30, 2021
 - Publication Dates: August 4, 2021 and August 11, 2021
- Neighborhood Meeting (held by applicant): February 9, 2020
- Planning Board Agenda Meeting: August 12, 2021
- Planning Board Regular Meeting: August 19, 2021
- Town Council Agenda Meeting: September 8, 2021
- Town Council Regular Meeting: September 14, 2021

C. Applicable Criteria for Review:

The criteria for review and approval of a Preliminary Development Plan (PDP) are found in UDO §2.18.5(H):

Preliminary Development Plan

- 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.*

D. Town Staff Review & Comments:

- A pre-application meeting was held on November 3, 2020 and on August 10, 2021.

- The applicant will be required to apply for 5/70 exemption allocation in order to develop the site to the extent shown on the Preliminary Development Plan.

E. Cooperating Agency Review and Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission on July 26, 2021.

The following comments were provided by the Assistant District Engineer for Division 8, District 2 of the Department of Transportation:

“For this development, they will need to submit a driveway permit for the connection to Broad Street. I know it is an existing connection, but the permit is triggered by the change of use for this property.”

The comments from the Town Engineer may be found in the attachment portion of this report.

V. ATTACHMENTS:

1. Applicant’s Application
2. Applicant’s Preliminary Development Plan Narrative and Justification UDO §2.18.5
3. Applicant’s Preliminary Development Plan
4. Comments provided by Town Engineer

VI. TOWN COUNCIL ACTION:

To either approve or deny a Preliminary Development Plan application, the Town Council must make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4. The Town Council may choose one of the following motions, or any alternative they wish:

I move to:

1. Adopt Attachment A of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-07-21.

-or-

2. Adopt Attachment A of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-07-21, with the following changes...

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

I move to:

1. Approve the Preliminary Development Plan for PD-07-21;
2. Deny the Preliminary Development Plan for PD-07-21;
3. Approve the Preliminary Development Plan for PD-07-21 with the following additional conditions...

ATTACHMENT “A”
Draft Town Council Findings of Fact
Preliminary Development Plan Application PD-07-21

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary 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 Town Council 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 Town Council finds that the Preliminary Development Plan (PDP) to develop five multi-family units beyond what is permitted as the parcel is currently zoned is too intense for the area. This type of intensity is not compatible with the character and vitality of the neighborhood and community.

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

The Town Council finds that the PDP is not consistent with a Conceptual Development Plan (CDP) and does not conform to the provisions of the UDO because the density of residential unit is more than would be allowed under the current OS-Office Services zoning.

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

The Town Council finds that the PDP is in an area of the Town that is appropriate as it is already zoned, which is Office Service. The Office Service zoning allows a mix of professional office and multi-family land uses at a density that is compatible with the surrounding area. The PDP proposes additional multi-family units which would not establish a compatible development that facilitates growth in a responsible manner.

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

The Town Council finds that the subject property is served by existing public utilities.



Planned Development District Preliminary Development Plan Application

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

Project Information:

Project Name: 470 NW Broad Street

Physical Address: 470 NW Broad Street, Southern Pines, NC

PIN: 858106491691

Parcel ID: 00035953

Site Size: 0.59

Zoning: OS

Applicant:

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

Email: randwdevelopment@gmail.com

Phone: 919-601-1217

Mailing Address: PO Box 3248, Pinehurst, NC 28374

Authorized Agent, if different from Applicant:

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

Email: bkoontz@koontzjones.com

Phone: 910-684-8487

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

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

Name(s): 470 NW BROAD STREET, LLC c/o Braden Riley

Email: randwdevelopment@gmail.com

Phone: 919-601-1217

Mailing Address: PO Box 3248, Pinehurst, NC 28374

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 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 NW Broad St (St./Ave.), between W. Maine Ave (St./Ave.) and W. Vermont Ave. (St./Ave.). The property has a frontage of 200.29 feet and a depth of 130 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:
Office and residential condominium or apartment

ADJACENT PROPERTY OWNERS:

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

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

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

Date: 12/6/2020

Braden Riley
Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), 470 NW BROAD STREET, LLC c/o Braden Riley, hereby appoint(s) Koontz Jones Design c/o Bob Koontz 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 6th day of December, 2020.

Braden Riley

Property Owner

Property Owner

[Signature]

Agent

UDO §2.18 Planned Development

§2.18.5(H) Preliminary Development Plan Criteria

- (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 Preliminary Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;
- (4) The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
- (5) The proposed Development is located in an area of the Town that is appropriate; and
- (6) The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

470 NW Broad Street

Adjoining Property Owners

PIN	PARID	NAME	NAME2	ADDRESS	CITY	STATE	ZIP
858106490709	00031262	BIBEY, FREDDIE N SR &	CHARLENE A	445 N BENNETT ST	SOUTHERN PINES	NC	28387
858106398690	00032614	135 WV HOLDING LLC		175 WEST NEW HAMPSHIRE AVE	SOUTHERN PINES	NC	28387
858106492939	00034295	CUNNINGHAM, WILLIAM THOMAS	CUNNINGHAM, RACHEL FRITTS	175 W MAINE AVE	SOUTHERN PINES	NC	28387
858106493902	00035367	WILLIAMS, NATHAN S	WILLIAMS, JENNIFER M	145 W MAINE AVE	SOUTHERN PINES	NC	28387
858106491691	00035953	470 NW BROAD STREET, LLC		PO BOX 3248	PINEHURST	NC	28374
858106399674	00036385	MCKENZIE, B DONALD	MCKENZIE, DEBRA S	PO BOX 152	SOUTHERN PINES	NC	28388-0152
858100399760	00036386	MCKENZIE, B DONALD	MCKENZIE, DEBRA S	PO BOX 152	SOUTHERN PINES	NC	28388-0152
858100398659	00037071	NELSON, MELVIN G & MARY H		9 MASTERS RIDGE	SOUTHERN PINES	NC	28387-4822
858106490886	00039373	WILDER, GREGORY HUGH &	WOODARD SPEED HEATH	1200 FIRETOWER RD	ELLERBE	NC	28338-8587
858106493786	00039662	HICKS, CARMAN THEODORE II	HICKS, FELICIA JOY	213 DEVONHALL LN	CARY	NC	27518-2680
858106491732	00040316	WOLFBRIDGE INVESTMENT GROUP LLC		PO BOX 4839	PINEHURST	NC	28374
858106490522	00040338	WILLIAMS, DAVID & LINDA FAMILY	LIMITED PARTNERSHIP	629 SHADY GROVE RD	CARTHAGE	NC	28327
858100494804	00040386	LALA OF NC, LLC		150 HIGH POINT RD	PINEHURST	NC	28374
858106399535	00040388	WILLIAMS, LINDA O		629 SHADY GROVE RD	CARTHAGE	NC	28327
858100399752	20140680	ROOSTER HILL FARM, INC		PO BOX 1381	SOUTHERN PINES	NC	28388
858106399717	99000592	MARKHAM, DOYLE G	MARKHAM, LINDA S	PO BOX 160	VASS	NC	28394

470 NW BROAD STREET PD - PRELIMINARY DEVELOPMENT PLAN NARRATIVE

The purpose of this Planned Development – Conceptual Development Plan (CDP) application is to fully describe the proposed development of a ± 0.60-acre tract of land located at 470 NW Broad Street, between the intersections of West Maine Avenue and West Vermont Avenue in downtown Southern Pines. The property is currently zoned Office/Service (OS). Proposed development of the parcel includes a single mixed-use building containing +/- 4,920 square feet of office space on the ground floor and ten (10) multi-family units on the second and third floors. Multi-family is permitted within the OS district through a CUP process and would permit 5 units. Submission of this CDP application seeks to increase the permitted number of units while following dimensional standards of the OS district. Setbacks, building height, open space, lighting, and landscaping will meet the OS design requirements. The narrative below describes the project and application.

This project represents an infill redevelopment in Downtown Southern Pines and complies with the Town's Comprehensive Long-Range Plan. The mixed-use building will replace an existing 2-story office building currently located on the property. Office and residential uses will be added to Downtown Southern Pines within a short walking distance to the heart of the downtown area. The property is located one block from the Central Business (CB) zoning district and just outside of the downtown overlay.

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

Standards for individual elements of the design are described below.

- **Pedestrian Connectivity**
 - o Parking areas throughout the site will connect to sidewalks leading to the building entrances and provide accessible access as required.
 - o Sidewalks will be added in the street right-of-way along Maine Avenue and NW Broad Street to the extent of the property boundaries. These sidewalks will be constructed to connect to the future sidewalk system in this area.
- **Parking Areas**
 - o Parking areas will be located on the side and in the rear of the building. This will allow for screening of the parking areas.
 - o Parking spaces for the development will be included on-site and, within the Maine Avenue right-of-way, adjacent to the property. New parking spaces will be developed along Maine Avenue and serve the development and the surrounding area. These spaces, along with the on-street parking located on the east side of Maine Avenue, will provide adequate parking for the building.

- Compact parking spaces will be utilized for a portion of the parking, not to exceed 20% of the total parking as permitted in UDO Section 4.5.5.(B)(1).
- The applicant requests that full parking requirements be reduced for the project since it is a mixed-use building and office parking, and residential parking demands occur at different times of day. This building will be a mixed-use facility, peak parking demand for the multi-family and office development will be required at different times.
- Section 2.46.3.(D) allows for up to a 20% reduction based on site conditions and availability of on-street parking. There is currently some on-street parking adjacent to the property and additional on-street parking is proposed for this development. In addition, Section 4.5.10.(B) permits a reduction in parking for shared parking between uses.
- While specific to the Traditional Neighborhood Development, a standard is provided in the UDO for a reduction in parking for shared office and residential buildings. Section 6.4.4(B)(3) of the permits up to a 50% reduction of required office parking spaces for mixed-use development containing a mix of office and residential uses. New on-street and on-site parking will exceed the total number of spaces required by the UDO for mixed-use buildings under this calculation. Downtown Southern Pines is could be considered a Traditional Neighborhood Development as a whole.
- Parking would be provided as follows:
 - OFFICES: ±4,920 SF (1 SPACE/300 SF)
= 16 SPACES x 50% REDUCTION
= 8 SPACES REQUIRED
 - APARTMENTS: (5) 1-BEDROOM UNITS (1 SP/BEDROOM) = 5 SP
(5) 2-BEDROOM UNITS (1 SP/BEDROOM) = 10 SP
VISITOR PARKING (1 SP / 5 UNITS) = 2 SP
= 17 REQUIRED SPACES
TOTAL PARKING REQUIRED (WITHOUT REDUCTION) = 33 SPACES
TOTAL PARKING REQUIRED (WITH 50% OFFICE REDUCTION) = 25 SPACES

PROVIDED PARKING: 31 SPACES

- **Streets and Access**

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

- **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 streetscape plantings, as required.

- **Lighting**

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

- **Open Space**

- 5% open space for the property will be provided in an outdoor courtyard located on the property. This open space will be accessible and usable by the residents

of the multi-family portion of the building. The courtyard may include an outdoor grilling area, seating areas and/or other recreational options. These will be private and maintained by the property owner's association or the property owner. This meets the standard requirement of the OS zoning district.

- **Architecture**

- The building is designed to front both NW Broad Street and West Main Street. This allows for the building to wrap the corner and place parking areas on the side and rear, away from street frontage.
- The building will not exceed the 35' maximum building height permitted in the OS district.

- **Stormwater**

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

- **Utility Service**

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

- **Signage**

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

In conclusion, this CDP request follows all standards of the OS zoning district, except for the request of an additional 5 units and a slight reduction in parking based on other UDO standards pertaining to mixed-use, office and residential buildings. If the project were to be reviewed as an OS development, following all standards and density, there would be little if any modification in the building form, site layout, or number of parking spaces. Additional office space could be provided, offsetting the reduction in units. This building will fit within the context of the neighborhood, meets the standards of the underlying zoning, and is consistent with the designation of the property as shown within the Town's Comprehensive Long-Range plan.

EXHIBIT B

470 NW Broad Street 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 Conceptual 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;

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards set forth in the UDO. 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 that surrounds the phase of development described in the PDP. The PDP submitted meets these goals.

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

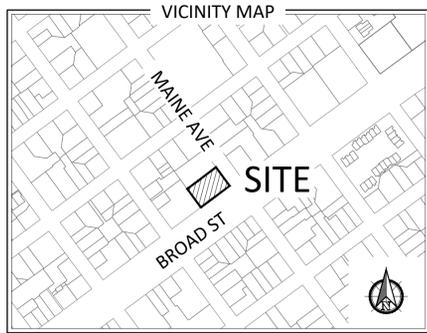
The PDP is consistent with and meets all standards and requirements provided in the CDP plans, and conforms to the standards of the UDO. The mixed-use office and residential building are consistent with the proposed development program and allowable uses in the CDP. The development of a +/- 4,920 sf office building use and ten (10) residential multi-family units is consistent with the Conceptual Development Plan.

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

The PDP is consistent with the CDP and surrounding community. The proposed mixed-use building will be located adjacent to other OS zoned properties and near residential areas. The property is also located one block from the Downtown Southern Pines Central Business (CB) district and downtown overlay area. This mixed-use building fits the development pattern in the area and is consistent with adjacent properties. The CLRP, which takes in to account surrounding land uses, designates this property as commercial and the UDO designates the surrounding properties as OS. OS zoning permits office and residential multi-family uses. The continued development of this area with mixed-use residential and office development 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.

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

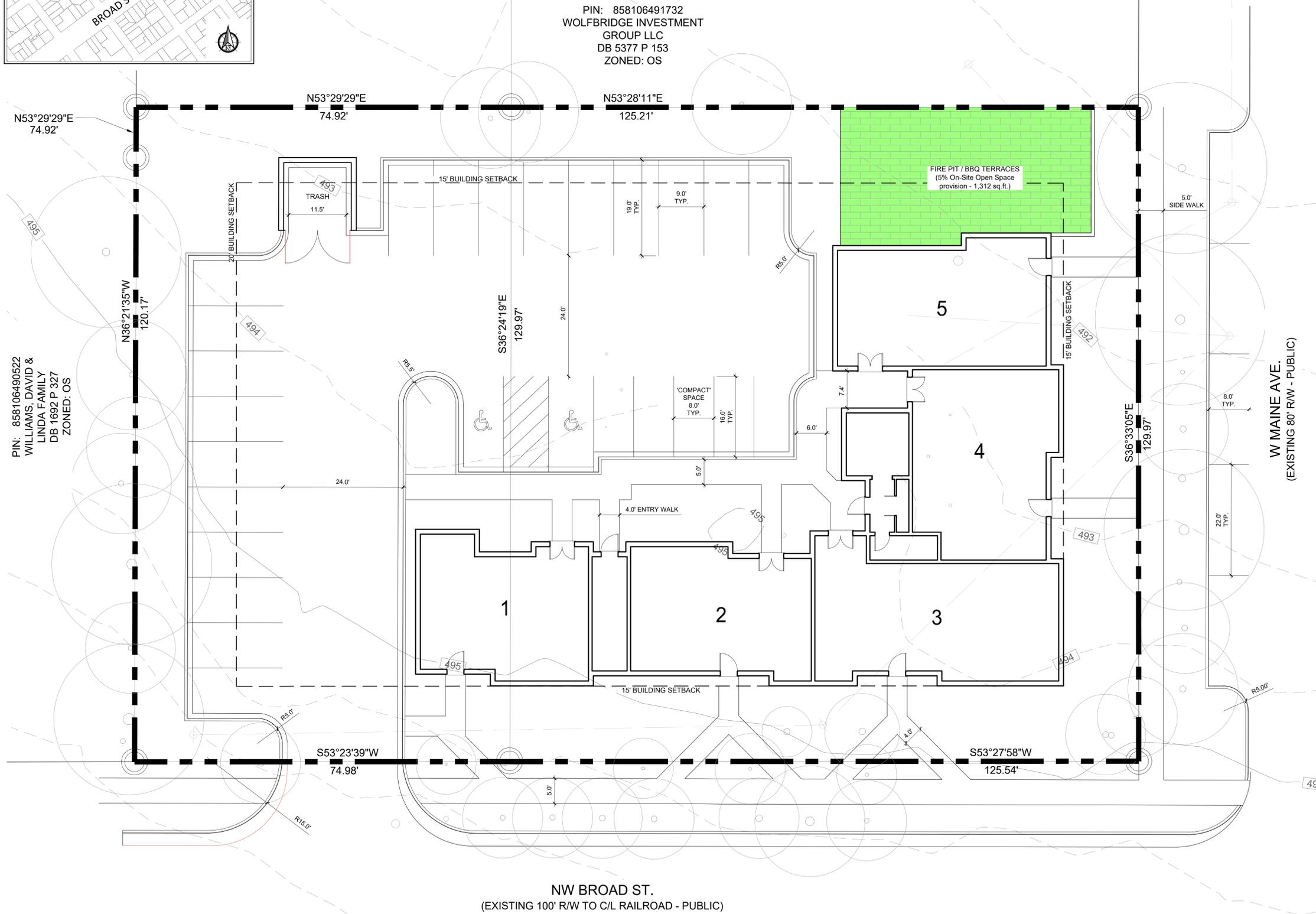
Public water and sewer utilities are readily available for the project and are in place for the existing office building. These utilities will be modified to fit the proposed development, with any cost for on-site utilities being borne by the developer.



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.

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: 8582
 MAP(S): 3710858200J
 DATE: OCTOBER 17, 2006

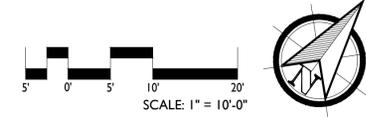
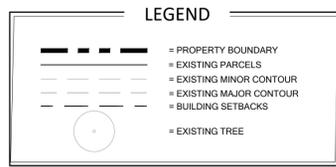
PROPERTY INFORMATION
PROPERTY OWNER(S):
 470 NW BROAD STREET, LLC
 C/O BRADEN RILEY
 PO BOX 3248
 PINEHURST, NC 28374
APPLICANT:
 RILEY WALKER COMPANIES
 C/O BRADEN RILEY
 PO BOX 3248
 PINEHURST, NC 28374
PARCEL IDS: 00035953
 DB 5372 P 241
TOTAL ACREAGE: ±0.59 AC
TOTAL OPEN SPACE: ±0.03 AC (1,312 SF)
TOTAL IMPERVIOUS SURFACE: ±0.42 AC (70.0%)
REQUIRED PARKING:
 OFFICES: ±4,920 SF (1 SPACE/300 SF)
 = 16 SPACES x 50% REDUCTION
 = 8 SPACES REQUIRED
 APARTMENTS: (5) 1-BEDROOM UNITS (1 SP/BEDROOM) = 5 SP
 (5) 2-BEDROOM UNITS (1 SP/BEDROOM) = 10 SP
 VISITOR PARKING (1 SP / 5 UNITS) = 2 SP
 = 17 REQUIRED SPACES
 TOTAL PARKING REQUIRED (WITHOUT REDUCTION) = 33 SP
 TOTAL PARKING REQUIRED (WITH 50% OFFICE REDUCTION) = 25 SP
PROVIDED PARKING: 31 SPACES



ZONING INFORMATION
ZONING CLASSIFICATION (EXISTING):
 OS - OFFICE SERVICES
ZONING CLASSIFICATION (PROPOSED):
 PD - PLANNED DEVELOPMENT
REQUIRED SETBACKS (MEETS OS STANDARD):
 FRONT: 15' MINIMUM
 INTERIOR SIDE: 20' MINIMUM
 EXTERIOR SIDE: 15' MINIMUM
 REAR: 20' MINIMUM
MAX. BUILDING HEIGHT (MEETS OS STANDARD):
 35'

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

DRAINAGE NOTES:
 1. STORMWATER MANAGEMENT DEVICES WILL FOLLOW THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
 2. ALL DRAINAGE TO BE UNDERGROUND.
 3. DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. DETAILED STORMWATER MANAGEMENT PLANS WILL BE PROVIDED DURING PERMITTING OF THE DEVELOPMENT.



PIN: 858106490522
 WILLIAMS, DAVID &
 LINDA FAMILY
 DB 1692 P 327
 ZONED: OS

PIN: 858106491732
 WOLFBRIDGE INVESTMENT
 GROUP LLC
 DB 5377 P 153
 ZONED: OS

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



REVISIONS:

470 NW BROAD ST & W MAINE AVE
 SOUTHERN PINES, NORTH CAROLINA
 PRELIMINARY DEVELOPMENT PLAN

DATE: 12-07-2020
 DESIGNED BY: NS
 DRAWN BY: JS/TH
 CHECKED BY: REK
 SCALE: 1" = 10'-0"
 PROJECT #: KID20056
 SHEET NUMBER:
L-1.1

Comments Provided by Town Engineer:

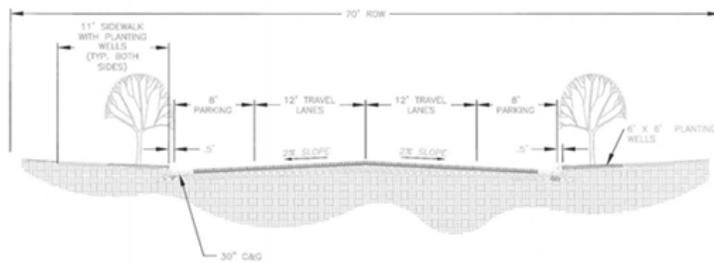
In my opinion W. Maine is classified as a commercial local street. The UDO defines this as "A street whose principal function is to provide access to businesses within commercial districts, carrying automobile and delivery truck traffic at relatively low speeds". Though the area consist of some residential uses right now, the current zoning does allow for commercial uses for the majority of the block and the commercial standards are more stringent than the residential standards. The Town's current standard for a commercial local street are as follows.

Exhibit 4-17: Commercial Street Design Standards

Street Type: Commercial Local Streets

- Right-of-Way Width Minimum: 70 feet
- Street Width: 45 feet from back of curb to back of curb
- Travel Lane Width: 12 feet
- Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet)
- Curb and Gutter Width: 2.5 feet
- Sidewalks: 11 feet in width on both sides with planting wells included in the sidewalks. Planting wells should be 6 feet by 6 feet in width and located on both sides of the road with street trees planted in the strip between the pavement and sidewalks

Appendix I: Street Cross Sections #4



The existing W. Maine street is not compliant with the current standard in that it does not include sidewalks, curb and gutter, or on-street parking. The existing 80 feet ROW does have adequate area to include the minimum items. The proposed plan does show improvements (including sidewalks, curb and gutter, and on-street parking) to the street to the extent of its property on the side of the road that the project occurs. An extension of the road meeting Town standards should improve both sides of the street to the same standard. The current street also has 11 feet travel lanes. This does not meet the minimum requirement but given the amount of traffic and dimensions of surrounding streets, I would have no objection to allowing 11 feet travel lanes in lieu of the 12 feet. It should also be noted that on-street parking located with Town rights-of-way should be considered public parking and not be dedicated for the use of a specific development.

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: PD-08-21: A Planned Development District - Conceptual Development Plan for a Mixed-Use Development Located Between W. Morganton Road and US Hwy 15-501

Date: September 14th, 2021

I. SUMMARY OF APPLICATION REQUEST:

Mr. Bob Koontz, on behalf of John Silverman, has submitted a Planned Development District – Conceptual Development Plan application pursuant to §2.18.4 of the Town of Southern Pines Unified Development Ordinance (UDO) for Morganton Park South, a mixed-use development allowing up to 700,000 square feet of retail and/or office space and up to 650 residential dwelling units over nine phases of development on ±98.95 acres on the south side of Morganton Road between South Henley Street and Patriot Boulevard. The subject parcels are currently zoned PD (Planned Development).

II. PLANNING BOARD ACTION:

On August 19th, 2021, the Southern Pines Planning Board held a legislative public hearing and heard from those in attendance regarding application PD-08-21. Planning staff presented a review of the Planned Development (PD) Conceptual Development Plan (CDP) application. Planning staff reviewed a list of design issues on which the applicants and staff have been working and presented both the issues that had been resolved and were included in the application materials, as well as the proposed resolution of all remaining design issues for the Planning Board’s consideration.

Following staff’s comments, Mr. John Silverman with applicant Midland Atlantic spoke to the Planning Board to introduce the project and the project team. Mr. Silverman presented architectural renderings of structures to be located in the first phase of development of the CDP. Mr. Bob Koontz of KoontzJones Design presented the Conceptual Development Plan for the 98.5 acres of land. Mr. Koontz reviewed proposed land uses and permitted density of development, access information, street cross-sections and requirements for a proposed linear park adjoining the parkway collector road through the development. Mr. Koontz concluded by reviewing the requests for deviations from underlying zoning requirements of the Morganton Road Overlay district. The Planning Board discussed some of the design issues presented by staff with Mr. Koontz and asked clarifying questions.

During public comment, four members of the audience spoke regarding the project. An attorney representing Kohl’s expressed concerns with stormwater management. A

neighboring landowner expressed concern with not using Short Street for access to the property, and another adjoining landowner expressed concern with a lack of buffering adjoining areas zoned for residential land uses. Finally, a resident of Southern Pines expressed concerns with traffic on NCDOT roads and the proper manner to plant pine trees in commercial development.

Following public comment, the Planning Board asked the applicants a variety of clarifying questions and discussed various aspects of project design, including staff's list of recommended resolutions to remaining design issues. The applicant stated they were amenable to staff's recommended resolutions.

After closing the public hearing, the Planning Board unanimously found the proposed CDP to be consistent with the CLRP as stated in Attachment A to staff report for PD-08-21. The Planning Board then reviewed other matters that had been discussed and considered prior to unanimously recommended approval of PD-08-21 subject to a list of seven other matters that were considered by the Planning Board and that staff were directed to add to Attachment A.

Please find the signed Planning Board Resolution to Adopt a Written Recommendation for Conceptual Development Plan application PD-08-21 in the attachments section of this report.

III. PROJECT INFORMATION:

A. Property Owner(s)

There are a total of four parcels comprising the approximately 98.95 acres that constitute the "subject property:"

1. PIN 857100575720 (PARID 98000749) owned by Morganton Road Enterprises, LLC and Robert W. Van Camp and Julie M. Van Camp, Trustees of the Robert W. and Julie M. Van Camp Living Trust Under Agreement Dated December 22, 1998.
2. PIN 857100572972 (PARID 00052502) owned by Robert W. Van Camp and Julie M. Van Camp, Trustees of the Robert W. and Julie M. Van Camp Living Trust Under Agreement Dated December 22, 1998, as amended.
3. PIN 857100562348 (PARID 00049222) owned by Hyperactive Commercial Investments, LLC
4. PIN 857100357805 (PARID 20070558) owned by Hyperactive Commercial Investments, LLC

A map of the four parcels comprising the subject parcels may be found below, Figures 3 and 4.

B. Applicant(s):

Midland Atlantic Properties
8044 Montgomery Road, Suite 370
Cincinnati, Ohio 45236
jsilverman@midlandatlantic.com

C. Authorized Agent(s):

Bob Koontz
150 S. Page Street
Southern Pines, NC 28387
bkoontz@koontzjones.com

D. Subject Property Description:

The subject property is located directly across from the intersection of S. Henley St. and W/ Morganton Road, behind the town’s soccer fields. The property continues towards US Highway 15-501 and adjoins that highway directly across from Partner Circle.

Figure 1: Aerial image taken directly over US 15-501, looking northeast across subject property.



E. Jurisdiction:

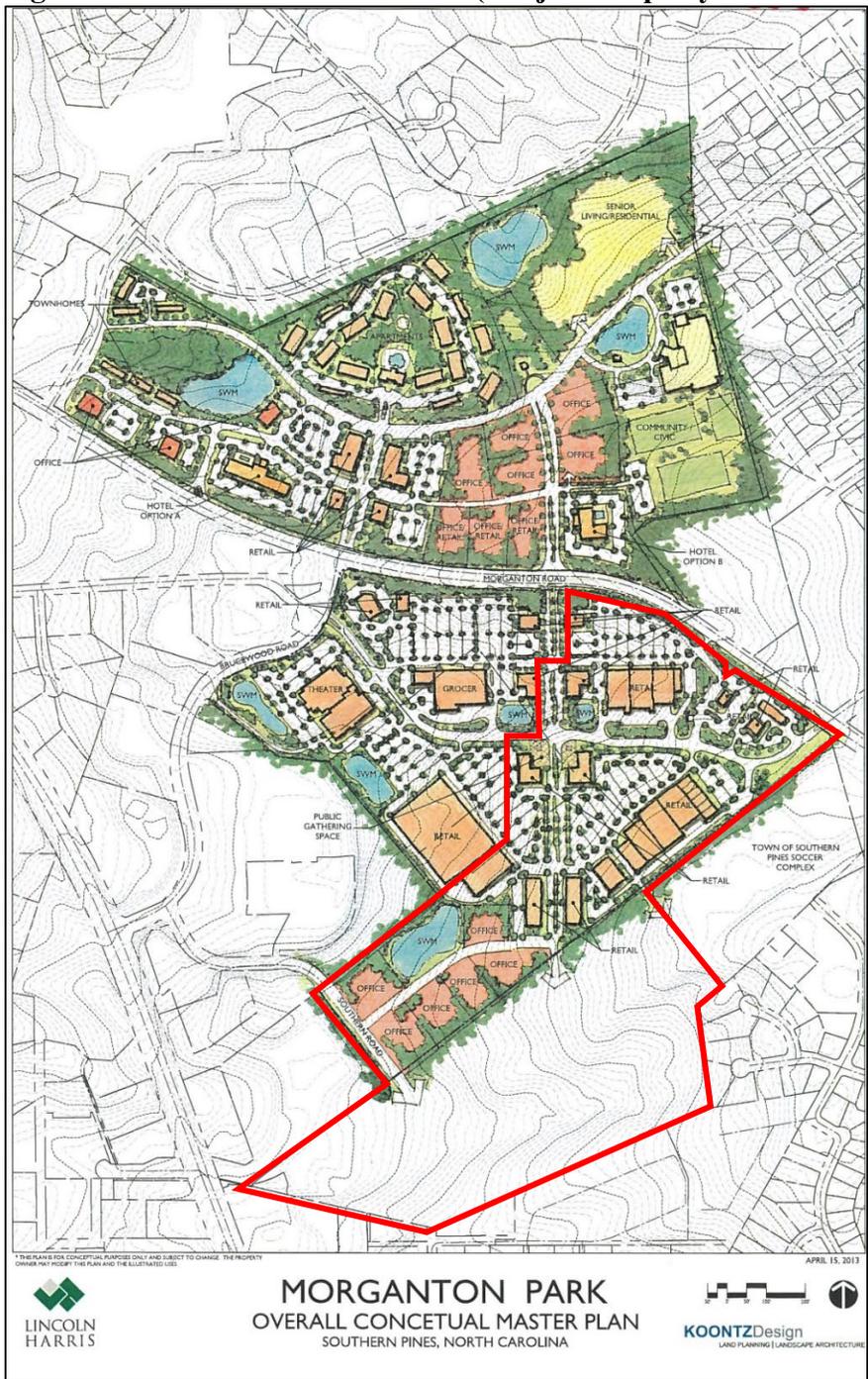
All of the subject property is within the Town of Southern Pines’ zoning jurisdiction, but approximately 53 acres of the subject property has not yet been annexed into the Town of Southern Pines’ municipal limits and is therefore part of the Town’s Extra-Territorial Jurisdiction (ETJ).

F. Current Property Zoning Classification:

The zoning of the subject property is PD-Planned Development. The portion of the subject property presently owned by Van Camp has an approved Master Plan (the precursor to a

CDP) that was approved on May 14, 2013 (MRD-01-13). An image of the previously-approved Master Plan is included below as Figure 2. The balance of the subject property owned by Hyperactive Commercial Investments, LLC is simply zoned PD with no approved CDP. The subject property is also zoned Morganton Road Overlay and portions adjoining US Highway 15-501 and W. Morganton Road are zoned Highway Corridor Overlay. (See Figure 3: Vicinity & Zoning Map below).

Figure 2: MRD-01-13 Master Plan (Subject Property outlined in Red)



G. Current Comprehensive Long-Range Plan Future Land Use Map Designation:

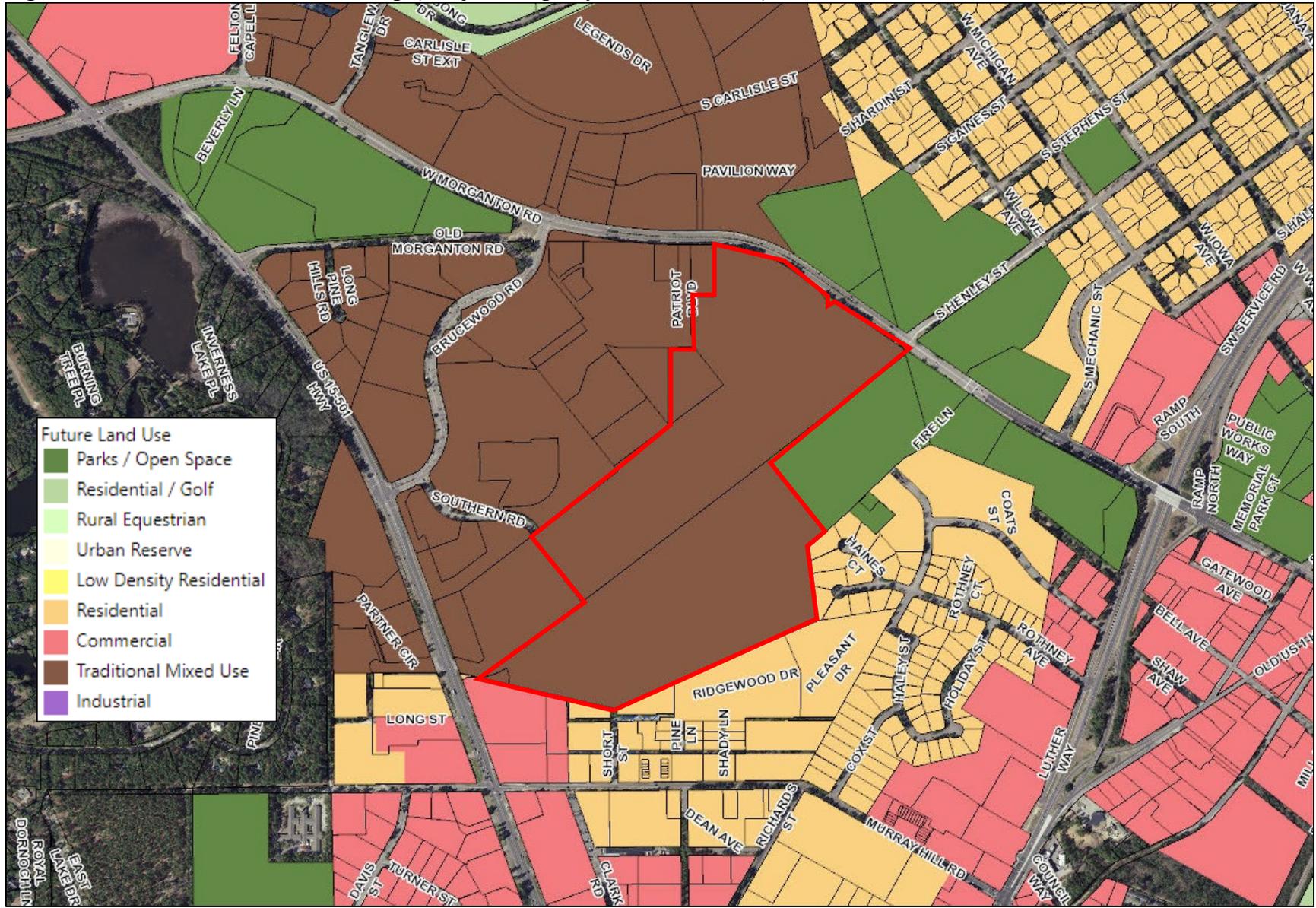
The designation for the subject property is Traditional Mixed Use as depicted in Figure 4 below. Chapter 4 of the Town of Southern Pines Comprehensive Land Use Plan states the following in describing the Traditional Mixed Use Future Land Use Designation:

“The Traditional Mixed Use category applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines. This designation applies to the Morganton Road area and to the Pine Needles area, identifying these as likely spots for mixed-use including an interconnected street network as found in traditional town development. No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating modes of travel beyond the automobile.”

Figure 3: Vicinity & Current Zoning Map (Subject Property outlined in Red):



Figure 4: CLRP Future Land Use Map (Subject Property outlined in Red):



IV. STAFF REVIEW:

A. Review Process:

Applications for a Planned Development District (PD) are reviewed in accordance with UDO §2.18. Creating a Planned Development District is a three-step process including Conceptual Development Plan (CDP), Preliminary Development Plan (PDP) and Final Development Plan (FDP). The first step, CDP, is when the unique zoning standards to which the entire project will be subject in the future are established via a rezoning process. This application is for a CDP.

B. Summary of Procedural Requirements:

- The developers held a Neighborhood Meeting on June 28, 2021 in compliance with UDO §2.18.3(D). Meeting minutes, copies of materials presented and a sign-in sheet from the meeting are all attached to this staff report.
- CDP Application Submitted: July 12, 2021
- Application Deemed Incomplete: July 15, 2021
- Application Deemed Complete: July 26, 2021
- Notice of August 19, 2021 Planning Board Public Hearing:
 - Posted On-site: August 2, 2021
 - Mailed: July 29, 2021
 - Publication Dates: August 4, 2021 and August 11, 2021
- Planning Board Agenda Meeting: August 12, 2021
- Planning Board Regular Meeting: August 19, 2021

- Notice of September 14, 2021 Town Council Public Hearing:
 - Posted On-site: August 2nd, 2021
 - Mailed: August 20th, 2021
 - Publication Dates: September 1st, 2021 and September 8th, 2021
- Town Council Agenda Meeting: September 8, 2021
- Town Council Regular Meeting: September 14, 2021

C. Applicable Criteria for Review:

The criteria for review and approval of a Conceptual Development Plan (CDP) are found in UDO §2.18.4(H):

Conceptual Development Plan

- 1. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;*
- 2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;*
- 3. The proposed Development is appropriate for the area of the Town in which it is located; and*

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

D. Town Staff Review & Comments:

i. Consultation with Technical Review Committee:

The proposed development has been presented multiple times to the Town of Southern Pines Technical Review Committee (TRC). A formal pre-application meeting occurred on June 29, 2021 and the TRC discussed the proposed Morganton Park South development again on August 10, 2021.

ii. Consistency with Criteria for a Zoning Map Amendment and for a Conceptual Development Plan:

An application for approval of a Conceptual Development Plan (CDP) follows the procedure for a rezoning because the CDP document, once approved, will constitute the zoning of the subject properties.

The criteria against which a CDP shall be reviewed are found in UDO §2.18.4(H). The applicants have provided a narrative addressing the criteria for a Zoning Map Amendment per UDO §2.18.4(H)(1), and a narrative addressing the remaining three criteria for a CDP per UDO 2.18.4(H)(2) through (4). Copies of the applicant's narrative documents containing their descriptions of the manner in which the project meets applicable criteria are attached to this staff report.

iii. Consistency with Goals and Policies of the Comprehensive Long Range Plan (CLRP):

The applicant has provided a narrative addressing consistency of the proposed CDP with the Town's Comprehensive Long Range Plan. A copy of the applicant's narrative is attached to this staff report.

iv. Deviations from Unified Development Ordinance (UDO):

The applicant has provided a narrative describing deviations (or "waivers") that are being proposed from the otherwise-applicable UDO standards as part of the CDP. The applicant states that all deviations are from UDO §3.6.6, the Morganton Road Overlay zoning district. However, there are multiple standards set forth in the CDP document that deviate from the underlying UDO standard:

- The applicants are proposing parking standards in Section 5.5.1 of the CDP that deviate from UDO §4.5 as well as the Highway Corridor Overlay standards found in UDO §3.6.5 (that are only applied to certain highway corridors).
- The applicants are proposing some unique architectural standards in Section 5.5.3 of the CDP that deviate from UDO §4.10.4.
- The applicants are proposing street tree and buffering standards in Section 5.5.4 of the CDP that deviate from UDO §4.3.
- The applicant are proposing signage standards in Section 5.5.7 of the CDP that deviate from UDO §4.6.

The Planning Board and Town Council may wish to carefully examine all proposed deviations from the UDO and/or to ask the applicants to provide justification(s) for deviations as deemed appropriate.

v. Noteworthy Project Elements for Planning Board & Town Council Consideration:

- Overall development in Morganton Park South is limited to 650 dwelling units where residential land uses are permitted and 700,000 total square feet of office and/or commercial/retail where those uses are permitted.
- A Traffic Impact Analysis (TIA) is not required for consideration and approval of a CDP because the specific land uses and corresponding trip generation rates that will be proposed with each Preliminary Development Plan are unknown. The applicants have prepared a Conceptual Transportation Plan (Exhibit IX) to show the proposed external and internal transportation corridors. A full TIA will be required to accompany all future PDP submittals and mitigation of cumulative impacts will be required for PDP approval.
- According to Section 10 of the CDP zoning document, the development is proposed to be constructed in nine phases over the next 10 years. The location of phases is shown in CDP Exhibit VIII (attached to this report). Phases may be developed non-sequentially with each phase requiring review as a PDP. Multiple phases may be submitted for concurrent review. For example, Phases 2 and 4 could be reviewed in one PDP submittal, but both phases must address all required criteria for review of a PDP. A cumulative tally of project-wide requirements (such as open space, maximum retail square footage, maximum dwelling units, etc.) must be presented with each PDP submittal. Staff will note here that Section 10 of the CDP erroneously references Exhibit XI as the phasing plan, when the phasing plan is included on Exhibit VIII.
- Annexation of the entire subject property shall occur early in the development process. Section 9.0 of the CDP document ensures this will occur by requiring the entire subject property be annexed prior to approval of “the first set of building permits.” If this language is approved, town staff will not approve any building permits for structures in Morganton Park South until annexation is completed.
- The applicants have conferred with James Michel, Town Engineer, to confirm the overall availability and adequacy of sewer and water facilities to serve the proposed development. Mr. Michel has provided a letter stating that adequate sewer and water facilities are available to serve the proposed development and a copy of this letter is attached to this staff report. Detailed

designs for extension of sewer and water facilities, as required to serve development in Morganton Park South, will be reviewed through Town's site plan review process as described in UDO §2.48.

- The proposed CDP includes a variety of unique design elements that should be brought to the attention of the Planning Board and Town Council for careful consideration:
 - The main corridor through the development is a 91' right of way (ROW) with a limited stretch of 75' ROW as depicted in Exhibit X of the CDP. The ROW includes a median, separated two-lane roads, planting strips and a path on one side and a sidewalk on the other.

The Town Engineer has provided comments regarding the design of the 91' and 75' ROW cross-sections shown in the CDP:

“The parkway should maintain a level of access control with full movement access limited to the sub-collector street intersections like Southern and Old Morganton. The CDTP indicates multiple locations of full movement intersections for future driveways. Approval of the future driveways should be made on a case by case basis, with the default being right-in/right-out only driveways unless approved by the Town. Town Public Works department has also requested that full width vegetated medians be limited to the areas adjacent to the proposed intersections with Southern and Old Morganton and to instead use thinner raised concrete medians to reduce maintenance requirements. The current CDTP provides a full width vegetated median for the majority of the route and is not in keeping with the previous discussions. An estimate of the maintenance cost for the currently proposed vegetated medians is \$25-30K annually. Removal of the full width medians would also assist to maintain access control along the parkway as discussed above.”

“Furthermore, it is recommended that the 75' ROW cross section be revised to include a 3-4ft raised concrete median for the majority of the run with raised medians outlining the left turn lanes at the driveways on both ends.”

Staff will be requesting a condition that design modifications as requested by the Town Engineer be made to the text of the CDP and to CDP Exhibit X. The applicant has offered to maintain vegetated medians to mitigate the concern of the Town Engineer. An arrangement for long-term maintenance of vegetated medians in Morganton Park South should be added to a Development

Agreement between the Town of Southern Pines and Midland Atlantic.

- Presently the CDP does not contain restrictions to creating new direct access to West Morganton Road for Phases 3, 4 and/or 9. Staff will be requesting a condition that no direct access be allowed from development in Morganton Park South to W. Morganton Road.
- Other street cross sections are presented for Southern Road and Old Morganton Road extensions in CDP Exhibit X.
- No strategy for development of intersections along the main spine road has been described in the CDP. This will result in each intersection being designed and developed with each PDP as required by the TIA. This may leave one particular phase to bear the burden of mitigating cumulative impacts from previous phases of development that didn't trigger improvement thresholds.
- Section 5.5.2 of the CDP requires a linear park adjoining both sides of the main corridor through the development. The linear park is to be a minimum of 20' wide per side, and a minimum of 80' in total width including both sides. This design element was suggested by town staff to attempt to compensate for CDP parking standards that allow up to 100% of parking to be located in front of buildings, a design element that has the potential to create the visual impact of a vast sea of parking between the Parkway Collector roadway and the front of large retail buildings. The linear park will be developed on private property adjoining the right of way and will be maintained privately. Planning staff believes that 80' is a bare minimum width for a linear park adjoining the Parkway Collector road in order to attempt to provide visual mitigation of up to 100% of parking in front of buildings.

Development standards for amenities in the linear park are established in a table in Section 5.5.2 of the CDP. Planning staff recommends that the Planning Board and Town Council consider asking the applicant to provide additional amenity treatments in linear parks. At a minimum, staff recommends a large and small tree requirement of one per 2,000 square feet with a maximum spacing of 1 tree per 50 linear feet, adding a shrub requirement of one shrub per three feet (per UDO Exhibit 4-5) around hardscape areas such as outdoor seating areas, trash receptacles and pergolas. Staff also recommends adding shade pergolas for every two required outdoor seating areas (or one pergola for every 600' of linear park, or about 6 pergolas along the Parkway Collector road).

- The proposed development will incorporate the existing Kenneth Black Cemetery as a design feature and open space. According to the Moore County Historical Society, *“The Kenneth Black Cemetery contains the graves of possibly 50 or more family members and others, dating from 1781 to the 1820s. The precise boundaries are uncertain but it is believed that most of the site is contained within a 0.30 acre area. It originally included a walled grave area of the immediate family as well as additional graves outside the wall.”*
- Section 10 of proposed CDP ensures the construction of the Old Morganton Road and Southern Road extensions if the roads are not completed after 10 years. Due to the timeline involved in the commitment to construct these roadways, a Development Agreement shall be used as the appropriate instrument to ensure the completion of the roadways as stated in the CDP, per UDO §2.20.7.
- Exhibit VII of the CDP establishes allowable land uses within each of the land use categories within the development. All land uses are by-right land uses.
- No deviations are proposed in the CDP from the design requirements for multi-family development found in UDO §4.10.8.
- No deviations are proposed from the architectural standards found in UDO §4.10.4. Section 5.5.3 of the CDP states that the town will review development in Morganton Park South for compliance with the town’s architectural standards.
- During the Planning Board hearing, a public comment revealed that the buffering requirements of UDO Exhibit 4-2 would require an 80’ buffer from adjoining areas zoned for residential land uses. Staff’s understanding is that the applicants will be addressing a request for a modification to Section 5.5.4 of the proposed CDP at the Town Council hearing.

V. Cooperating Agency Review and Comments:

A request for comments from agencies was emailed to representatives of North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Regional Land Use Advisory Commission (RLUAC) and Moore County Airport on July 26, 2021.

- Dagoberto JuarezPozos with NCDOT commented on July 19, 2021 that his agency has no comments at this time. NCDOT is reviewing the Traffic Impact Analysis submittal, and will coordinate directly with the developer regarding their agency’s requirements.

- Vagn Hansen with RLUAC provided written comments on August 5, 2021. A copy of RLUAC's comments are attached to this staff report.
- The applicant provided a Protected Species Report to the U.S. Fish and Wildlife Service and that agency commented in writing on the report on July 16, 2021. A copy of the report and agency comments is attached to this staff report.
- On July 14, 2021 the Town of Southern Pines GIS department was asked to verify and map the legal descriptions provided for the subject property, as provided in Exhibit XII. The resulting boundaries mapped by the town's GIS professional did not remotely match current tax parcel data for the subject properties. This error must be corrected prior to approval of the CDP in order to ensure accurate zoning boundaries.

VI. ATTACHMENTS:

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

1. Planning Board Written Recommendation, August 19th, 2021.
2. Morganton Park South CDP Application
3. Applicant's Narratives:
 - a. Addressing purpose of a CDP, as set forth in UDO 2.18.4(A)
 - b. Addressing Criteria in UDO 2.18.4(H)(1)
 - c. Addressing Criteria in UDO 2.18.4(H)(2) through (4).
4. Applicant's Conceptual Development Plan (most recently revised and submitted version of each document in CDP).
5. Utility Availability Letter
6. Protected Species Report
7. US Fish & Wildlife Comments
8. RLUAC Comment

VII. TOWN COUNCIL ACTION:

A request for approval of a Conceptual Development Plan is a request for a rezoning. Per North Carolina General Statute 160D-605(a), when approving or denying a request for a rezoning, the Town Council shall also approve a statement addressing consistency with the Comprehensive Long Range Plan. Furthermore, per North Carolina General Statute 160D-605(b), the Town Council must also approve a statement about the reasonableness of the rezoning.

To assist the Town Council, town staff have prepared the following draft motions consideration, modification as necessary, and adoption:

I move that after reviewing the proposed Conceptual Development Plan and the criteria for consideration of a Conceptual Development Plan, and after considering the comments received at the Town Council’s public hearing and the Planning Board’s written recommendation:

1. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-08-21;
2. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-08-21 and as modified by Town Council as follows:
3. The requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan and is not a reasonable request for rezoning for the following reasons:

And, therefore, I move to:

1. Approve PD-08-21 as set forth in the attachment to staff report PD-08-21;
2. Approve PD-08-21 as set forth in the attachment to staff report PD-08-21, with the condition that the CDP be modified as stated below, and that a final revised copy be provided to the town within 30 days to retain as a public record of the zoning at Morganton Park South;
 1. That no direct access, besides the main parkway collector road as depicted throughout the CDP, be provided to West Morganton Road by development in Phases 3, 4 and/or 9 as depicted on Exhibit VIII of the CDP.
 2. That full movement intersections on the parkway collector road be limited to the intersections of Old Morganton Road and Southern

Road and the default design of all other accesses to the parkway collector road be right-in, right-out intersections. This default design may be reviewed on a case by case basis at Preliminary Development Plan after a Traffic Impact Analysis is conducted and submitted per the requirements of the UDO.

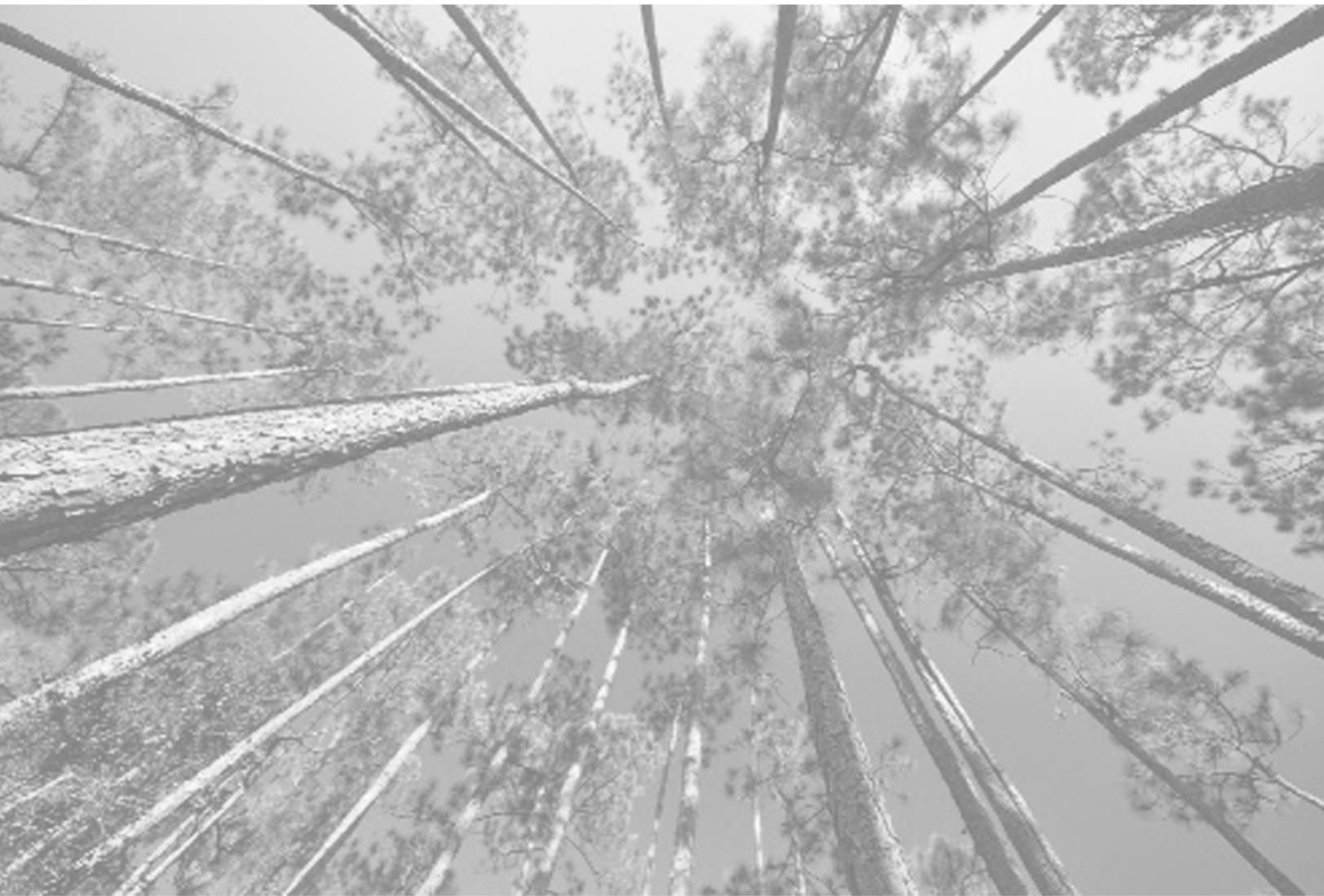
3. That the 75' right of way cross section for the limited portion of the parkway collector street, as depicted in Exhibit X of the CDP, be modified to show a small raised median acceptable to the Town Engineer and not an 11' turn lane.
4. That the park amenities table in Section 5.5.2 of the Conceptual Development Plan be modified to add shade-providing pergola structures at a rate of one structure per every two benches, or a minimum interval of one structure per 600'.
5. That the landscaping table in Section 5.5.2 of the Conceptual Development Plan be modified to require "One tree per 2,000 square feet, not exceeding a spacing of 50 linear feet" for large trees and small trees.
6. That the landscaping table in Section 5.5.2 of the Conceptual Development Plan be modified to require shrubs at a rate of one shrub per three linear feet adjoining areas of hardscaped park amenities.
7. That the Development Agreement include a provision reflecting the developer's commitment to maintain vegetated medians along the parkway collector road.
8. That Section 5.5.4 of the CDP be modified to require a buffer of no less than 20' in width around the perimeter of Morganton Park South in place of the default buffers required in UDO §4.3.4.

3. Deny PD-08-21;

MORGANTON PARK SOUTH

Southern Pines, NC

PD DISTRICT - CONCEPTUAL DEVELOPMENT
PLAN APPLICATION



Prepared By:

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE



Planned Development District Conceptual Development Plan Application

Fee: \$1,800.00 Date Received: _____ Case No.: PD-____-____

Project Information:

Project Name: Morganton Park South

Physical address: Between Morganton Rd. & US 15-501 across from Partner Cir.

PIN: 857100575720; 857100572972; 857100562348; 857100357805 Parcel ID: 98000749; 00052502; 00049222 ;20070558

Site Size: ±98.95 AC Zoning: PD - Planned Development

Applicant:

Name(s): John Silverman - Midland Atlantic Properties

Email: jsilverman@midlandatlantic.com Phone: 513-792-5000

Mailing Address: 8044 Montgomery Road, Suite 370, Cincinnati, Ohio 45236

Authorized Agent, if different from Applicant:

Name(s): Bob Koontz

Email: bkoontz@koontzjones.com Phone: 910-684-8487

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

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

Name(s): Thomas M Van Camp, Trustee & Others; Robert W & Julie M Van Camp, Trustees; Hyperactive Commercial Investments, LLC

Email: thomasv@vancamplaw.com Nconti@pinehurstsurgical.com Phone: 910-295-2525 ; 910-315-8514
PO BOX 1389 Pinehurst, NC 28387

Mailing Address: 1001 Oppenheimer Dr Apt 201 Los Alamos, NM 87544 25 Shaw Road Pinehurst, NC 28374

1-12-21

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 – Conceptual 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 South side of Morganton Rd. (St./Ave.), between S Henley (St./Ave.) and Patriot Blvd (St./Ave.). The property has a frontage of 1570 feet and a depth of 3870 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance**.

The proposed use of the property is as follows:

Commercial, Retail, Office, Residential

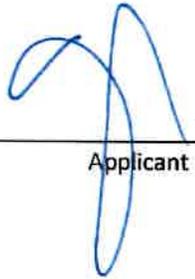
ADJACENT PROPERTY OWNERS:

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: 6/28/2021



Applicant

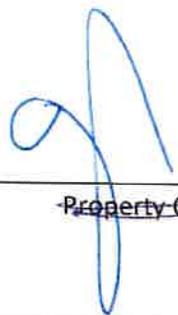
APPOINTMENT OF AGENT

The undersigned owner(s), MIDLAND ATLANTIC PROPERTIES, 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 – Conceptual 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 Planning Board and Town Council for the approval of a Planned Development District – Conceptual 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 -Conceptual 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 28TH day of JUNE, 2021.



~~Property Owner~~ APPLICANT

Property Owner


Agent

APPOINTMENT OF AGENT

The undersigned owner(s), _____, 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 – Conceptual 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 Planning Board and Town Council for the approval of a Planned Development District – Conceptual 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 -Conceptual 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 8th day of July, 2021

Hyperactive Commercial Investments, LLC
Mark A. Galt member/manager
Property Owner

Property Owner

[Signature]
Agent

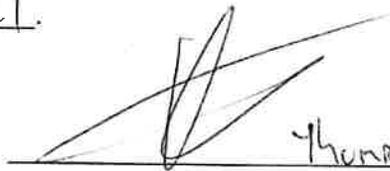
APPOINTMENT OF AGENT

The undersigned owner(s) Magnolia Enterprises, LLC et al 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 – Conceptual 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:

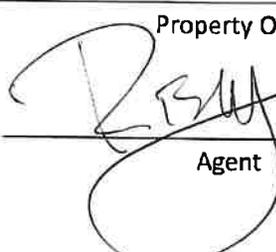
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual 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 -Conceptual 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 12 day of July, 2021.



Property Owner

Property Owner


Agent

1-12-21

Morganton Park South Conceptual Development Plan Justification

Below are listed the four (4) criteria required to approve a Conceptual Development Plan (CDP) application as described in Section 2.18.4(A) of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

A Conceptual Development Plan is permitted if the Applicant demonstrates that:

- (1) The mix and intensity of land uses are consistent with the Comprehensive Plan;

The property is zoned Planned Development (PD) on the official zoning maps. The proposed CDP complies with the submission requirements of the PD district and proposes a mixture of uses. Land uses proposed for the PD – CDP for Morganton Park South are consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promote its objectives. The CLRP has designated the properties included in the application as Traditional Mixed-Use. This CDP encourages a variety of land uses and building types, including multi-family residential, retail/commercial, and office uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development. These are all goals of the Town's Planning documents.

- (2) The general street layout is consistent with mobility needs of the Town and the proposed Development;

Roadway connections will be provided and will efficiently connect adjoining properties to the development's circulation network. Connections to the development will add significant roadway connections and circulation routes for the overall community, adding important mobility connections for all residents. Upon full build-out, connections will be made to existing stub out locations on adjacent parcels and create a comprehensive transportation network. The initial, first phase, development will include a four-lane Parkway Connector that will join US Highway 15/501, at Partner Circle, with Morganton Road, creating a major connection between these two major roadways. Connecting US Highway 15/501 and Morganton Road at signalized intersections will create an important cross connection that will provide alternative routes that will help disperse traffic in the area.

In later phases, as described in the CDP document, connections will be made to Southern Road and Old Morganton Road, where these two roadways currently terminate at the property boundary. These roadways will follow the existing cross sections for each street and connect to the Parkway Connector, adding additional connections across the development area. These connections will add to the circulation in the area and connect the new Parkway Connector to Brucewood Road and the retail/commercial development adjacent to the CDP area. Connecting these streets will add to the mobility in the area and increase distribution of traffic on interconnected roadways.

Roadway improvements included in the CDP will enhance the overall vehicular circulation patterns and mobility throughout the area. Roadways, as proposed, also include adjacent sidewalks and a multi-use trail for bicycles and pedestrians. This will encourage and provide alternatives to automobile travel. All roadways will be constructed to the Town of Southern Pines

standards for roadways and will be dedicated to the Town. Public water and sewer utilities will be connected to existing utilities surrounding the site with the construction of the main roadways and extended to serve the individual areas of development.

(3) The phasing plan enables each phase to be developed in a way that it creates a sustainable neighborhood that will be enhanced as each successive phase is developed; and

This CDP area is projected to have a 20-year build-out. Due to this long duration of development, it is difficult to anticipate all future details of each individual portion of the development. Some flexibility in phasing is necessary, due to the large-scale nature of the CDP area and the uncertainty of economic factors over a 20-year period that will influence land development.

A phasing plan is provided within the CDP document in Exhibit XI - Phasing Plan and is intended to provide a framework that will promote a complete and cohesive development. Standards included in the CDP document will govern the development and set the character of each development phase. Even though phases may be developed over different periods, these standards will ensure consistency.

The proposed phasing plan (Section 10 of the CDP booklet) is tied to development of specific areas of the overall CDP and provides infrastructure development triggers associated with individual phases of development, the timing of which will be determined over time as the market determines which sections will be developed at a particular time. The phasing also provides a date at which time all major roadway infrastructure must be completed.

As stated in the CDP document, if development does not trigger construction of both Southern Road and Old Morganton Road within 10 years of the first certificate of occupancy for the first phase of development in the CDP area, any remaining unbuilt connector road will be designed, permitted, and constructed. Town Council may extend this period of development for a one (1) year period, up to a total of (2) extensions upon request by the landowner or applicant.

Clarification of the events to which the phasing will be tied are include in Section 10 of the CDP booklet. At the time of construction of the roadways, public water and sewer utilities will be installed within the right-of-way of each roadway extension/connection, per the Town of Southern Pines engineering standards, to serve all properties along the road extension. Conceptual utility design plans are required during the Preliminary Development Plan process and will be submitted with any application for a Preliminary Development Plan.

The proposed phasing strategy above will ensure the Town of Southern Pines that development occurs in an orderly fashion, adequate utilities will be developed as needed, and each phase will enhance the overall development area and surrounding development areas.

(4) The proposed arrangement of land uses and the phasing plan are compatible with surrounding neighborhoods.

Surrounding development consists of mainly retail/commercial development, office development across Morganton Road and shopping centers. Some residential development and a Town Park adjoin the southern boundary of the property. The proposed mixed-use development is

compatible with the surrounding area and will provide additional roadway connections to the adjacent properties that will create important mobility improvements for the entire area. Phasing as proposed allows for adequate infrastructure completion at specific triggers that will ensure the orderly development of the property and provide infrastructure extensions as necessary to serve the overall development area.

**Morganton Park South
Conceptual Development Plan Criteria Justification**

Below are listed the four (4) criteria required to approve a Conceptual Development Plan (CDP) application as described in Section 2.18.4(H) of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

A Conceptual Development Plan is permitted if the Applicant demonstrates that:

- (1) The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;

The property is zoned Planned Development (PD) on the official zoning maps. The proposed CDP complies with the submission requirements of the PD district and proposes a mixture of uses. Land uses proposed for the PD – CDP for Morganton Park South are consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promote its objectives. The CLRP has designated the properties included in the application as Traditional Mixed-Use. This CDP encourages a variety of land uses and building types, including multi-family residential, retail/commercial, and office uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development. These are all goals of the Town's Planning documents and satisfy the criteria for a zoning map amendment.

- (2) The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;

The subject property is currently zoned Planned Development (PD) and General Business (GB – on Parcel 2 in Section 4.3.5). There is no approved Conceptual Development Plan (CDP) in place for the PD zoned area. The property is designated as Traditional Mixed-Use in the Town's CLRP.

The proposed CDP for the Morganton Park South properties is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. As stated above, the CLRP has designated the property as a Traditional Mixed-Use. This CDP encourages a variety of land uses and building types including residential, commercial, and office uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development.

The vision for the project is to master plan and develop a high-quality, mixed-use community that will be carefully integrated into the surrounding area and compatible with the surrounding development areas. Architectural themes, landscaping and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in this CDP document. The master plan provides for a mixture of land uses, and requires the creation of open spaces, parks and trails along a linear park network and utilizes design that results in a cohesive community.

Main access to the site will be provided through the construction of a Parkway Connector through the property. This roadway will connect US 15/501 and Morganton Road, creating a significant transportation route for the Town of Southern Pines. Southern Road and Old Morganton Road

will be connected to the Parkway Connector and provide connections to adjacent developments per the phasing standards set forth in Section 10 of this document. Development of this public street network will include vehicular, pedestrian, and bicycle transportation routes. Through a “linear park” located along the Parkway Connector, a system of trails, bicycle paths, parks, and open space will be provided to add to the character of the overall development.

Additional setbacks and buffers will be provided along the major roadways and enhanced with landscape and hardscape features in keeping with the area. Community parks, trails, sidewalks and a street tree planting program will be included. Future greenway connections will be provided as the Town’s Greenway network expands. Best management practices will be implemented for development, storm water management and erosion control.

A phasing plan is provided within the CDP document in Exhibit XI - Phasing Plan and is intended to provide a framework that will promote a complete and cohesive development. Standards included in the CDP document will govern the development and set the character of each development phase. Even though phases may be developed over different periods, these standards will ensure consistency.

(3) The proposed Development is appropriate for the area of the Town in which it is located; and

Uses within the development are compatible with the surrounding land uses and will provide opportunities for adjoining residents and the overall Town of Southern Pines to live, work, and play. This property is designated as Traditional Mixed-Use in the CLRP. The development proposed in the CDP prescribes a mixed-use vibrant development with residential, office, retail, restaurant, and park elements.

Surrounding development consists of mainly retail/commercial development, office development across Morganton Road and shopping centers. Some residential development and a Town Park adjoin the southern boundary of the property. The proposed mixed-use development is compatible with the surrounding area and will provide additional roadway connections to the adjacent properties that will create important mobility improvements for the entire area. Phasing as proposed allows for adequate infrastructure completion at specific triggers that will ensure the orderly development of the property and provide infrastructure extensions as necessary to serve the overall development area.

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

Roadway connections will be provided and will efficiently connect adjoining properties to the development’s circulation network. Connections to the development will add significant roadway connections and circulation routes for the overall community, adding important mobility connections for all residents. Upon full build-out, connections will be made to existing stub out locations on adjacent parcels and create a comprehensive transportation network. The initial, first phase, development will include a four-lane Parkway Connector that will join US Highway 15/501, at Partner Circle, with Morganton Road, creating a major connection between these two major roadways. Connecting US Highway 15/501 and Morganton Road at signalized intersections

will create an important cross connection that will provide alternative routes that will help disperse traffic in the area.

In later phases, as described in the CDP document, connections will be made to Southern Road and Old Morganton Road, where these two roadways currently terminate at the property boundary. These roadways will follow the existing cross sections for each street and connect to the Parkway Connector, adding additional connections across the development area. These connections will add to the circulation in the area and connect the new Parkway Connector to Brucewood Road and the retail/commercial development adjacent to the CDP area. Connecting these streets will add to the mobility in the area and increase distribution of traffic on interconnected roadways.

Roadway improvements included in the CDP will enhance the overall vehicular circulation patterns and mobility throughout the area. Roadways, as proposed, also include adjacent sidewalks and a multi-use trail for bicycles and pedestrians. This will encourage and provide alternatives to automobile travel. All roadways will be constructed to the Town of Southern Pines standards for roadways and will be dedicated to the Town. Public water and sewer utilities are available and will be connected to existing utilities surrounding the site with the construction of the main roadways and extended to serve the individual areas of development.

**Morganton Park South
Zoning Map Amendment Plan Criteria Justification**

Below are listed the eight (8) criteria required to approve a Zoning Map Amendment application as described in Section 2.17.9. of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

A Zoning Map Amendment is permitted if the Applicant demonstrates that:

(A) Consistency. Rezoning shall be consistent with the adopted Comprehensive Plan.

The vision for the project is to master plan and develop a high-quality, mixed-use community that will be carefully integrated into the surrounding area and compatible with the surrounding development areas. Architectural themes, landscaping and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in this CDP document. The master plan provides for a mixture of land uses, and requires the creation of open spaces, parks and trails along a linear park network and utilizes design that results in a cohesive community.

Land uses proposed for the Planned Development – Conceptual Development Plan (PD – CDP) for Morganton Park South are consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promote its objectives. The CLRP has designated the properties included in the application as Traditional Mixed-Use. This CDP encourages a variety of land uses and building types, including multi-family residential, retail/commercial, and office uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development. These are all goals of the Town's Planning documents and satisfy the criteria for a zoning map amendment. As stated above, the CLRP has designated the property as a Traditional Mixed-Use.

The proposed CDP encourages a variety of land uses and building types including residential, commercial, and office uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development.

(B) Adverse Impacts on Neighboring Lands. The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. 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, rezonings may promote mixed uses subject to a high degree of design control.

Surrounding development consists of mainly retail/commercial development, office development across Morganton Road and shopping centers. Some residential development and a Town Park adjoin the southern boundary of the property. The proposed mixed-use development is compatible with the surrounding area and will provide additional roadway connections to the adjacent properties that will create important mobility improvements for the entire area.

In addition, this area is subject to the standards of Section 3.6.6 Morganton Road Overlay (MRO), which promotes a mixture of uses within the Planned Development (PD) zoning area. The

proposed PD-CDP will provide a mixture of uses within the site consistent with the land uses indicated in the MRO.

(C) Suitability as Presently Zoned. The Hearing Body shall consider the suitability or unsuitability of the Tract for its use 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.

The project is currently zoned Planned Development (PD) which promotes a mixture of uses. This rezoning simply establishes a Conceptual Development Plan for the proposed PD zoned area, which is the initial step in Planned Development Zoning. The proposed uses in the Conceptual Development plan are consistent with both the Town's CLRP and the MRO.

(D) 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.

The requested rezoning is simply part of the process for PD zoned properties. Conceptual Development Plan land uses are consistent with the Town's CLRP and specific criteria set forth in the MRO.

Roadway improvements included in the CDP will enhance the overall vehicular circulation patterns and mobility throughout the area. Roadways, as proposed, also include adjacent sidewalks and a multi-use trail for bicycles and pedestrians. This will encourage and provide alternatives to automobile travel. All roadways will be constructed to the Town of Southern Pines standards for roadways and will be dedicated to the Town.

A linear park will be provided as described in the CDP and will provide a green connection from US Highway 15/501 and Morganton Road. This park will allow for walking and biking between the two major roadways, providing interconnectivity throughout the development.

An existing historic cemetery is located on the property. This cemetery will be enhanced and preserved as a park of the proposed CDP.

(E) 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.

The proposed CDP is a mixed-use development and consistent with the CLRP, Uses prescribed in the MRO, and the surrounding area. The proposed development will provide a substantial opportunity for economic development throughout the land area. Commercial/retail, office, and residential development promotes the ability to live, work, and play within the same direct area.

Roadway connectivity will also benefit surrounding properties and the Town as a whole, by providing a major connector road that will help disperse traffic in the overall area and from adjacent properties.

(F) 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 Southern Pines Unified Development Ordinance Chapter 2. Development Processes Amended 7-1-21 2-23 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.

In recent years, there have been significant developments on adjacent properties including, medical office, retail, mixed-use, general office, multi-family residential, and an elementary school. Overall, the property is +/- 98.9 acres and the proposed development in the CDP is consistent with the development pattern established by the Town during the approval of properties located on adjacent parcels and in the general proximity of the area.

(G) Other Factors. The Hearing Body may consider any other factors relevant to a rezoning application under state law.

The application is consistent with the uses prescribed in the CLRP and MRO and establishes a CDP on the PD zoned property.

(H) Applicant Representations. Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning districts, 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.

The CDP documents define all uses prescribed within the area and establish uses and development criteria for the entirety of the properties.

PD DISTRICT CONCEPTUAL DEVELOPMENT PLAN

Morganton Park South

SOUTHERN PINES, NORTH CAROLINA

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August 9, 2021

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Exhibits

- Exhibit I Southern Pines Conceptual Development Plan Application
- Exhibit II Site Location Map
- Exhibit III Neighborhood Meeting Sign-In Sheet and Report
- Exhibit IV Existing Conditions – Aerial Imagery
- Exhibit V Existing Conditions - Property Information
- Exhibit VI Adjacent Property Owners
- Exhibit VII Land Use Plan
- Exhibit VIII Conceptual Master Plan & Phasing
- Exhibit IX Conceptual Transportation & Drainage Plan
- Exhibit X Street and Sidewalk Standards
- Exhibit XI Signage Standards
- Exhibit XII Proof of Ownership
- Exhibit XIII List of Deviations

1.0 PURPOSE

The purpose of this PD – Conceptual Development Plan application is to:

- Establish a Conceptual Development Plan for the +/- 98.9 acres of land currently zoned as Planned Development (PD).
- Establish the permitted uses, density, standards and conditions under which the subject property shall be developed.

The Town's Conceptual Development Plan application form is included as Exhibit I and the required items, per Section 2.18.4, Conceptual Development Plan of the Town's Unified Development Ordinance (UDO) are included as a part of this document. The Conceptual Development Plan for this property shall include all standards and conditions included in this document.

The proposed CDP Morganton Park South properties are consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promote its objectives. The CLRP has designated the property as a Traditional Mixed-Use. This CDP encourages a variety of land uses and building types including residential, commercial, and office uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development.

2.0 PROJECT OVERVIEW

2.1 Location

The proposed project described in this application is geographically located northwest of downtown Southern Pines on the east side of US Highway 15/501 and connects to the southwest side of Morganton Road. The property is bordered/connected by: US Highway 15/501 on its Western boundary, Old Morganton, Patriot Boulevard, and Southern Road on its Northern boundary, Morganton Road on its northern boundary, and Short Street on its southern boundary. A site location map showing the site and immediate surroundings is included in Exhibit II. The proposed parcel is within the Town of Southern Pines ETJ, allowing the town to have zoning jurisdiction. Utilities are available at the site with capacity to accommodate the proposed development.

2.2 Vision

The vision for the project is to master plan and develop a high-quality, mixed-use community that will be carefully integrated into the surrounding area and compatible with the surrounding development areas. Architectural themes, landscaping and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in this CDP document. The master plan provides for a mixture of land uses, and requires the creation of open spaces, parks and trails along a linear park network and utilizes design that results in a cohesive community.

The northern portion of the development along Morganton Road will be limited to retail and office development adjacent to the existing shopping center and across Morganton Road from the Morganton Park North development which includes, restaurants, multi-family residential, an elementary school, and large medical office facilities. The southern

area, with direct access to US 15/501, will include retail and commercial uses, and connect to adjoining properties to provide better access to these facilities as the North Carolina Department of Transportation (NCDOT) prepares for modifications of the existing roadway to create a “super street” with medians and limited turning areas. The center portion of the property will provide mixed-use development, which may include multi-family residential, retail, commercial, and office development.

Main access to the site will be provided through the construction of a Parkway Connector through the property. This roadway will connect US 15/501 and Morganton Road, creating a significant transportation route for the Town of Southern Pines. Southern Road and Old Morganton Road will be connected to the Parkway Connector and provide connections to adjacent developments per the phasing standards set forth in Section 10 of this document. Development of this public street network will include vehicular, pedestrian, and bicycle transportation routes. Through a “linear park” located along the Parkway Connector, a system of trails, bicycle paths, parks, and open space will be provided to add to the character of the overall development.

Additional setbacks and buffers will be provided along the major roadways and enhanced with landscape and hardscape features in keeping with the area. Community parks, trails, sidewalks and a street tree planting program will be included. Future greenway connections will be provided as the Town’s Greenway network expands. Best management practices will be implemented for development, storm water management and erosion control.

A detailed description of the development program, conditions and standards is included in Section 5.0 of this document.

2.3 Applicant and Project Team

The applicant is Midland Atlantic Properties. Consultants currently include Koontz Jones Design, PLLC (Land Planner), LKC Engineering (Civil Engineer), Dr. J. H. Carter and Associates (Environmental Consultant), and Kimley Horn (Traffic Engineer)

2.4 Compliance

All development within the site must adhere to the approved standards and conditions stated in this document. As allowed under UDO Section 3.5.14, unique conditions and standards, differing from baseline UDO conditions and standards, can be established in order to facilitate a planned development district. This allows for flexibility and further allows for response to market conditions over the longer period of development required for a master plan of this scale. The conditions and requirements stated in this document that vary from the UDO shall supersede the UDO. Prior to the issuance of a building permit and start of any construction, a Preliminary Development Plan for each phase must be submitted and approved per the requirements of Section 2.18.5 of the UDO. 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. To the extent this document does not otherwise establish a development standard, the UDO standard in effect at the time of an application will apply.

3.0 CONCEPTUAL DEVELOPMENT PLAN APPLICATION - See Exhibit I

4.0 EXISTING CONDITIONS

4.1 Existing Natural Features

4.1.1 Prevalent Tree Canopy and Vegetation

The tree canopy type and vegetation of the prevalent tree canopy and vegetation are included in Existing Conditions in Exhibit IV and can be seen in the aerial photographs of the property. The property consists mainly of Longleaf Pines and some Scrub Oaks where trees remain. Much of the property has been previously cleared, especially the southernmost large parcel, which was previously a golf driving range. A large borrow pit area is also located on the property. This area was used to construct the adjoining shopping center. Tree canopy and vegetation will be further identified as required during the site plan permitting process.

4.1.2 Orchards or Other Agricultural Groves

No portion of the site is currently being used for an orchard or agricultural use nor do any exist on the site.

4.1.3 Streams, Wetlands and Floodplain

The proposed development area lies outside of any protected watershed district established by NCDWQ. The project will comply with all state and local standards for storm water management and utilize best management practices and engineered storm water facilities as required. There are no streams or wetlands located on the property. No areas of the property are located within a designated floodplain.

4.1.4 Topographic Features

A topographic map with two (2') foot contours is included on the Existing Conditions Map - Wetlands and Topographic Information found in Exhibit V.

4.1.5 Unique Land Formations, Endangered/Threatened Species

There is no woodpecker habitat on the property as it was cleared less than 30 years ago and there are now very few remaining trees on the property.

All development and building permits within the site are subject to all Local, State and Federal permitting guidelines, rules and regulations. Additional studies will be conducted as required for permitting.

4.2 Existing Man-made Features

4.2.1 Streets, Roads, Parking or Other Structures

There are no existing streets, roads, sidewalks, walkways and associated drainage structures on the site. All previous development structures have been removed. There are roadway stub outs that connect to the property located at Southern Road and Old Morganton Road. An existing sidewalk is located within the public right-of-way along Morganton Road.

4.2.2 Storm Water Facilities and Structures

There are currently no storm water facilities or structures on the site. New stormwater facilities will be provided for each individual phase of development and approved as required.

4.2.3 Utilities

Water – Water line connections for the project/development are located along Hwy 15-501 (18” water main) and Morganton Road (16” water main). Extensions of water mains will be installed by the developer(s) of the properties within the CDP and are described in section 5.5.

Sewer - Gravity sewer is available to the site along Hwy 15-501, Morganton Road, Southern Road and Old Morganton Road. Discussions and design requirements are ongoing with the Town’s Engineering and Utilities Department(s) to assess to what extent the existing sewer main(s) are to be upgraded. Extensions of gravity sewer will be installed by the developer(s) of the properties within the CDP and are described in section 5.5.

Electric - Electric power is available for the site and has been installed to serve previous adjacent developments. In addition, a Duke Energy substation is located adjacent to the property with transmission lines running through the property. These lines are shown on Exhibit – IV Existing Conditions. All new electric lines will be installed underground. Power distribution lines area also located within the power easement on the property from US Highway 15/501.

Gas – Natural gas is available for the site and has been installed in previous adjacent development. Natural gas lines may be extended and connected to the development areas.

Telephone/Cable – Telephone and cable service is available for the site. All new service lines will be installed underground.

4.2.4 Buildings, Structures, Signs and Historical Structures

There are no historical structures on the site. An existing historical cemetery is located on the property and will be preserved.

4.3 Existing Legal Features

4.3.1 Zoning Information - The subject property is currently zoned Planned Development (PD) and General Business (GB – on Parcel 2 in Section 4.3.5). There is no approved Conceptual Development Plan (CDP) in place for the PD zoned area. The 0.40-acre parcel zoned GB is to be rezoned to PD and subject to the requirements of the CDP. The property is designated as Traditional Mixed-Use in the Town’s CLRP.

4.3.2 Property Lines - see Exhibit IV

4.3.3 Right of Ways - Adjacent rights-of-ways along property edges are Morganton Road, Old Morganton Road, Patriot Boulevard, Southern Road, Short Street, and US Highway 15/501. Roadways are depicted in Exhibit IX – Conceptual Transportation Plan (CTP).

4.3.4 Easements - Utility easements are depicted in Exhibit IV.

4.3.5 Ownership Information - See Exhibit V for depictions of the tracts listed in the table below. Copies of the corresponding recorded deeds evidencing ownership are provided as Exhibit XII.

Tract	Owner	Deed Book	Page Number(s)	Acres
1	Hyperactive Commercial Investments, LLC	4917	528	44.29
2	Hyperactive Commercial Investments, LLC	4917	528	0.40
3	Morganton Road Enterprises, LLC	5288	32	51.16
4	Robert W and Julie M Van Camp Trustees	2783	119	3.05

Property to be rezoned is described by using the property descriptions of the attached deeds in Exhibit XII, save and except, any portions of that property that have been previously platted as lots, right-of-way or common area.

4.3.6 Adjacent Parcel information - the adjacent parcel owners, zoning, use, pin numbers and Parcel ID numbers are listed on the Adjacent Property Owners found in Exhibit VI.

5.0 DEVELOPMENT CONDITIONS

5.1 Development Program

The development may include many of the uses included in the Multi-family Residential (RM-1 and RM-2), General Business (GB), and Office/Services (OS) zoning districts.

Uses on the property may be mixed on individual properties or within individual buildings to promote a mixture of uses throughout the CDP area. A list of the permitted uses for the property has been included in Exhibit VII. These uses have been derived from Exhibit 3-15: Table of Uses in the UDO. GB and OS uses that are not intended for the property have been removed from the list.

The allowable development program and permitted uses for each section of the Conceptual Plan development areas are presented by their LBCS code in Exhibit VII. Each area is graphically depicted in the Land Use Plan included in Exhibit VII. The

Conceptual Master Plan is included in Exhibit VIII. Plan acreages for the individual development areas illustrated in Exhibit VIII are included in Table 1.0 below and development densities and program are included in Table 1.1.

Table 1.0 – Land Use Areas

LAND USE TABLE:	
CATEGORY	AREA
Retail	+/- 37.4 acres
Multi-Family/Residential	+/- 12.7 acres
Mixed Use	+/- 17.5 acres
Retail/Office	+/- 18.3 acres
Total Developable Acreage	
	+/- 85.9 acres

Table 1.1 Development Program

CATEGORY	CDP AREA	TOTAL
Acreage		+/- 98.9 acres
Residential	650 Units	Units may be Multi-Family, Townhomes, and Single Family Detached up to a density of 16 dwelling units per acre as defined in the Morganton Road Overlay Section 3.6.6(K)(1)
Office	Up to 400,000 sf	Commercial/Retail may be converted to Office within the maximum limits stated above on a 1:1 square foot ratio. At no time may the total of all office and commercial/retail buildings exceed 700,000 sf *
Commercial/Retail	Up to 650,000 sf	

Notes:

- * In no case may any combination of retail or office uses exceed 700,000 sf combined. Mix examples include 400,000 sf retail and 300,000 sf office; or another scenario would be 500,000 sf of retail and 200,000 sf of office.

5.2 Development Standards

In general, dimensional standards for the development, including building height, buffers, setbacks, and landscaping will follow the standards of the UDO, unless other

standards are included in this document. Any modified standard in this document will supersede the UDO requirements. See list of deviations included as Exhibit XIV.

The required open space is presented below in Table 2.0. Open space is further discussed in Section 5.5.2 below.

Table 2.0 – Open Space

Category	Required
Overall Open Space	19.8 acres; 20% minimum
Usable Open Space	9.9 acres; 10% minimum

- Usable open space will be calculated as defined by the UDO and may include trails, open areas, amenity areas, linear park areas, multi-use paths, and other recreational areas.

5.3 Treatment of Onsite Natural and Man-Made Features

5.3.1 Natural Features

There are no wetlands located on the property and the site does not fall within a regulated watershed. There are also no endangered species located on the property.

5.3.2 Man Made Features – Power transmission lines will remain on the property. Smaller distribution lines will be buried from US Highway 15/501 to the southwest corner of the Town of Southern Pines soccer fields located on parcel with PIN: 857100674447. A historic cemetery is located on the site. The location of the cemetery has been studied and surveyed. The cemetery will remain on site and be protected.

5.4 Statement Regarding Public Facilities

Any community greenway trails, or multi-modal trails will be added to the Town of Southern Pines greenway system upon completion and dedication. The greenway trails within the linear park are anticipated to be dedicated to the Town of Southern Pines. Future connection points may also be provided to the Town's greenway system.

5.5 Additional Design Conditions

The following additional development standards will control development on the site:

5.5.1 Vehicular Circulation, Street Cross Sections, and Parking

The vehicular circulation within the CDP area provides for interconnectivity between adjoining properties at existing stub out locations and a new Parkway Connector that will connect US 15/501 to Morganton Road. This connector road will be more than a mile in length and provide a new important connection

for the Town of Southern Pines. Roadways described above are indicated on Exhibit IX – Conceptual Transportation & Drainage Plan and include the following:

- Parkway Connector – Connecting US 15/501 to Morganton Road
- Old Morganton Road – Connect to existing stub out
- Southern Road – Connect to existing stub out

Street standards supplementing the current Town of Southern Pines standards that may be included within the project boundary are included in Exhibit X. These cross sections will apply to the CDP Area. The functional classification of streets is illustrated in Exhibit IX – Conceptual Transportation and Drainage Plan. Upon completion, the streets will be dedicated to the Town of Southern Pines as described in Section 8 of this document.

Roadways adjacent to the community are governed by the NCDOT and will require a Traffic Impact Analysis at the time of PDP. Ingress/egress connection to these streets and proposed mitigation requires NCDOT approval of all mitigation measures and will be implemented per the requirements of and as established by the NCDOT.

Roadway connections to Southern Road and Old Morganton Road will be constructed to utilize the existing roadway cross section, dimensions, and design of each street to be consistent with previous development. Engineering standards for the pavement, sidewalks, and trails will meet engineering standards for the Town of Southern Pines in place at the time of development. These connections to US Highway 15/501, Morganton Road, Southern Road, and Old Morganton Road will be constructed based on the timing in Section 10 Phasing of the CDP document.

Ingress/Egress Points

Arrows shown on Exhibit IX are conceptual and subject to change. Access driveways to the Parkway Connector will be limited to no more than one driveway cut per 400'. Access drives will align with other driveways across the parkway where possible. Future connections to other surrounding roadways may be made if the opportunity is made available without revision to this document to provide additional locations for emergency service vehicles as necessary.

Cul-de-sacs - Cul-de-sacs will be limited in the development, however, in some instances cul-de-sacs may be provided based on land features and parcel boundaries.

Sidewalks/Multi-use-paths – Concrete sidewalks and/or asphalt multi-use paths will be provided throughout the development. Trails and sidewalks may be located within the building/parking setbacks along the main roadways to create a linear park system and connections to development areas. These pathway areas will be considered per Section 5.5.4 of this document. The type and location of paths located along the connector roadways has been shown

on Exhibit VII. Paths along Southern Road will be sidewalks on one side of the road to match the existing roadway. Old Morganton Road will include a multi-use path on the north side of the roadway and a sidewalk on the south side to match the existing condition. Trails and sidewalks outside of the roadway areas will be defined during the PDP phase and based on topography, location, and proximity to other pedestrian paths within the development.

Sidewalks and trails along the main roadways will be installed with the development of each roadway per the Phasing plan in Section 10 of this document. Sidewalks and trails within the individual phase will be developed with the individual phase of development. Sidewalks and trails within the right-of-way will be dedicated to the Town. If trails along the major roadways fall outside of the right-of-way, an easement will be provided for the Town to maintain these areas.

Parking - Parking for large scale retail development may be located in the front of the buildings, between the street and building front. Smaller mixed-use, office, and retail developments will follow the standards of UDO Section 3.6.6(F)(2). Parking for large scale retail development and/or shopping centers must maintain a parking level between 1 parking space per 250 sf and 1 parking space per 200 square feet of retail/restaurant building square footage.

Mixed-use sections of the CDP area may propose shared parking, dependent upon uses within the proposed development. Shared parking for mixed-use development may follow the standards set forth in Section 6.4.4(B) of the UDO. Parking will be reviewed at the time of the PDP for the individual development areas and dependent upon proposed uses for the property.

5.5.2 Open Space, Amenity and Pedestrian Circulation

A network of pedestrian sidewalks, multi-modal trails and open spaces will be provided throughout the development. A minimum of 19.8 acres (20%) of total open space shall be provided. A minimum of 9.9 acres (10%) of the provided open space shall be usable open space as described in Section 3.5.14 of the UDO. A running tabulation will be provided during the PDP process for each individual phase.

A linear park will be developed along the “Parkway Connector” within the development. The minimum width of the park shall be 80’. The area will be measured and extend from the right-of-way to any building or parking areas. The linear park area is not required to have uniform width on both sides of the right-of-way. A 20’ minimum setback is required on each side of the road. This setback zone, described in Section 5.5.4 of this document, will provide trails and outdoor recreation opportunities for residents, workers, and patrons of businesses within the development. Plans for the area will be reviewed during the PDP process and must meet the UDO open space standards and standards included in this document to qualify as open space. This area will include patio areas, sitting areas, park features, trellises, and other outdoor

features. This area will count toward the usable open space requirements for the overall CDP area.

The table below defines the requirements of the linear park. The linear park must meet the following standards to be considered open space.

Park Standards	Dimensional Standards and Location	Additional Conditions
Width	The Linear Park shall be a minimum of 80' in width and shall be a minimum of 20ft wide measured from the Right of Way line of the public street	Shall be of a minimum width of 80ft
		Does not have to be a uniform width except where the minimum width applies
Location	The Linear Park shall extend the length of the Connector Parkway from Morganton Rd to NC Hwy 15-501	May be located on both sides of the Parkway to the extent that the dimensional standards of the park can be met.
		Shall abut the right of way of the public street
Cemetery Park	The Linear Park will include the existing cemetery locate on the property	May be located on both sides of the Parkway to the extent that the dimensional standards of the park can be met.
		May be located only on one side of the street.
		Shall abut the right of way of the public street

Park Amenities	Minimum Standards	Additional Conditions
Benches	Benches shall be required at a minimum interval of 300'	Park Benches shall be of a commercial grade material suitable for the public environment
		Benches shall have an accessible route to the bench or seating area
		To be maintained by the owner of each property having frontage along the linear park
Seat Walls	May replace benches and sitting areas	To be maintained by the owner of each property having frontage along the linear park
Bike Racks	Bike Racks shall comply with Town Standards at a minimum interval of 1,000'	Bike racks shall conform to the Town Standards for Bike Rack
		One Bike Rack shall be placed in the location of any seating area provided in the Linear Park

		To be maintained by the owner of each property having frontage along the linear park
Trash Receptacles	Waste Stations (trash) shall be required at a minimum interval of 600'	To be maintained by the owner of each property having frontage along the linear park
Pet Waste	Pet waste Stations shall be required at a minimum interval of 1 per 1,000 lf	Where there is a pet waste station there shall be a waste receptacle To be maintained by the owner of each property having frontage along the linear park

Pedestrian Paths	Minimum Standards	Additional Conditions
Multi-Modal Path	Any multi-modal path within the Linear Park shall conform to Town Standards for dimensions and specifications.	The multi-modal paths shall extend along the "Parkway" Road.
		May be located out of the public road right of way but shall be located within the boundary of the "Linear Park"
		Development properties shall make connections to the Multi-Modal Path where they install sidewalks and other pedestrian ways for accessibility
		The multi-modal paths shall be located in the public right-of-way
Sidewalks	Any sidewalks within the Linear Park shall conform to Town Standards for dimensions and specifications.	

Landscaping		
Plant Type	Minimum Planting Rate	Additional Conditions
Large Trees	One tree per 2,000 square feet not exceeding a spacing of 100 linear feet	* At least 50% of the trees shall be evergreens
		Longleaf Pines shall be a minimum 2" caliper
		Other Large Trees shall be minimum 2" caliper
		Trees shall be randomly spaced but not less than the minimum planting rates
Small Trees		At least 20 percent and not more than 30 percent of small trees shall be deciduous

	One tree per 2,000 square feet not exceeding a spacing of 100 linear feet	At least 50 percent of evergreen trees shall be species other than pines
		Small trees shall be a minimum 1.5-inch caliper
		Trees shall be randomly spaced but not less than the minimum planting rates
Shrubs	Not Required	When shrubs are used, they should be used to amenitize hardscape features in the Linear Park such as:
		Outdoor Seating areas, gathering spaces, resting points etc.
Turf	Turf shall be a Bermuda variety	Where turf is installed spray type irrigation is required.

5.5.3 Architectural Standards

The Town of Southern Pines Council will review and approve all multi-family and non-residential building plans for compliance with the Town’s architectural standards in Section 4.10.4 of the UDO. All development and building permits are subject to all Local, State and Federal permitting guidelines, architectural review, rules, and regulations. In addition, all buildings described above will require an Architectural Compliance Permit.

To limit the height along the Parkway Connector and other main street connections within the CDP area, buildings will be required to maintain a maximum height of 35’ within 50’ of the Parkway Connector right-of-way. Outside of this area buildings may be permitted up to 45’ per UDO standards for the General Business (GB) district. In addition, special architectural features up to sixty (60) feet, may be permitted to add character to the development. These features will be reviewed during Architectural Compliance Permit review.

5.5.4 Landscaping, Setbacks, and Buffering

Landscape standards will meet or exceed the requirements of the Town of Southern Pines UDO per Section 3.5.14(H). Landscape buffers will be installed per the UDO unless otherwise specified in this document.

Streetscape – Street trees will be planted along the public main streets within the development. Street trees will be adjusted to accommodate existing driveways and future driveway locations within the development.

To reflect the natural appearance of the local area, street trees may be planted with random spacing, rather than at regimented distances on center to provide a more natural character within the development area. Street tree plantings will be installed at a rate of one tree for every 30’ of roadway on both sides of the street, however, trees may exceed 30’ on center and be planted with random spacing as described above. Street trees will not exceed a maximum

of 80' on center. Longleaf Pine trees will make up a substantial portion of the street tree plantings to maintain the character of Southern Pines. Longleaf Pines will be installed in containers at the largest available size, even if below the Town of Southern Pines minimum size requirement, to increase survivability and health of the trees. Any existing trees maintained within the right-of way will be credited toward the street tree requirements.

Street trees will be installed during reasonable planting times based upon the individual plant species. Bonding of these improvements will be permitted per the Town's UDO standards in Section 4.3.12, in effect at the time of the approval of this CDP.

Buffers and Setbacks - Landscape buffers are not required within a planned development; however, The Applicant will provide additional areas of landscape buffers and setbacks along the new Parkway Connector to create a linear park area for the development and provide a visually pleasing roadway. The proposed development standards for this landscape area are provided above in Section 5.52 and dimensional standards are included below (measurements are from the right-of-way):

Building Setback = 25'

Parking Area Setback = 25' * (does not include internal drives)

Landscape Buffer = 20' *

Maximum Building Height = 35' within first 50' (see Section 5.5.3 for additional information related to building height)

* These development standards may be modified to locate facilities around site specific features which are located on the property.

Buffers between properties within the PD district are not required. The Applicant may elect, in the future, to install a landscape buffer at its discretion as part of future land planning within the PD.

5.5.5 Utilities

Drainage easement areas will be provided as required by the UDO and applicable regulations, the same being designed during, detailed and located during the detailed engineering and permitting of future development phases.

Electric, water, sewer and gas utilities are currently available on the property as described in Section 4.2.3 of this document. Any new utility lines will be installed per the policies of the local utility providers and the Town of Southern Pines for underground utilities.

From time to time, temporary services may be required and shall be allowed at community facilities, temporary construction offices, temporary sales centers, and other common amenities such as parks.

Water and sewer utilities will be provided by the Town of Southern Pines.

Water – Water line connections for the project/development are located along Hwy 15-501 (18” water main) and Morganton Road (16” water main). The connector road that will connect to Morganton Road and Hwy 15-501 and will include the installation of a new connecting 12” diameter water main along the Parkway Connector to serve the site improvements and future development. Additional water main connections on Southern Road (8” Water Main) and Old Morganton Road (8” Water Main) will be extended to the Parkway Connector water main as described above. These extensions of water mains will be installed by the developer(s) of the properties within the CDP.

Sewer - Gravity sewer is available to the site along Hwy 15-501, the proposed improvements will connect to the existing sewer main and may require a downstream upgrade of the existing sewer main north of Brucewood Road. Discussions and design requirements are ongoing with the Town’s Engineering and Utilities Department(s) to assess to what extent the sewer main(s) are to be upgraded. As with the water main extension the spine road connection will also include gravity sewer to be located in the new connector road to provide service to surrounding properties to be developed as included in this CDP. Other sewer connections will include an 8” gravity sewer main along the Southern Road connection and an 8” gravity sewer main along the Old Morganton Road extension. The Southern Road and Old Morganton Road connections will be extended for the use of future development properties. These extensions of sewer mains will be installed by the developer(s) of the properties within the CDP.

Cable will be provided by Spectrum. Power and electric utility will be provided by Duke Energy.

5.5.6 Street Lighting

Street lighting will be designed in conformance with the requirements of Section 4.8 in the Town of Southern Pines UDO. All lighting will be LED lighting. The cost of installation and maintenance of any specialty street lighting shall not be the responsibility of the Town of Southern Pines. Appropriate lighting in parking areas and amenity locations will be provided as required by the UDO.

5.5.7 Signage

Creating a consistent character for the signs in the CDP area is important to maintain consistency throughout the development and enhance the aesthetic character, while providing adequate signage to identify tenants and projects within the overall area. Signs will reflect the architectural character of Southern Pines and the future architecture of the Morganton Park area. Below are specific design criteria, sign elevations, materials, and requirements for the signage to be included throughout the overall CDP area. In addition, general signage locations are indicated on Exhibit VII – Land Use Plan within these documents. Any sign that is not specifically identified in this section will follow the standards of Section 4.6 in the UDO.

Sign areas to be computed per Section 4.6.6 of the UDO unless otherwise specified below. Any sign within the development area not specifically described below will meet all Town of Southern Pines standards.

- Overall Morganton Park South signs (landmark/monument) – US 15/501 entrance and Morganton Road entrance

Signage along the major connection roads (Parkway Connector, Southern Road, and Old Morganton Road) may vary for the UDO standards. These standards are defined below.

- Off premises signs are permitted at the intersection of the Parkway Connector and both US 15/501 and Morganton Road. These signs will serve to indicate establishments throughout the overall Morganton Park South development area.
 - These “landmark” signs are intended to identify the overall Morganton Park area. In addition, these signs may identify a limited number of establishments within the development area. The place identifier, “Morganton Park”, does not count toward the overall sign area for these two (2) signs. See Exhibit XI – Signage Standards
 - Sign dimensions are as follows:
 - US 15/501 sign
 - Maximum sign height = 10’
 - Maximum sign area (tenants) = 200 sf
 - Morganton Road sign
 - Maximum sign height = 8’
 - Maximum sign area (tenants) = 100 sf
 - Signs may have uplighting or be internally lit. All uplights must be shielded from view and directed toward the sign only.
 - These monuments will be made of brick and reflect the elevations shown in Exhibit XI – Signage Standards.
 - The maximum number of tenant panels for each sign are indicated on the elevations shown in Exhibit XI – Signage Standards.
- Retail Entry and Wayfinding Signs – located at the entrances along the Parkway Connector to the Phase 1 Shopping Center development area
 - These signs are intended to identify the main tenants within the Phase One development area only.
 - Locations for these signs are indicated on Exhibit XI – Signage Standards
 - These monuments will be made of brick and reflect the elevations shown in Exhibit XI – Signage Standards.
 - Tenant panel general layouts for each sign are indicated on the elevations shown in Exhibit XI – Signage Standards.
 - Signs will be internally lit.
 - Sign dimensions are as follows:
 - Maximum sign height = 5’
 - Maximum sign area (tenants) = 20 sf

- Building Mounted Signage
 - o Anchor Retail Store – The large retail anchor stores, in excess of 45,000 sf, may request additional building mounted wall signage. These buildings have multiple access points for customers and separate customer pick-up locations for online orders. In addition, these stores may have separate smaller retail stores located within a single large retail building. Individual retailers within the single building may also have wall mounted signage on the building at a reduced scale. Exhibit XI includes signage for the large retail anchor tenant to be located in Phase 1 of the development. Other future anchor retail stores may request additional signage during the Preliminary Development Plan and/or the Architectural Compliance Permit process.
- Signs for “Shopping Centers” will follow Section 4.6.13 and maintain a Unified Sign Plan. Signs in this section will be permitted in the Unified Sign Plan.

5.5.8 Accessory Uses

Accessory dwellings and uses may be incorporated in various areas per Section 5.2 and 5.3 of the Towns UDO.

5.5.9 Temporary Uses/Special Events

Temporary construction trailers including, but not limited to real estate, construction and sales offices may be installed during the period of construction and real estate sales. Other temporary uses may include tree or sod farms and plant nurseries (but such tree, sod or plant operations shall be temporarily operational during and as a part of development installation and landscaping). Any temporary uses or special events must obtain the appropriate permits from the Town of Southern Pines.

5.5.10 Storm Water Management and Water Quality Management

The proposed development area lies outside of any protected watershed district established by NCDWQ. The project will comply with all state and local standards for storm water management and erosion control. Best management practices and engineered storm water facilities, as required at the time of development of each phase shall be provided in accordance with NCDENR guidance and Town of Southern Pines requirements to control runoff as required.

Drainage facilities will be located in the general locations as shown on Exhibit IX and may be either site specific or designed as regional stormwater control. Stormwater may be controlled and collected in wet ponds, dry ponds, or stored in underground facilities. The locations shown on the plan are subject to change throughout the continued development of the property based on

detailed engineering and grading plans. Stormwater must be maintained on the overall property to meet the Town of Southern Pines, NCDENR, NCDWQ and any other stormwater regulations. Adequate stormwater control must be in place (regional facility) or designed as part of each phase of development.

The installation/maintenance of any proposed storm water devices shall not be the responsibility of the Town of Southern Pines. The overall site will meet the maximum built upon area as required by the state standards in this watershed at the time of this application.

6.0 Property Maintenance

Each property developed within the Morganton Park South area will maintain its own facilities, which will include any area between the right-of-way and development. Areas within the linear park outside of the right-of-way and not dedicated to the Town (trails and sidewalks) will be maintained by the individual property owner. Right-of-way areas, once dedicated to the Town of Southern Pines, will be maintained by the Town.

7.0 Conceptual Transportation Plan

A Conceptual Transportation and Drainage Plan – Exhibit IX has been provided as required by the UDO. This plan illustrates the proposed street network for the CDP area and identifies roadway connections to adjacent properties. During the Preliminary Development Plan (PDP) process for each proposed development within the CDP, a detailed site and development specific Traffic Impact Assessment (TIA) will be provided. This TIA will be coordinated with the Town of Southern Pines and NCDOT and assess the traffic improvement needs of the development.

8.0 Statement about Dedication of Streets

All main connector streets indicated in the Conceptual Transportation and Drainage Plan – Exhibit IX will be dedicated to the Town of Southern Pines. Streets will be maintained by the developer until such time as turned over to the Town of Southern Pines. All parking areas within the development will remain private and maintained by the developer and/or Property Owner's Association.

9.0 Annexation

Any areas within the property that are not currently part of the Town of Southern Pines, will be offered for annexation and accepted by the Town of Southern Pines prior to the approval of the first set of building permits, unless otherwise specified through additional agreements that may supersede this requirement.

10. Phasing

This project is projected to have a 20-year build-out. All phases have been labeled on Exhibit XI - Phasing Plan and are governed by this section. Due to the large-scale of this project and the uncertainty of economic factors that influence land development, some flexibility in phases is necessary. Pursuant to Section 2.9 of the UDO, the proposed phasing plan (Section 10 of the CDP booklet) is not tied to an event and or a particular date (not uncommon with large scale, long-term planned communities). Phasing and requirements for each phase will be

reviewed at such time as a PDP is submitted for an individual phase. To clarify, the event to which the phasing will be tied the following information is provided:

- Parkway Connector – will be constructed with the first phase of development within the CDP area.
- Southern Road – will be planned and constructed with any development of Phase 5 and/or Phase 6. This road will be accepted by the Town prior to the issuance of a certificate of occupancy for any development within the phases 5 and/or 6.
- Old Morganton Road – will be planned and constructed with any development of Phases 3,4, and/or 7. This road will be accepted by the Town prior to the issuance of a certificate of occupancy for any development within the phases 3,4 and/or 7.

At the time of construction of the roadways described above, public water and sewer utilities will be installed within the right-of-way, per the Town of Southern Pines engineering standards, to serve all properties along the road extension. Conceptual utility design plans are required during the Preliminary Development Plan process and will be submitted with any application for a Preliminary Development Plan. Details related to the construction and timing of these improvement will be described in a development agreement between the Town of Southern Pines and the developer of these improvements, prior to the commencement of construction of the project.

If development, as described above, does not trigger construction of both Southern Road and Old Morganton Road within 10 years of the first certificate of occupancy for the first phase of development in the CDP area, any remaining unbuilt connector road will be designed, permitted, and constructed by the property owner(s) of record, at the time of the expiration, at their expense within 18 months of the trigger date. Town Council may extend this period of development for a one (1) year period, up to a total of (2) extensions upon request by the landowner or applicant.



Planned Development District Conceptual Development Plan

REQUIRED APPLICATION MATERIALS:

- _____ Application fee in the amount of \$1,800.00.
- _____ Completed Application for a Planned Development District - Conceptual Development Plan signed by the applicant.
- _____ Appointment of Agent, if applicable, signed by the property owner(s) and the agent.
- _____ Deed copy to provide proof of ownership and property boundaries.
- _____ Written narrative: It is the responsibility of the applicant to demonstrate compliance with all applicable criteria. Please address **UDO §2.18.4(H) Criteria (1) through (4)**. The list of criteria is attached.
- _____ Additional documentation: Additional text and/or maps to demonstrate consistency with the approval criteria listed in **UDO §2.18.4(H) Criteria (1) through (4)**.
- _____ Neighborhood meeting materials: Submit copies of graphics presented at the meeting; a copy of the sign-in sheet showing attendees; representations made by the Applicant regarding the proposed development; and a summary of public comments and responses.
- _____ PDD Conceptual Development Plan: One (1) full-size copy of a scaled drawing (1" to 100') of the entire tract to be subdivided. Please refer to the **UDO Appendices** to obtain plan requirements.
- _____ Nature of service: Planned utility services and providers.
- _____ Drainage concept plan if applicable.
- _____ Conceptual Transportation Plan if applicable.
- _____ Electronic copy (PDF) of all application materials submitted to plan@southernpines.net.

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

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearings**: The applicant is expected to attend a public hearing on the application before the Planning Board and before the Town Council the following month. (Please refer to the **Application Processing Timeline** to determine the hearing dates.) The Planning Board will recommend approval, conditional approval or denial to the Town Council. The Town Council will consider that recommendation, as well as evidence and testimony presented, and approve, conditionally approve or deny the request.
3. **Approval**: Please see **UDO §2.18.4(I) Effect of Approval**.

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

1-12-21



Planned Development District Conceptual Development Plan Application

Fee: \$1,800.00	Date Received: _____	Case No.: PD-____-____
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Project Information:

Project Name: Morganton Park South

Physical address: Between Morganton Rd. & US 15-501 across from Partner Cir.

PIN: 857100575720; 857100572972; 857100562348; 857100357805 Parcel ID: 98000749; 00052502; 00049222 ;20070558

Site Size: ±98.95 AC Zoning: PD - Planned Development

Applicant:

Name(s): John Silverman - Midland Atlantic Properties

Email: jsilverman@midlandatlantic.com Phone: 513-792-5000

Mailing Address: 8044 Montgomery Road, Suite 370, Cincinnati, Ohio 45236

Authorized Agent, if different from Applicant:

Name(s): Bob Koontz

Email: bkoontz@koontzjones.com Phone: 910-684-8487

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

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

Name(s): Thomas M Van Camp, Trustee & Others; Robert W & Julie M Van Camp, Trustees; Hyperactive Commercial Investments, LLC

Email: thomasv@vancamplaw.com Nconti@pinehurstsurgical.com Phone: 910-295-2525 ; 910-315-8514
PO BOX 1389 Pinehurst, NC 28387

Mailing Address: 1001 Oppenheimer Dr Apt 201 Los Alamos, NM 87544 25 Shaw Road Pinehurst, NC 28374

1-12-21

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 – Conceptual 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 South side of Morganton Rd. (St./Ave.), between S Henley (St./Ave.) and Patriot Blvd (St./Ave.). The property has a frontage of 1570 feet and a depth of 3870 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance**.

The proposed use of the property is as follows:

Commercial, Retail, Office, Residential

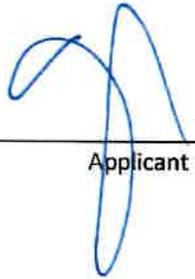
ADJACENT PROPERTY OWNERS:

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: 6/28/2021



 Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), MIDLAND ATLANTIC PROPERTIES, 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 – Conceptual 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 Planning Board and Town Council for the approval of a Planned Development District – Conceptual 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 -Conceptual 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 28TH day of JUNE, 2021.



~~Property Owner~~ APPLICANT

Property Owner


Agent

APPOINTMENT OF AGENT

The undersigned owner(s), _____, 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 – Conceptual 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 Planning Board and Town Council for the approval of a Planned Development District – Conceptual 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 -Conceptual 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 8th day of July, 2021

Hyperactive Commercial Investments, LLC
Mark A. Galt member/manager

Property Owner

Property Owner
[Signature]

Agent

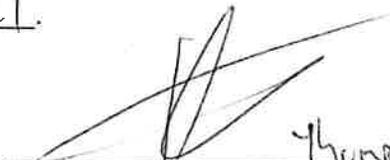
APPOINTMENT OF AGENT

The undersigned owner(s) Magnolia Enterprises, LLC et al 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 – Conceptual 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:

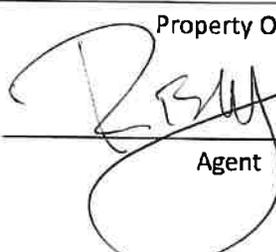
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual 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 -Conceptual 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 12 day of July, 2021.

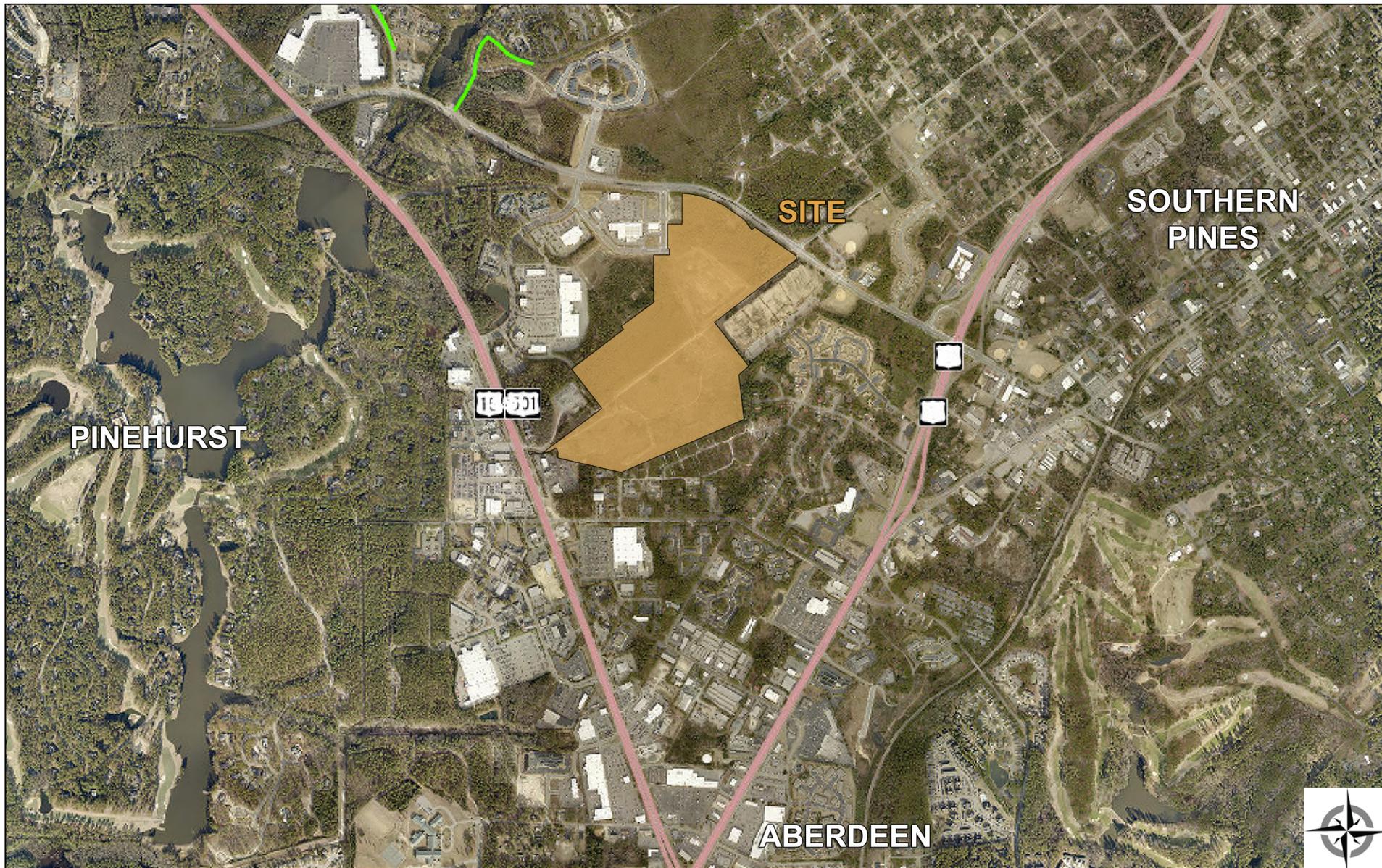


Property Owner

Property Owner


Agent

1-12-21



Site Location Map (NOT TO SCALE)

EXHIBIT II

NEIGHBORHOOD MEETING REPORT

DATE: June 28, 2021

PROJECT: Morganton Park South CDP

LOCATION: Koontz Jones Design Office
150 South Page Street
Southern Pines, NC

SUBMITTED BY: Bob Koontz

ATTENDEES: Bob Koontz, Koontz Jones Design, PLLC
John Silverman, Midland Atlantic Properties
Bill Mees, Midland Atlantic Properties
Tim Carpenter, LKC Engineering

An informal Neighborhood Meeting was held on Monday June 28, 2021, from 4:00 pm to 6:00 pm in the design office of Koontz Jones Design located at 150 South Page Street in downtown Southern Pines. This meeting is required by the Town of Southern Pines Unified Development Ordinance (UDO) for rezoning applications. The owner and project team held this meeting with the adjoining property owners to present the project and solicit feedback on the preliminary plans and architectural concepts for the proposed mixed-use Conceptual Development Plan for Morganton Park South. Morganton Park South is intended to combine a mixture of office, commercial/retail, and residential development on the +/- 88.9-acre property. All adjoining parcel owners within 200' of the proposed development were notified by letter (see attached copy of the letter) ten (10) days prior to the meeting date.

The meeting was informal in nature to allow adjoining property owners the opportunity to drop by at their convenience to review preliminary plans and ask questions of the development team. No formal presentation was provided. Drawings of the conceptual master plan, site location map, and proposed architecture were provided for review by the property owners. The land planner/landscape architects, the owner, and the owner's representatives were available to answer questions regarding the proposed project.

Several adjoining property owners, representatives of adjoining property owners, and other interested residents of Southern Pines took the opportunity to review the plans and discuss the project with the development team. A sign-in sheet, showing the name, address, and email address of the twelve (12) attendees was kept and is attached to this document.

John Silverman introduced himself and provide information on Midland Atlantic Properties. The development team presented and reviewed the plans and preliminary architectural renderings with the attendees. Questions relating to many aspects of the proposed development were raised and responded to by the development team. The following is a list of the questions posed to the development team:

- Where will storm water be directed and maintained? The development team advised that the stormwater would be directed and maintained on site in wet ponds, dry ponds, or underground as required by Town and State of North Carolina requirements. The development team reviewed the topography and indicated the general flow direction of surface water on the property. It was explained that there is a large grade change between the adjoining properties on the southern and southeastern side of the property that would prevent water from traveling on to those properties.
- Roadway connections and circulation throughout the Conceptual Development Plan Area were presented. The development team explained that the circulation system proposed for the property would connect several streets within the immediate area and provide a major new connector between US Highway 15/501 and Morganton Road. The following are connections were discussed:
 - The main parkway connector from US Highway 15/501 to Morganton Road – This roadway was presented and described as a four (4) lane parkway, like Brucewood Road. It was explained that the roadway would be fully signalized at both ends and that the connection would remain after the 15/501 superstreet project scheduled by NCDOT to begin in 2025. The parkway connector was viewed as a positive. It was explained that driveway cuts would be limited to provide safe travel along the parkway.
 - Southern Road – It was explained that a connection to Southern Road would eventually be made to connect to the new parkway connector and provide access to Brucewood Road and the shopping center development located in this area. This connection was viewed as a positive by attendees.
 - Old Morganton Road – An extension of Old Morganton Road to connect to the parkway connector was presented and described to the attendees. This section of roadway would provide a vehicular connection that would serve adjacent properties to Old Morganton Road. This was viewed as a positive, especially by representatives of an adjacent property that would have access on Old Morganton Road.
 - Short Street – Adjoining property owners on the southern side of the site area asked about the previously proposed connection to the property from Short Street. It was explained that due to grade conditions in this area a connection from Short Street to the development was not being proposed. Adjoining owners expressed their relief that this connection would not be made. These owners were concerned that Short Street would become an easy route for delivery trucks and a cut through to the proposed shopping center. The adjoining owners present preferred that Short Street remain a low volume street as it is currently.
- Utility connections. It was explained that water and sewer utility connections would be provide on all main roadways. It was also discussed that some of the distribution powerlines would be buried underground for some length of the property along the parkway connector. The larger pwer transmission lines would remain.
- Who are the proposed retailers and will there be spaces for local businesses? The development team explained that Target would be the main anchor tenant for the conceptual development plan area. In addition, some other national retail tenants were slated to move into the proposed development. Spaces for local shops and restaurants would also be provided within the overall project area.
- What will the architecture look like? Conceptual building perspective renderings were presented to the attendees. Architecture will reflect elements of Southern Pines architectural character without trying to duplicate specific buildings or character, to compliment rather than copy. Building renderings were well received.



Robert Koontz, RLA

These notes reflect the author's interpretation of the events during the referenced meeting. Any additions or modifications required should be submitted to the author in writing.

Zoning Decision Sign – Morganton Road



Zoning Decision Sign – Morganton Road



Zoning Decision Sign – 15-501



Neighborhood Meeting Setup



Neighborhood Meeting Setup



Morganton Park South – Conceptual Development Plan Neighborhood Meeting Sign-In Sheet 6/28/2021

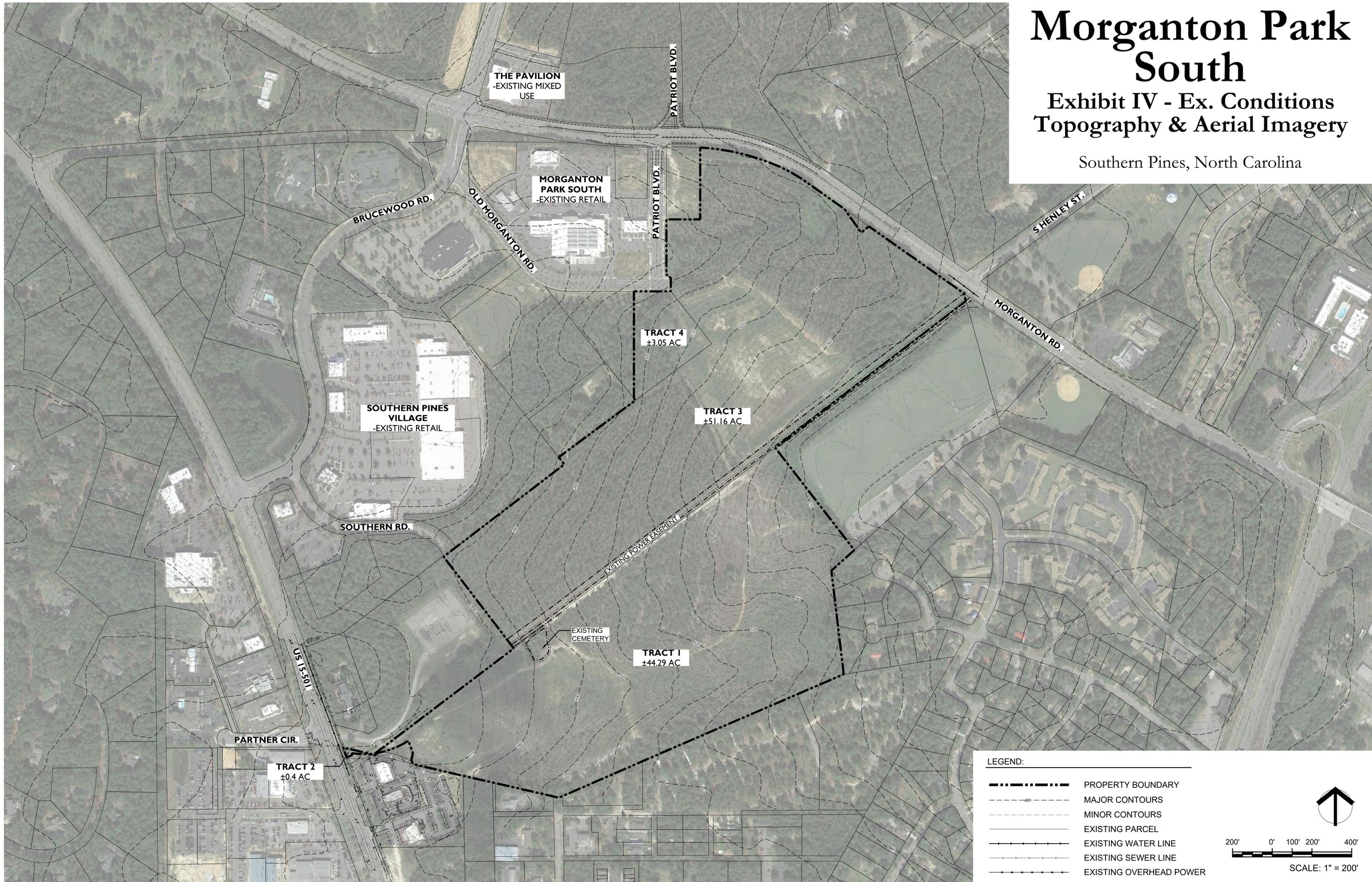
Name Address Email Address

DAVE CRISAFULLI	S. PINES	DAVE@215BROAD.COM
JAWILE DIXON	S. Pines	jdixon@ccim.net
Mike Fields	305 Indian Trail, S. Pines	mfields117@gmail.com
Alex Bowmes	15 James River Place P. 28374	Alex@bowmes.com
Kim Stout	195 Short St	kimberly.stout@gmail.com
Francis Brown		swa@cliff.com
Charles Kane	Barnett Properties 1775 Grehem Ave Henderson NC 27536	CBK@barnettprop.com
Eric + Talia Bokmeyer	210 Broadmeade Ln St. Pines NC 28387	lovinlife211@yahoo
Margaret Betty Dinkham	250 Long St	sunflowerbetty@yahoo.ca

Morganton Park South

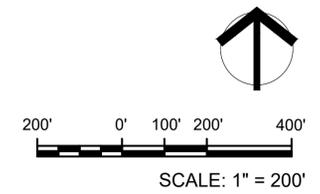
Exhibit IV - Ex. Conditions Topography & Aerial Imagery

Southern Pines, North Carolina



LEGEND:

	PROPERTY BOUNDARY
	MAJOR CONTOURS
	MINOR CONTOURS
	EXISTING PARCEL
	EXISTING WATER LINE
	EXISTING SEWER LINE
	EXISTING OVERHEAD POWER

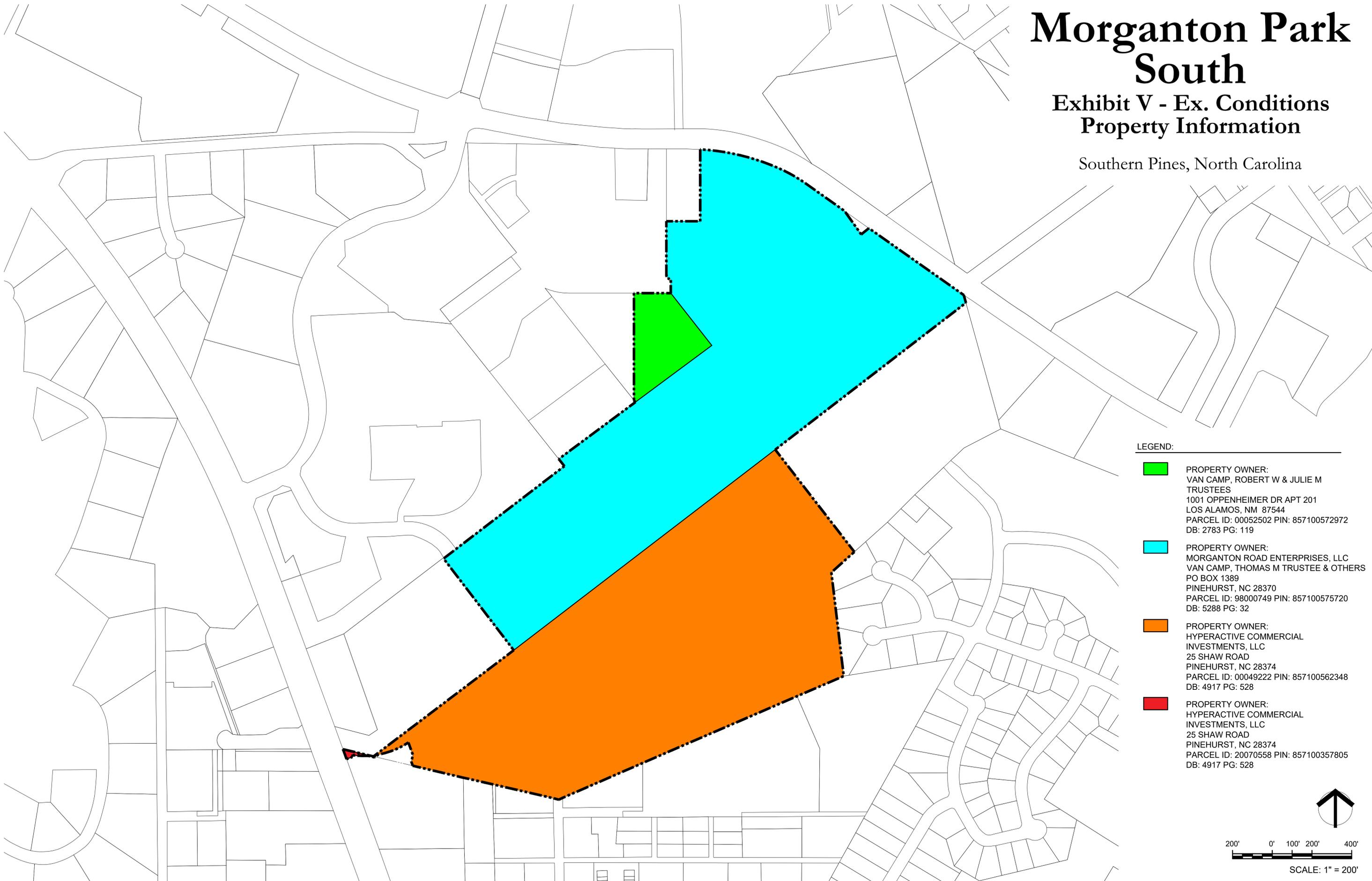


KOONTZ JONES Design
LAND PLANNING | LANDSCAPE ARCHITECTURE

Morganton Park South

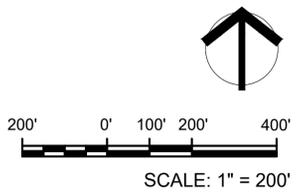
Exhibit V - Ex. Conditions Property Information

Southern Pines, North Carolina



LEGEND:

-  PROPERTY OWNER:
VAN CAMP, ROBERT W & JULIE M TRUSTEES
1001 OPPENHEIMER DR APT 201
LOS ALAMOS, NM 87544
PARCEL ID: 00052502 PIN: 857100572972
DB: 2783 PG: 119
-  PROPERTY OWNER:
MORGANTON ROAD ENTERPRISES, LLC
VAN CAMP, THOMAS M TRUSTEE & OTHERS
PO BOX 1389
PINEHURST, NC 28370
PARCEL ID: 98000749 PIN: 857100575720
DB: 5288 PG: 32
-  PROPERTY OWNER:
HYPERACTIVE COMMERCIAL INVESTMENTS, LLC
25 SHAW ROAD
PINEHURST, NC 28374
PARCEL ID: 00049222 PIN: 857100562348
DB: 4917 PG: 528
-  PROPERTY OWNER:
HYPERACTIVE COMMERCIAL INVESTMENTS, LLC
25 SHAW ROAD
PINEHURST, NC 28374
PARCEL ID: 20070558 PIN: 857100357805
DB: 4917 PG: 528

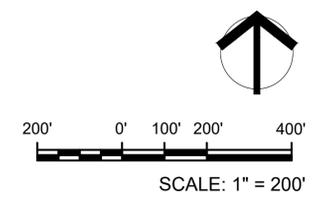
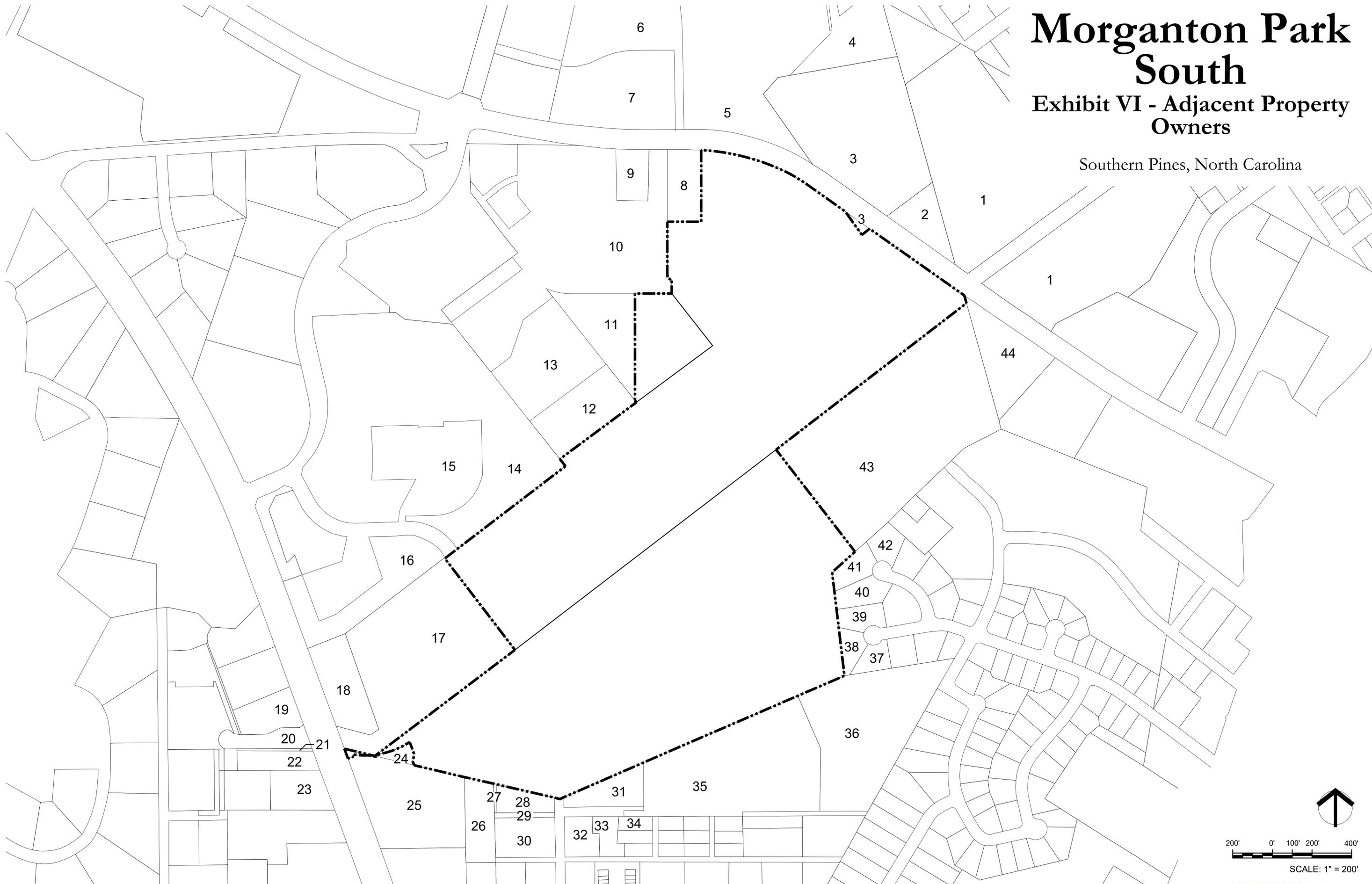


KOONTZ JONES Design
LAND PLANNING | LANDSCAPE ARCHITECTURE

Morganton Park South

Exhibit VI - Adjacent Property Owners

Southern Pines, North Carolina



KOONTZ JONES Design
LAND PLANNING | LANDSCAPE ARCHITECTURE

Adjacent Parcel Owners

NAME	NAME (2)	ADDRESS	CITY	ST	ZIP	PARCEL ID	REF
SOUTHERN PINES TOWN OF		PO BOX 870	SOUTHERN PINES	NC	28388	00991984	1
BOYS & GIRLS CLUBS OF THE	SANDHILLS INC, THE	PO BOX 1761	SOUTHERN PINES	NC	28388	98000748	2
SOUTHERN PINES TOWN OF		PO BOX 870	SOUTHERN PINES	NC	28388	00991985	3
VAN CAMP, ROBERT W TRUSTEE	VAN CAMP, JULIE M TRUSTEE	PO BOX 1389	PINEHURST	NC	28370	20190145	4
PINEHURST SURGICAL CLINIC	REALTY LLC	5 FIRST VILLAGE DIRVE	PINEHURST	NC	28374	20190272	5
MORGANTON PARK REALTY LLC		5 FIRST VILLAGE DIRVE	PINEHURST	NC	28374	20190271	6
PINEHURST MEDICAL GROUP, LLC		205 PAGE RD	PINEHURST	NC	28374	20200203	7
CPGKRE PINEHURST	LOWES OUTPARCELS LLC	1330 SAINT MARYS ST STE 100	RALEIGH	NC	27605	20150132	8
CPGKRE PINEHURST	LOWES OUTPARCELS LLC	1330 SAINT MARYS ST STE 100	RALEIGH	NC	27605	20200421	9
BERNE SQUARE LLC	WARREN CORNERS LLC	1775 GRAHAM AVE SUTIE 201	HENDERSON	NC	27536	20150133	10
MLE PROPERTIES LLC		210 FRYE RD	PINEHURST	NC	28374	20150134	11
MLE PROPERTIES LLC		210 FRYE RD	PINEHURST	NC	28374	00056206	12
MLE PROPERTIES LLC		210 FRYE RD	PINEHURST	NC	28374	00052504	13
SBV SOUTHERN PINES LLC		100 NORTH POND STE F	WALLED LAKE	MI	48390	20070073	14
SBV SOUTHERN PINES LLC		100 NORTH POND STE F	WALLED LAKE	MI	48390	20110214	15
GESSNER, JOHN C		220 GREER DR	ABERDEEN	NC	28315	94000360	16
CAROLINA POWER & LIGHT CO	ATTN TAX SECTION	PO BOX 1551	RALEIGH	NC	27602	00047659	17
LANE DENTAL PROPERTIES LLC		PO BOX 2230	ANGIER	NC	27501	00055103	18
CARNES HOLDINGS, LLC		1000 SUTTON ROAD	DEMOREST	GA	30535	20050755	19
BARRELL BOYS LLC	C/O RICHARD FRYE	55 PONTE VEDRA	PINEHURST	NC	28374	20100354	20
SISK, MARY CHARLES V		190 SPRING RD	SOUTHERN PINES	NC	28387	00055668	21
SISK, MARY CHARLES V		190 SPRING RD	SOUTHERN PINES	NC	28387	00055670	22
PS SOUTHERN PINES REAL ESTATE, LLC		4250 NORTH FEDERAL HIGHWAY	POMPANO BEACH	FL	33064	00051130	23
R & T PROPERTIES OF	NORTH CAROLINA, LLC	1337 WINSTEAD PLACE	GREENSBORO	NC	27408	20070557	24
R & T PROPERTIES	OF NORTH CAROLINA, LLC	PO BOX 10398	GREENSBORO	NC	27404	00055645	25
BLACK, DANIEL PATRICK FAMILY	LIMITED PARTNERSHIP	1976 ROSELAND RD	ABERDEEN	NC	28315	00046743	26
BLACK, DANIEL PATRICK FAMILY	LIMITED PARTNERSHIP	1976 ROSELAND RD	ABERDEEN	NC	28315	00046745	27
MORRIS PROPERTIES INC		200 SHORT RD	SOUTHERN PINES	NC	28387	00053465	28
OVERTON BODY SHOP		110 SANDY AVE	SOUTHERN PINES	NC	28387	20150313	29
OVERTON BODY SHOP		110 SANDY AVE	SOUTHERN PINES	NC	28387	00048142	30
MASAR, JEFFREY A		15 PINE VALLEY CIR	PINEHURST	NC	28374	00054443	31
CULTURE CLUB, LLC		PO BOX 4393	PINEHURST	NC	28374	00052928	32
CULTURE CLUB, LLC		PO BOX 4393	PINEHURST	NC	28374	00052929	33
OUTLAW, GEORGE A	OUTLAW, BETTY R	250 LONG STREET	SOUTHERN PINES	NC	28387	00046421	34
CLS HOLDINGS LLC		222 CENTRAL PARK AVE, STE E#119	PINEHURST	NC	28374	00050398	35
CLS HOLDINGS LLC		222 CENTRAL PARK AVE, STE E#119	PINEHURST	NC	28374	00049517	36

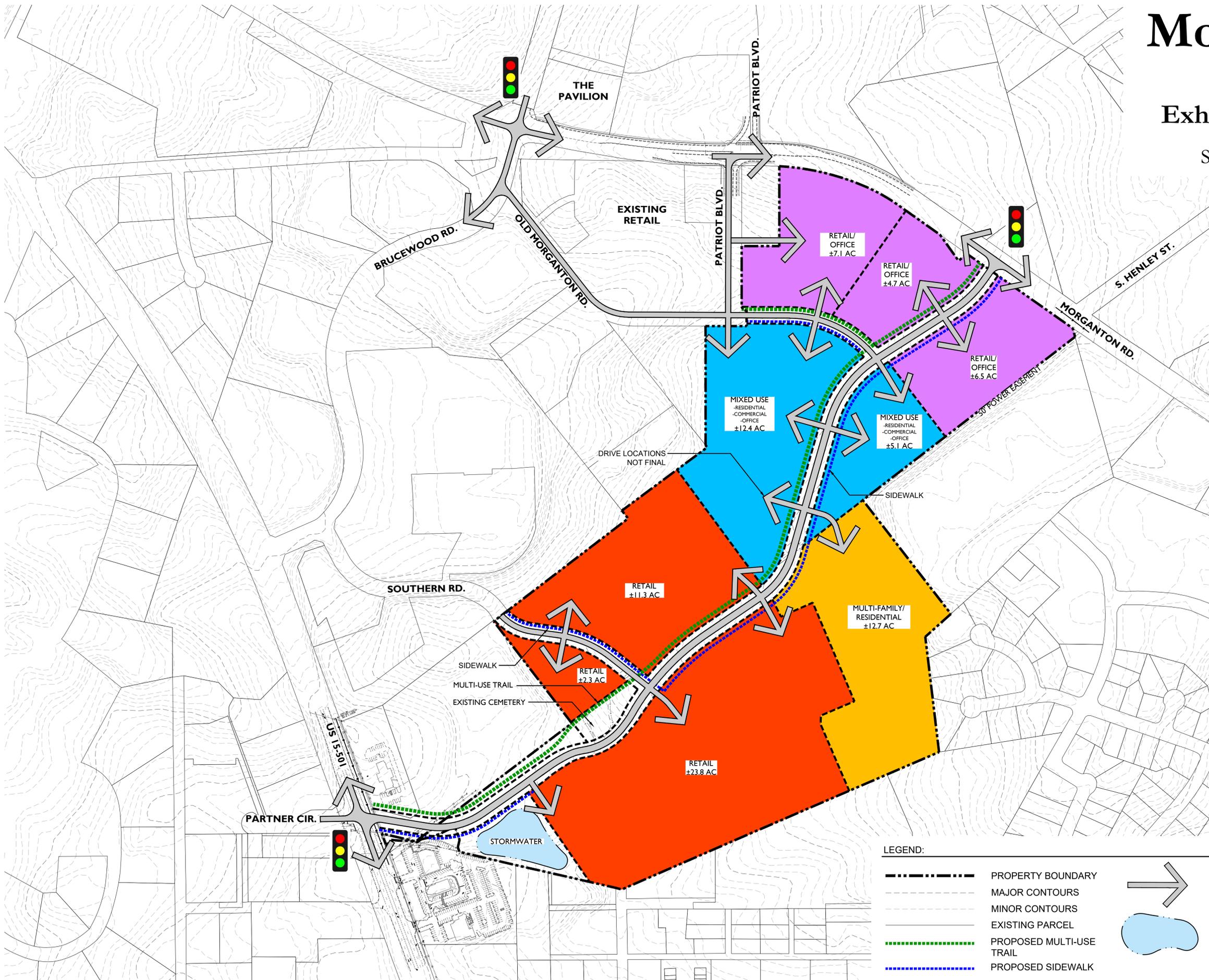
Adjacent Parcel Owners

NAME	NAME (2)	ADDRESS	CITY	ST	ZIP	PARCEL ID	REF
HALL, DEBRA C & LACY B		640 ROTHNEY AVENUE	SOUTHERN PINES	NC	28387	00046840	37
DRAKEFORD, JOHNNIE J	DRAKEFORD, SHARON	650 ROTHNEY RD	SOUTHERN PINES	NC	28387	00048801	38
HAMPTON, THOMAS	HAMPTON, MARY	660 ROTHNEY RD	SOUTHERN PINES	NC	28387	00050214	39
MCKIVER, JOHN A		PO BOX 2102	SOUTHERN PINES	NC	28388	00052749	40
WILLIAMS, WARREN & ROSE		109 HAINES CT	SOUTHERN PINES	NC	28387	00054956	41
INGRAM, GARLAND		107 HAINES CT	SOUTHERN PINES	NC	28387	00050887	42
TOWN OF SOUTHERN PINES		PO BOX 870	SOUTHERN PINES	NC	28388	00055865	43
TOWN OF SOUTHERN PINES		PO BOX 870	SOUTHERN PINES	NC	28388	39140	44

Morganton Park South

Exhibit VII - Land Use Plan

Southern Pines, North Carolina



LAND USE LEGEND:

	RETAIL	= ±37.4 ACRES
	MULTI-FAMILY/RESIDENTIAL	= ±12.7 ACRES
	MIXED USE	= ±17.5 ACRES
	RETAIL/OFFICE	= ±18.3 ACRES

OPEN SPACE REQUIREMENT:

OPEN SPACE SUMMARY:

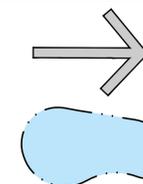
CATEGORY	REQUIRED
Overall Open Space	19.8 acres; 20% minimum
Usable Open Space	9.9 acres; 10% minimum

OPEN SPACE NOTES:

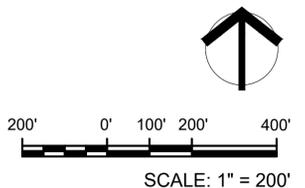
1. OPEN SPACE WILL BE PROVIDED THROUGHOUT THE COMMUNITY AS REQUIRED BY THE TOWN'S UDO. A MINIMUM OF 20% OF THE SITE MUST BE DEDICATED TO OPEN SPACE WITH 50% OF THE OVERALL OPEN SPACE BEING USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. EACH PRELIMINARY DEVELOPMENT PLAN (PDP) PREPARED FOR ANY AREA OF THE OVERALL MORGANTON PARK SOUTH PROPERTY SHALL PROVIDE A TABULATION ILLUSTRATING THE OPEN SPACE BEING PROVIDED WITH EACH 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. SPECIFIC LOCATIONS FOR COMMON AREAS AND OPEN SPACE WILL ALSO BE IDENTIFIED DURING EACH PDP.

LEGEND:

- PROPERTY BOUNDARY
- MAJOR CONTOURS
- MINOR CONTOURS
- EXISTING PARCEL
- PROPOSED MULTI-USE TRAIL
- PROPOSED SIDEWALK



- PROPOSED CIRCULATION PATTERN
- PROPOSED STORMWATER MANAGEMENT LOCATION



LAND USE	LBCS CODE	DESCRIPTION	MULTI-FAMILY	MIXED-USE	RETAIL	RETAIL/OFFICE
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000.00	Homes, apartments, housing for the elderly, and hotels				
Private Dwelling	1100.00	Single-Family homes, doubles, apartments, Condominiums, mobile homes, Townhouses; excludes households with special provisions				
Single-Family	1110.00					
Single-Family detached	1111.00	Typical Single-Family Dwelling	X	X		
Single-Family attached (Townhomes) (Ord. # 1601)	1112.00	Each Dwelling Unit on a separate Lot; fire wall may protrude from roof or roofs may be staggered	X	X		
Two-Family (double or Duplex)	1120.00		X	X		
Accessory Dwelling	S1130		X	X		
Multi-Family	S1200	Three or more Dwelling Units				
Multi-Family	1151.00	Three or more Dwelling Units	X	X		
Multi-Family condominium	1153.00	Three or more Dwelling Units that are individually owned and common elements owned by the unit owners as tenants-in-common	X	X		
Housing Services	1200.00	Housing and custodial services for those who cannot care for themselves				
Retirement housing services	1210.00	offer minimal convenience services	X	X		
Congregate living services	1220.00	provide convenience services such as housekeeping, transportation, recreational programs	X	X		
Assisted-living board and care and adult care groups	1230.00	Adult care, group homes, board and care (excludes rehab uses in code #6520)	X	X		
Hotels, Motels, or Other Accommodation Services	1300.00	Lodging and short term accommodation for travelers				
Hotel, motel, tourist home or tourist court	1330.00	Hotels that do not have gambling services; includes extended-stay hotels	X	X	X	X
GENERAL SALES OR SERVICES	2000.00	Comprises the vast majority of establishments associated with commercial land use				
Retail Sales or Service and Repair	2100.00	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair				
Automobile sales or service establishment	2110.00	Motor vehicle and parts dealers including repair and maintenance				
parts, accessories, or tires	2115.00	Automotive parts and supply stores, automotive stereo stores, tire and tube shops		X	X	X
gasoline service	2116.00	Gas stations with or without convenience stores or food marts, includes truck stops		X	X	X
automotive repair and maintenance	2117.00	Repair garages, body and paint shops, oil change, car wash		X	X	X
Heavy consumer goods sales or service	2120.00	Heavy or durable goods sales or services				
furniture or home furnishings	2121.00	Furniture, flooring, bedding stores, window treatment		X	X	X

hardware, home center	2122.00	Home building and repair supplies, lighting supply		X	X	X
lawn and garden supplies	2123.00	Nursery and garden products predominantly grown elsewhere, outdoor power equipment sales or services		X	X	X
department store, warehouse club, or superstore	2124.00	Large variety of goods		X	X	X
electronics and appliances	2125.00	Household type appliances, tvs, stereos, including repair shops and cell phone stores		X	X	X
Durable consumer goods sales or service	2130.00	Wide range of product lines such as apparel appliances, hardware, jewelry, etc.				
computer and software	2131.00	Computers and prepackaged software without other electronic equipment, including repair, support, and training		X	X	X
camera and photographic supplies	2132.00	Primary retail cameras and photographic supplies or retail with repair and film developing		X	X	X
clothing, jewelry, luggage, shoes, clocks, sewing	2133.00	Including shoe repair and tailoring		X	X	X
sporting goods, toy and hobby, and musical instruments	2134.00			X	X	X
books, magazines, music, videos, CDs, stationery, greeting cards, seasonal decorations, school and office supplies, etc,	2135.00			X	X	X
Consumer goods, other	2140.00	Establishments that retail merchandise (except groceries or health items) not included in preceding codes				
florist	2141.00			X	X	X
art dealer, supplies, sales and service	2142.00	Including frame shops		X	X	X
mail order or direct selling establishment	2144.00	Retailing other than in stores		X	X	X
Grocery, food, beverage, dairy	2150.00	Retail food and beverage merchandise from fixed point-of-sale locations				
grocery store, supermarket, or bakery	2151.00	Included are meat and seafood markets and delicatessens		X	X	X
convenience store	2152.00	Excludes those with fuel pumps		X	X	X
specialty food store	2153.00	Retail specialty food items such as coffee and gourmet foods		X	X	X
fruit and vegetable store	2154.00			X	X	X
beer, wine, and liquor store	2155.00			X	X	X
Health and personal care	2160.00	Retail health and personal care merchandise from fixed point-of-sale locations				
pharmacy or drug store	2161.00	Primarily retail prescription or nonprescription drugs		X	X	X
cosmetic and beauty supplies and personal grooming products	2162.00	Primarily retail cosmetics, perfumes, toiletries		X	X	X
optical and contact lenses	2163.00	Retail prescription or nonprescription eyeglasses		X	X	X
Markets for farm produce or crafts	2199.00			X	X	X

Finance and Insurance	2200.00	Use this category when difficult to differentiate an establishment into a subcategory				
Bank, credit union, or savings institution	2210.00	Central banking functions		X	X	X
Credit and finance establishment	2220.00	Credit card, sales financing, unsecured consumer lending, real estate credit, international trade financing		X	X	X
Investment banking, securities, and brokerages	2230.00	Securities underwriting, brokering, exchange services, managing portfolios		X	X	X
Insurance-related establishment	2240.00	Insurance underwriting, selling insurance		X	X	X
Fund, trust, or other financial establishment	2250.00	Pool assets on behalf of shareholders or beneficiaries		X	X	X
Real Estate, and Rental and Leasing	2300.00	Rent or lease assets				
Real estate services	2310.00	Lease real estate (except buildings) such as manufactured home sites and vacant Lots; includes real estate appraisers		X	X	X
Rental and leasing	2330.00	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators				
cars	2331.00	Lease passenger cars without drivers		X	X	X
consumer goods rental	2335.00	Rent personal and household-type goods and a range of consumer, commercial, and industrial equipment geared toward consumers		X	X	X
intellectual property rental	2336.00	Establishments that assign patents, trademarks, brand names, and franchise agreements		X	X	X
Business, Professional, Scientific, and Technical	2400.00	Perform professional, scientific, and technical services				
Professional services	2410.00	Services provided depend on worker skills and knowledge rather than equipment				
legal services	2411.00	Title abstract, lawyers, notaries		X	X	X
accounting, tax, bookkeeping, payroll services	2412.00			X	X	X
architectural, engineering, surveying and related services	2413.00	Architectural, engineering, building inspection, surveying and mapping, and laboratory testing (except medical, veterinary, or auto emission)		X	X	X
graphic, industrial, interior design services	2414.00	Interior, industrial, and graphic design		X	X	X
consulting services (management, environmental technical)	2415.00	Advise and assist businesses on management, scientific, and technological issues		X	X	X
scientific research and Development services	2416.00	Conduct research or analyze in the physical, engineering, cognitive, or life sciences		X	X	X
advertising, media, and photography services	2417.00	Advertising, public relations, media buying agencies, direct mail advertisers, market research, translation providers		X	X	X
veterinary services	2418.00	Veterinary medicine, testing services for veterinary practitioners		X	X	X

Administrative services	2420.00	Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing)				
office administrative services	2421.00	Office administration such as billing, record keeping, personnel, organizational planning		X		X
facilities support services	2422.00	provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.		X		X
employment agency	2423.00	Provide employee placement, temporary help		X		X
copy center, private mail center, other business support services	2424.00	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, etc.		X		X
collection agency	2425.00	collect payments, compile credit information, repossesses tangible assets		X		X
Travel arrangement and reservation services	2430.00	Promote or sell travel, includes convention and visitors' bureaus		X	X	X
Food Services	2500.00	Prepare meals, snacks, and beverages				
Full-service restaurant	2510.00	Provide services to patrons who order and are served while seated or in combination with takeout		X	X	X
Cafeteria or limited service restaurant	2520.00	Provide services to patrons who order or select items and pay before eating; may be consumed on premises, taken out, or delivered		X	X	X
drive-through restaurants	2521.00	Provides drive-in, drive-through or drive-up service to patrons; includes most fast-food restaurants			X	
Snack or nonalcoholic bar	2530.00	Prepare and serve specialty snacks, such as ice cream, frozen yogurt, cookies, coffee, juices for consumption on or near the premises, snowball stand		X	X	X
Bar or drinking place	2540.00	Bars, taverns, nightclubs primarily serving alcoholic beverages; may provide limited food and entertainment		X	X	X
Mobile food services	2550.00	Prepare and serve meals and snacks for immediate consumption from motorized vehicles		X	X	X
Personal Services	2600.00	Catch-all category for personal service establishments not classified elsewhere such as bail bonding, wedding planning, psychic services, etc.				
Personal care	2610.00	Hair, nail, and skin care and related personal care				
hair, nail, and cosmetic skin care	2611.00	Barber or beauty shop		X	X	X
dieting and weight reducing	2612.00			X	X	X
tanning salon	2614.00			X	X	X
electrolysis, ear piercing, and other personal care services	2616.00			X	X	X
Dry cleaning and laundry	2620.00					
dry cleaning and laundry	2622.00				X	X
linen and uniform supply	2623.00				X	X
Photofinishing	2630.00	Primarily engaged in developing film or making slides, etc.		X	X	X

Parking Lot and parking garage	2640.00			X	X	X
Special Services	2650.00					
massage therapist	2651.00			X	X	X
Pet and Animal Sales or Service (except Veterinary)	2700.00	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking				
Pet or pet supply store	2710.00	Retail pets, pet foods, pet supplies		X	X	X
MANUFACTURING AND WHOLESALE TRADE	3000.00	When captive services such as accounting are provide by a separate establishment, they are classified in the appropriate function code and not in manufacturing				
Miscellaneous Manufacturing	3400.00	Use for manufacturing establishments not classified elsewhere				
Jewelry and silverware	3410.00			X	X	X
Dolls, toys, games, and musical instruments	3420.00			X	X	X
Office supplies, inks, etc.	3430.00	Except paper		X	X	X
Signs	3440.00			X	X	X
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000.00					
Utilities and Utility Services	4300.00	Provide utility services such as electric power, gas, water and sewage removal				
Electric power	4310.00	Provide electric power generation, transmission, control, and distribution				
service distribution lines	4315.00		X	X	X	X
electric substations	4316.00		X	X	X	X
Natural gas, petroleum, fuels	4320.00	Operate gas distribution systems, gas marketers, gas brokers, transmit and distribute gas				
natural gas service	4329.00	Provide natural gas service distribution to retail customers (includes distribution lines and valves)	X	X	X	X
Water, steam, air conditioning supply	4330.00	Public and private utility establishments that offer drinking water, water treatment, water supply, or hot or cool air supply				
water service	4339.00	Provide water service distribution to retail customers (includes distribution lines pumps and valves)	X	X	X	X
ARTS, ENTERTAINMENT, AND RECREATION	5000.00					
Performing Arts or Supporting Establishments	5100.00	Produce or organize and promote live presentations, excludes nightclubs				
Theater, dance or music establishment	5110.00	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment		X	X	X
Agent for management services	5150.00	Agents representing artists, athletes, entertainers, etc.		X		X
Independent artist, writer, or performer	5160.00	Independent individuals engaged in art, productions		X		X
Museums and Other Special Purpose Recreational Institutions	5200.00	Public and private museums, historical sites, zoos, and similar establishments				

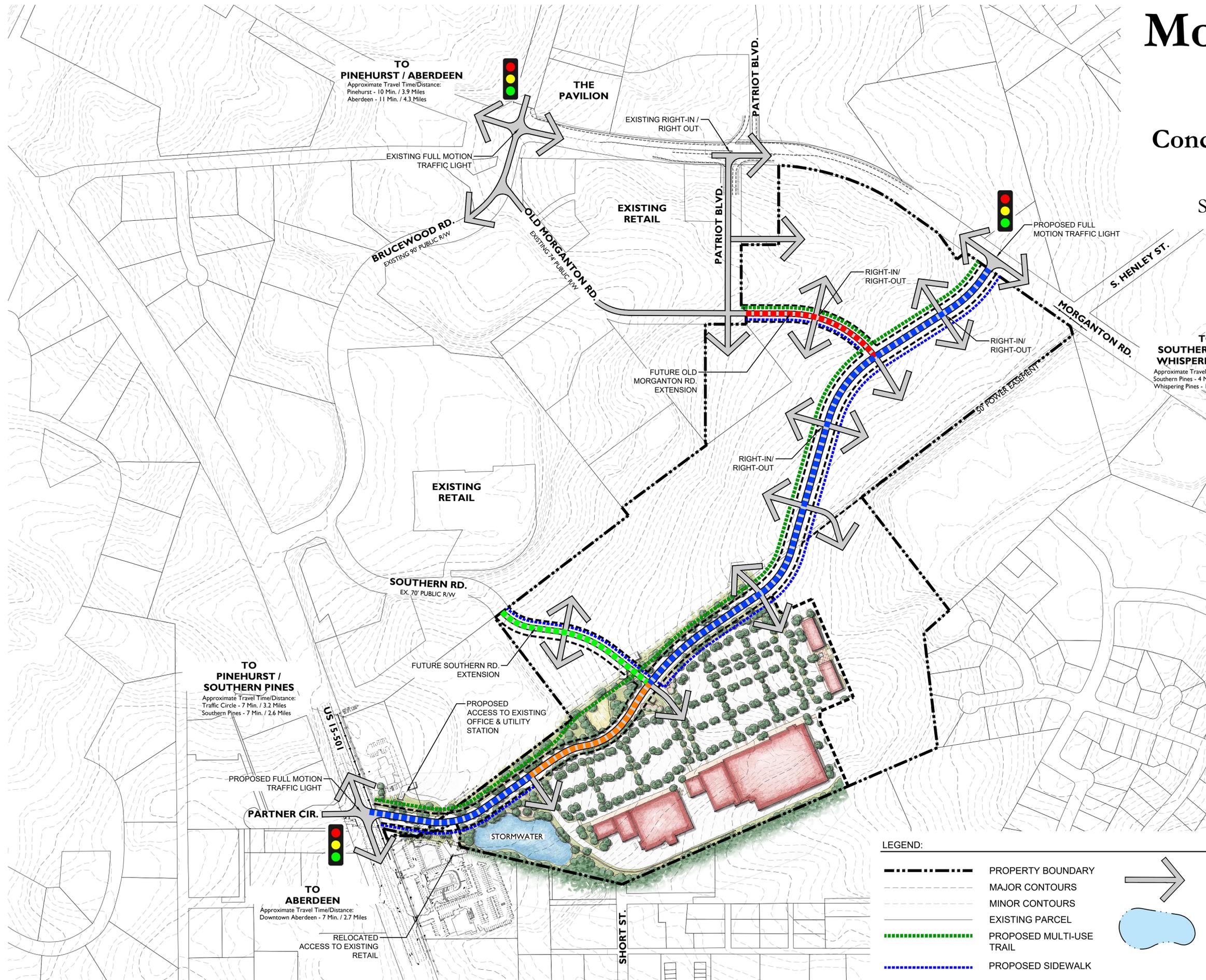
Museum	5210.00			X		
Amusement, Sports, or Recreation Establishment	5300.00	Operate facilities offering activities and provide services				
Amusement or theme park establishment	5310.00	Operate a variety of attractions such as mechanical rides, water rides, games		X	X	X
Games arcade establishment	5320.00	Operate arcades and parlors, except gambling, billiard, or pool		X	X	X
Miniature golf establishment	5340.00			X	X	X
Fitness, recreational sports, gym, athletic club, multipurpose facility	5370.00	Includes archery and shooting ranges, horseback riding, ball parks and courts, fitness clubs, and more				
public facilities	5371.00			X	X	X
private facilities	5372.00			X	X	X
Bowling, billiards, pool	5380.00			X	X	X
Skating rink, roller skating	5390.00			X	X	X
Natural and other Recreational Parks	5500.00	All parks without special economic functions	X	X	X	X
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000.00					
Educational Services	6100.00	Offer teaching and learning				
Nursery or preschool	6110.00			X	X	X
Public Administration	6200.00	All government functions, includes federal, state and local government agencies				
Legislative and executive functions	6210.00	Government and public administrative offices		X		X
Public Safety	6400.00	Government-owned establishments providing fire and rescue, police, and emergency response services				
Fire and rescue	6410.00			X	X	X
Police	6420.00	Includes combined police and fire departments		X	X	X
Emergency response	6430.00	Provide ground or air transportation for medical relief purposes		X	X	X
Health and Human Services	6500.00	Provide health care, social assistance, and associated services				
Ambulatory or outpatient care services	6510.00	Offer health care services directly to patients without providing inpatient services				
clinics and health spas (Ord. # 1601)	6511.00	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and other licensed or certified health care providers		X	X	X
family planning or outpatient care clinic	6512.00	Provide outpatient family planning services and outpatient care		X		X
medical or diagnostic laboratory	6513.00	Provide analytic or diagnostic services including medical imaging		X		X
Nursing, supervision and other rehabilitative services, except	6520.00	Provide inpatient nursing and rehabilitative services and can accommodate patients for extended care, includes convalescent homes, nursing homes, inpatient care hospices, alcoholism or drug addiction rehabilitation, mental health Halfway Houses, group homes, and psychiatric convalescent homes		X	X	X

Social assistance, welfare, and charitable services	6560.00	Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters				
child and youth services	6561.00	Offer services such as adoption, foster care, drug prevention services		X	X	X
child daycare	6562.00	Provide care for infants and preschool children, offer pre-kindergarten education programs		X	X	X
Associations, Non-Profit Organizations, Clubs	6800.00	Includes grant making, civic, professional, and similar organizations				
Business association or professional membership	6820.00	Promote the business interests of their members organization or of their profession		X	X	X
Unclassifiable or No Function	9900.00					
Subdivisions	9930.00					
major	9931.00		X	X	X	X
minor	9932.00		X	X	X	X
Combination Uses	9940.00		X	X	X	X
Home Occupations	9950.00		X	X	X	X

Morganton Park South

Exhibit IX - Conceptual Transportation & Drainage Plan

Southern Pines, North Carolina



TRANSPORTATION LEGEND	
	= PROPOSED 91' RIGHT-OF-WAY PARKWAY CONNECTOR
	= PROPOSED 75' RIGHT-OF-WAY PARKWAY CONNECTOR
	= PROPOSED 70' RIGHT-OF-WAY SOUTHERN ROAD
	= PROPOSED 74' RIGHT-OF-WAY OLD MORGANTON ROAD

*SEE EXHIBIT X OF THE CONCEPTUAL DEVELOPMENT PLAN FOR ROADWAY CROSS-SECTIONS

- TRANSPORTATION PLAN NOTES:**
- REFER TO SECTION 5.5.1 OF THE CONCEPTUAL DEVELOPMENT PLAN - VEHICULAR CIRCULATION AND STREET CROSS SECTIONS
 - REFER TO SECTION 5.5.2 OF THE CONCEPTUAL DEVELOPMENT PLAN - OPEN SPACE, AMENITY, AND PEDESTRIAN CIRCULATION
 - REFER TO SECTION 8.0 OF THE CONCEPTUAL DEVELOPMENT PLAN - STATEMENT ABOUT DEDICATION OF STREETS. ALL PARKING AISLES AND SPACES WITHIN THE DEVELOPMENT WILL BE PRIVATE AND MAINTAINED BY THE DEVELOPER AND/OR THE PROPERTY OWNER'S ASSOCIATION
 - REFER TO SECTION 5.4 OF THE CONCEPTUAL DEVELOPMENT PLAN - STATEMENT REGARDING PUBLIC FACILITIES
 - ANY DEVIATION FROM THE TOWN OF SOUTHERN PINES STANDARD STREET DESIGN REQUIREMENTS ARE DETAILED IN SECTION 5.5.1 OF THE CONCEPTUAL DEVELOPMENT PLAN AND ILLUSTRATED IN EXHIBIT X
 - FOR FURTHER INFORMATION RELATED TO EXISTING TRANSPORTATION FACILITIES, PROPOSED LOCAL PROJECTS, OTHER PLANNED IMPROVEMENTS TO COMMUNITY TRANSPORTATION FACILITIES, TRANSPORTATION FACILITY TIME LINE, AND PROPOSED TRAFFIC CIRCULATION, REFER TO THE TRAFFIC IMPACT ANALYSIS
 - ALL TRAVEL DISTANCES & TIMES WERE OBTAINED FROM GOOGLE MAPS AND REFLECT TYPICAL DRIVING TIMES OBSERVED AT THE TIME OF OBSERVATION. TRAVEL TIMES MAY FLUCTUATE BASED ON TIME, WEATHER, CONSTRUCTION, TRAFFIC ACCIDENTS, AND INCREASES IN TRAFFIC DUE TO HOLIDAYS AND SPECIAL EVENTS.
 - CONCEPTUAL TRANSPORTATION PLAN PREPARED BY KOONTZ JONES DESIGN BASED ON INFORMATION PROVIDED IN THE TRAFFIC IMPACT ANALYSIS PREPARED BY KIMLEY HORN

- DRAINAGE PLAN NOTE:**
- 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 AS SHOWN ON THE PLAN. THESE LOCATIONS ARE SUBJECT TO CHANGE THROUGHOUT THE CONTINUED DEVELOPMENT OF THE PROPERTY BASED ON DETAILED ENGINEERING PLANS. STORMWATER MUST BE MAINTAINED ON THE OVERALL PROPERTY TO MEET THE TOWN OF SOUTHERN PINES AND ALL STATE AND FEDERAL STANDARDS.

LEGEND:

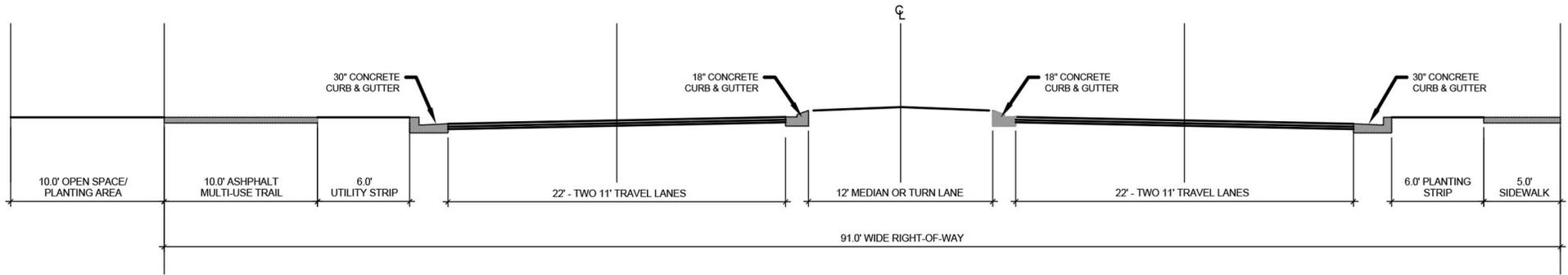
	PROPERTY BOUNDARY
	MAJOR CONTOURS
	MINOR CONTOURS
	EXISTING PARCEL
	PROPOSED MULTI-USE TRAIL
	PROPOSED SIDEWALK

PROPOSED CIRCULATION PATTERN

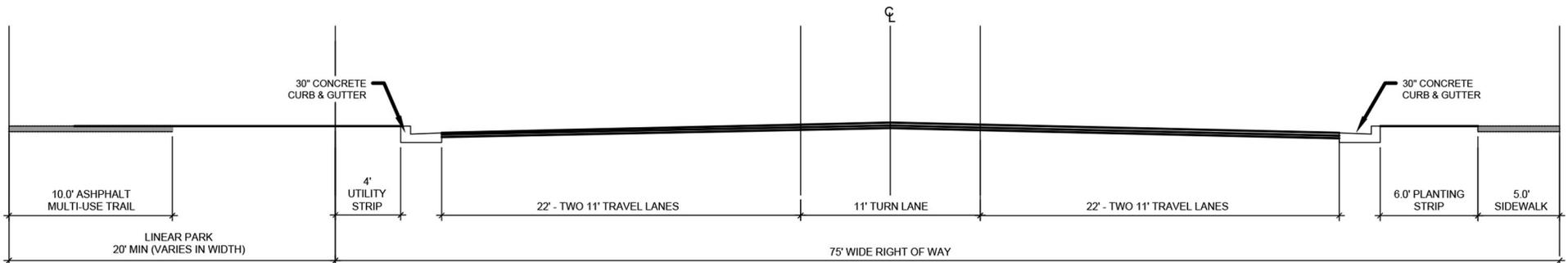
PROPOSED STORMWATER MANAGEMENT LOCATION

SCALE: 1" = 200'

Exhibit X



91' Right-of-Way (Parkway Collector Street) NOT TO SCALE

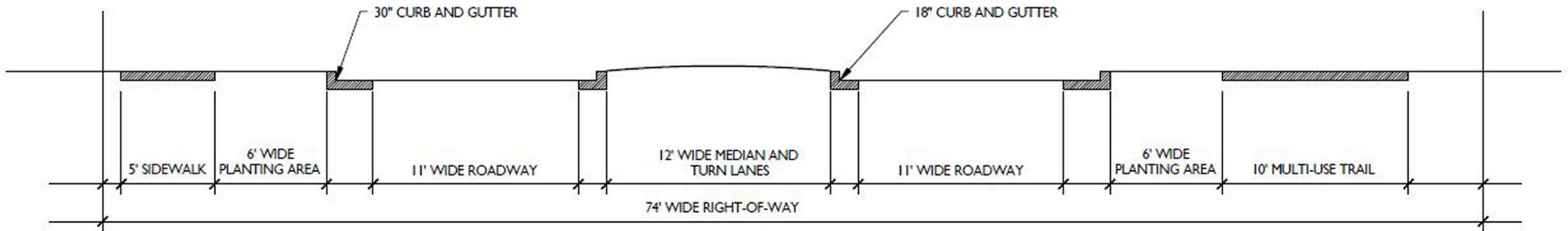


75' Right-of-Way (Parkway Collector Street) NOT TO SCALE

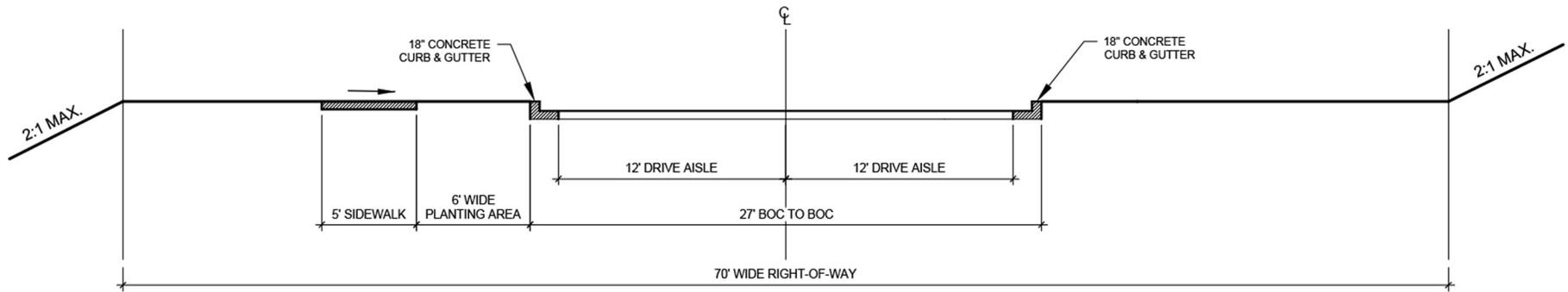
Morganton Park South

Exhibit X- Street and Sidewalk Standards | Sections
Southern Pines, North Carolina

Exhibit X



74' Right-of-Way (Old Morganton Road) NOT TO SCALE
 *OR TO MATCH EXISTING OLD MORGANTON ROAD CROSS SECTION



70' Right-of-Way (Southern Road) NOT TO SCALE
 *OR TO MATCH EXISTING SOUTHERN ROAD CROSS SECTION

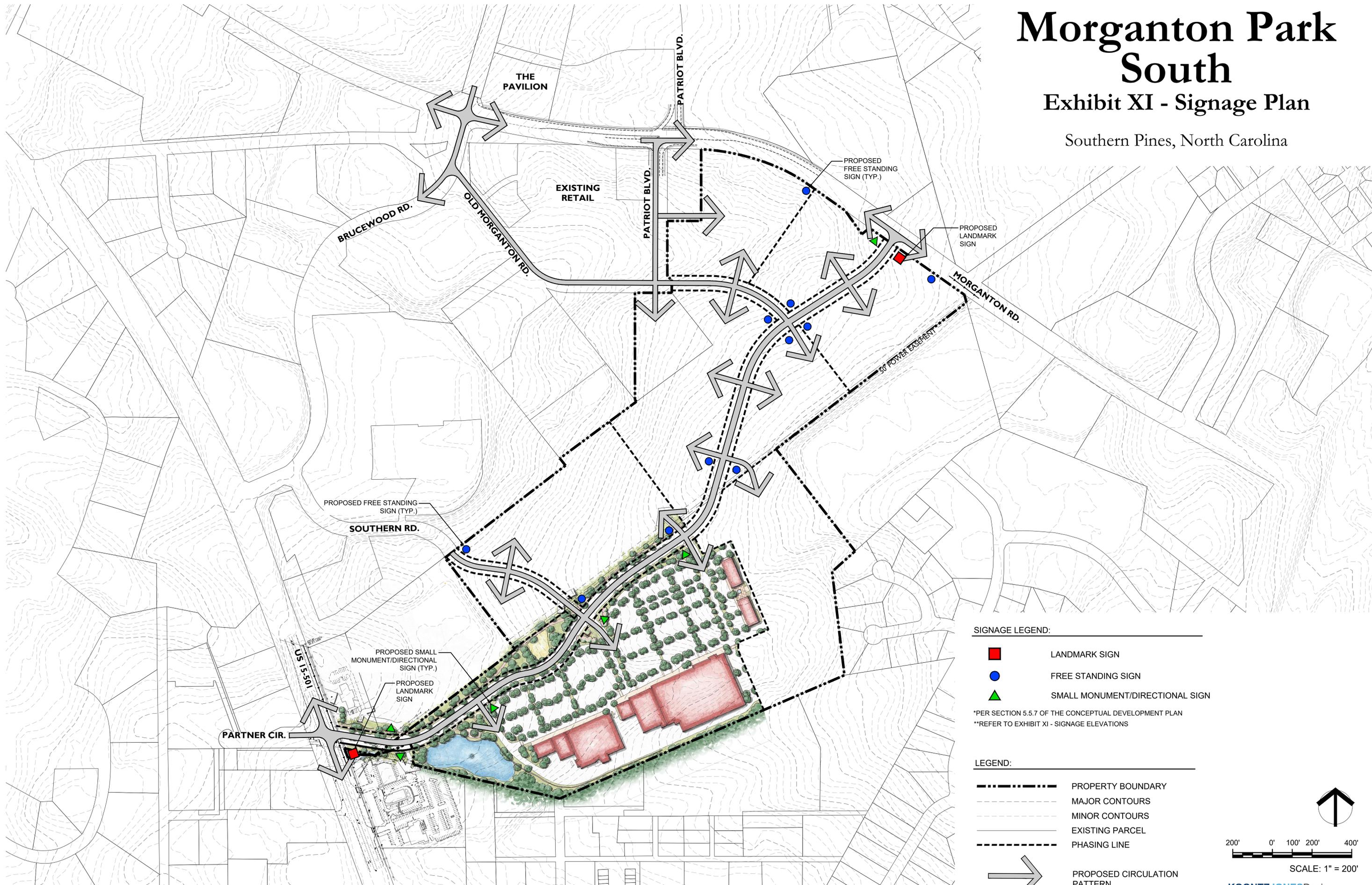
Morganton Park South

Exhibit X- Street and Sidewalk Standards | Sections
 Southern Pines, North Carolina

Morganton Park South

Exhibit XI - Signage Plan

Southern Pines, North Carolina



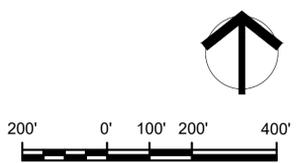
SIGNAGE LEGEND:

- LANDMARK SIGN
- FREE STANDING SIGN
- ▲ SMALL MONUMENT/DIRECTIONAL SIGN

*PER SECTION 5.5.7 OF THE CONCEPTUAL DEVELOPMENT PLAN
 **REFER TO EXHIBIT XI - SIGNAGE ELEVATIONS

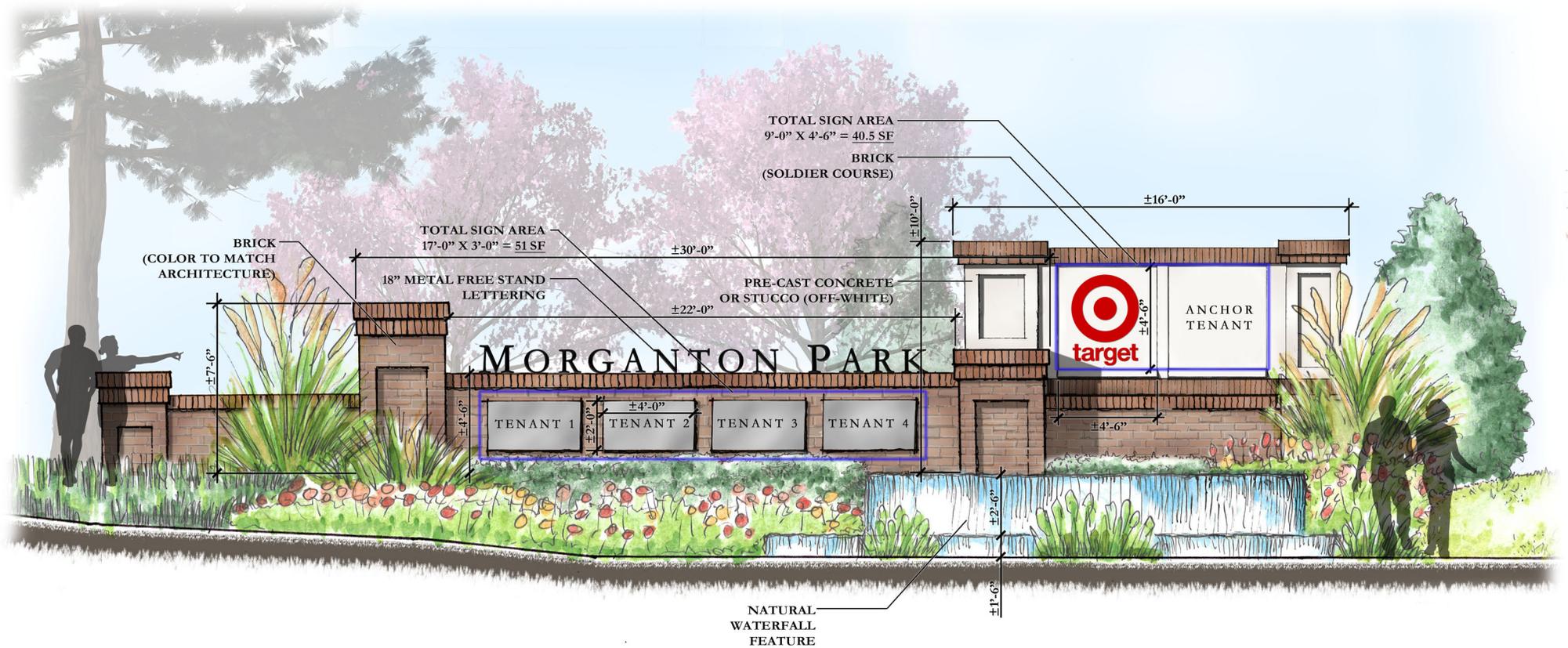
LEGEND:

- PROPERTY BOUNDARY
- MAJOR CONTOURS
- MINOR CONTOURS
- EXISTING PARCEL
- PHASING LINE
- ➔ PROPOSED CIRCULATION PATTERN



SCALE: 1" = 200'

KOONTZ JONES Design
 LAND PLANNING | LANDSCAPE ARCHITECTURE



Landmark Sign
NOT TO SCALE

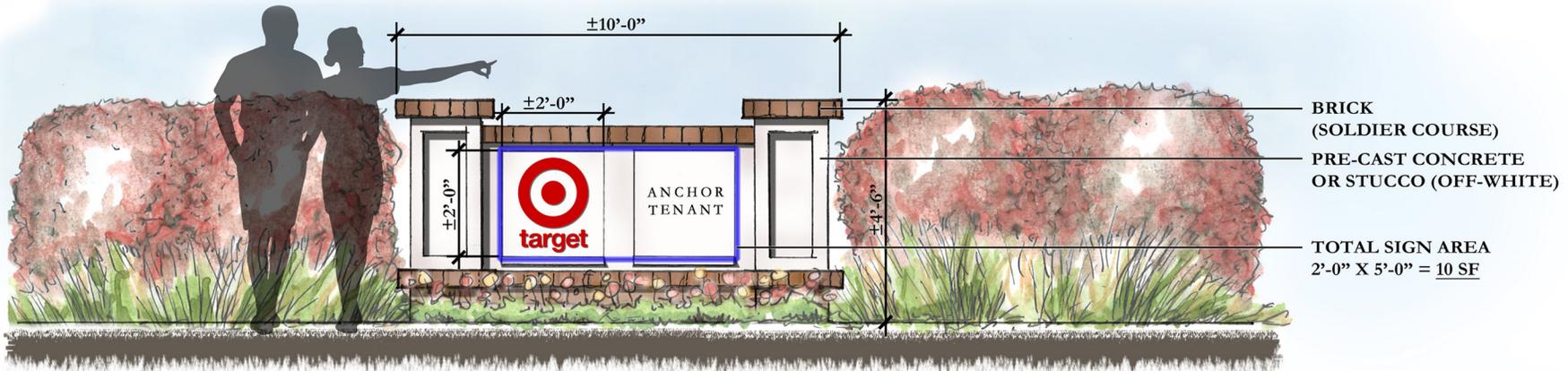
Morganton Park South

Exhibit XI- Signage Standards | Elevations
Southern Pines, North Carolina

Exhibit XI



Free Standing Sign
NOT TO SCALE



Small Monuement / Directional Sign
NOT TO SCALE

Morganton Park South

Exhibit XI- Signage Standards | Elevations
Southern Pines, North Carolina

For Registration Register of Deeds
 Judy D. Martin

Moore County, NC

Electronically Recorded

March 11, 2020 4:33:19 PM

Book: 5288 Page: 32 - 34 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$600.00

Instrument# 2020004200

GENERAL WARRANTY DEED

THIS INSTRUMENT PREPARED BY:

Richard Lee Yelverton III, Esq.
 Van Camp, Meacham & Newman, PLLC
 2 Regional Circle (28374)
 P.O. Box 1389
 Pinehurst, North Carolina 28370

NO TITLE WORK COMPLETED BY PREPARING ATTORNEY

Excise Tax: -\$600.00-
Parcel I.D.: 98000749

TO BE RECORDED IN THE
 DEED RECORDS OF
 MOORE COUNTY, NC

THIS DEED made this 10th day of March, 2020, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
<p>EPISCOPAL DAY SCHOOL, INC., a North Carolina non-profit corporation, as to a 4% interest</p>	<p>ROBERT W. VAN CAMP, AND JULIE M. VAN CAMP, TRUSTEES OF THE ROBERT W. AND JULIE M. VAN CAMP LIVING TRUST UNDER AGREEMENT DATED DECEMBER 22, 1998 Mailing Address: 1680 Midland Road Southern Pines, NC 28387</p>

WITNESSETH:

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

WITNESSETH, the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, a four percent (4%) interest in all that certain lot or parcel of land (referred to in the singular, whether one or more) situated in the Town of Southern Pines, Sandhills Township, Moore County, North Carolina, and more particularly described as follows:

See attached Exhibit "A"

submitted electronically by "Van Camp, Meacham & Newman, PLLC" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Moore County Register of Deeds.

This property herein described is, or X is not the primary residence of the Grantor.

And being the same property conveyed by instrument recorded in Book 3538, Page 410, in the Moore County, North Carolina, Register of Deeds.

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

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

And Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.

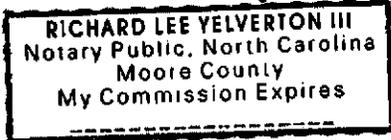
EPISCOPAL DAY SCHOOL, INC.,
a North Carolina non-profit corporation

By: *Mitchell Owens Lancaster*
Mitchell Owens Lancaster, Chairman

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, *RICHARD LEE YELVERTON III*, a Notary Public of the County and State aforesaid, certify that Mitchell Owens Lancaster, either being personally known to me or proven by satisfactory evidence (said evidence being *Driver license*), personally appeared before me this day and acknowledged that he is Chairman of the Board of Trustees of Episcopal Day School, Inc., a North Carolina non-profit corporation, and that he, as Chairman, being authorized to do so, voluntarily executed the foregoing on behalf of the corporation for the purposes stated therein.

WITNESS my hand and official stamp or seal, this 10 day of March, 2020.



[Signature]
Notary Public

My Commission Expires:

2-23-2025

EXHIBIT "A"

BEGINNING at an iron pipe in the South line of Morganton Road, said corner being the Northeast corner of a 10.01 acre tract of the Pineforest Investments property; running thence from the beginning, as the South line of Morganton Road, as a curve to the left, having an arc length of 133.60 feet, a radius of 3905.14 feet, and a chord of S 89 degrees 51' 23" E 133.59 feet; thence as a curve to the right, having an arc length of 171.68 feet, a radius of 2056.05 feet, and a chord of S 87 degrees 57' 02" E 171.63 feet; thence as a curve to the right, having an arc length of 363.97 feet, a radius of 1036.13 feet, and a chord of S 75 degrees 37' 56" E 362.10 feet; thence as a curve to the right, having an arc length of 259.60 feet, a radius of 1544.46 feet, and a chord of S 59 degrees 30' 53" E 259.30 feet; thence S 54 degrees 51' 09" E 218.89 feet to a point in the line of said road; thence leaving the road, S 36 degrees 27' 38" E 70.82 feet to a concrete monument; thence N 53 degrees 31' 30" E 23.55 feet to a point in the South line of Morganton Road; thence along the South line of Morganton Road, S 54 degrees 51' 09" E 600.13 feet to a point in the South line of said road; thence leaving said road, S 16 degrees 02' 22" E 37.02 feet to a concrete monument; thence S 52 degrees 51' 10" W 2877.72 feet to a concrete monument, said monument being a common corner to the lands of Mrs. Lloyd Chandler Clark and Pineforest Investments; thence N 37 degrees 35' 13" W 583.05 feet to a concrete monument; thence N 52 degrees 41' 27" E 764.54 feet to a concrete monument; thence N 38 degrees 35' 47" W 45.49 feet to a concrete monument, a corner of McCrimmon and Pineforest Investments; thence with the McCrimmon line, N 53 degrees 33' 19" E 959.87 feet to a concrete monument; thence N 38 degrees 33' 15" W 583.74 feet to an iron pipe; thence N 01 degree 19' 39" E 563.33 feet to the **BEGINNING**, containing 54.85 acres, more or less, and being a portion of Tract 1 of the Pineforest Investments property as recorded in Deed Book 507, page 06 in the Moore County Registry. The deed is prepared from deed of record and partial survey of the property and not a recent boundary survey.

This conveyance is made subject to enforceable reservations, easements, restrictions and covenants of record matters shown on the above plat, ad valorem taxes for the current year, and zoning or other municipal ordinances.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 797, Page 152, Moore County Registry.

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

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the fee simple title to the same, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, except as set out herein.

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

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

Susan M. McCrimon (SEAL)
SUSAN M. MCCRIMMON

STATE OF NORTH CAROLINA

COUNTY OF ~~MOORE~~ Scotland

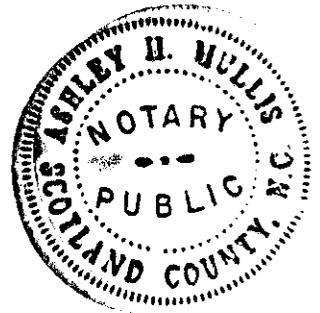
I, Ashley H. Mullis a Notary Public in and for County of ~~Moore~~ Scotland, State of South Carolina, do hereby certify that SUSAN M. MCCRIMMON, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

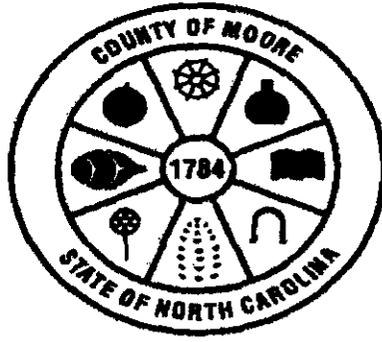
Witness my hand and official seal, this the 12 day of ~~February~~ April, 2005.

SEAL

Ashley H. Mullis
Notary Public

My commission expires: 6-20-2007





JUDY D. MARTIN
REGISTER OF DEEDS, MOORE
JUDICIAL BUILDING
100 DOWD STREET
CARTHAGE, NC 28327

Filed For Registration: 04/21/2005 12:33:55 PM
Book: RE 2783 Page: 119-121
Document No.: 2005007428
DEED 3 PGS \$2,467.00
NC REAL ESTATE EXCISE TAX: \$2,450.00
Recorder: JUDY D MARTIN

State of North Carolina, County of Moore

The foregoing certificate of ASHLEY H MULLIS Notary is certified to be correct. This 21 ST of April 2005

JUDY D. MARTIN , REGISTER OF DEEDS

By: *Julie L Brock*
Deputy/Assistant Register of Deeds

2005007428
2005007428

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

December 22, 2017 11:02:15 AM

Book: 4917 Page: 528 - 530 #Pages: 3

Fee: \$26.00

NC Rev Stamp: \$4,950.00

Instrument # 2017018768

Drafted by: Robert S. Thompson, Attorney at Law

ROBERT S. THOMPSON, P.A.

325 West Pennsylvania Avenue, Suite E

Southern Pines, North Carolina 28387

Revenue: \$4950²³

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made this 20th day of December, 2017, by **BSD HOLDINGS, L.L.C.**, a North Carolina Limited Liability Company of 405 Linden Way, Lookout Mountain, TN, 37350, **GRANTOR**, to **HYPERACTIVE COMMERCIAL INVESTMENTS, (HCD), LLC**, a North Carolina Limited Liability Company of 25 Shaw Road, Pinehurst, NC, **GRANTEE**;

WITNESSETH:

That said Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract, or parcel of land situate in Sandhills Township, Moore County, North Carolina, and more particularly described as follows:

Being all of the property described in Exhibit A attached hereto and incorporated herein by reference

Being the property conveyed to Grantor by deed filed in Book 3636, Page 540 of the Moore County Registry.

This conveyance is made subject to: (i) the lien of the County of Moore for taxes or other assessments for the current year, which taxes or other assessments shall be pro rated as of the date of closing; (ii) utility easements and other easements of record and (iii) unviolated restrictive covenants that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the hereinabove stated exceptions, reservations and conditions.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances; and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever; subject, however, to the exceptions, reservations and conditions hereinabove referred to.

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

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers, the day and year first above written.

BSD HOLDINGS, L.L.C., a North Carolina Limited Liability Company

By: [Signature]
Vincent Viscomi, Manager

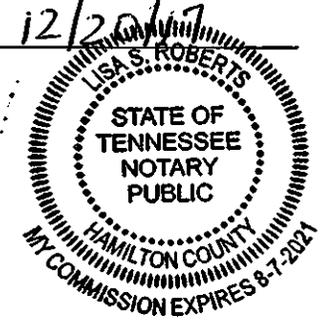
COUNTY OF Hamilton
STATE OF TENNESSEE

I certify that the following person(s) personally appeared before me this day and (✓) I have personal knowledge of the identity of the principal(s); () I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license; () a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): Vincent Viscomi, Manager

Date: 12/20/17

[Signature]
Notary Public



Lisa S. Roberts
Printed or typed name of Notary Public

My commission expires: 8-7-21

The subject property includes does not include the primary residence of a Grantor.

SCHEDULE/EXHIBIT A

TRACT ONE: BEING ALL OF THAT CERTAIN PARCEL OF LAND IN SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, CONTAINING 44.83 ACRES, AS SHOWN ON A MAP THEREOF ENTITLED "SURVEY FOR OAKHURST FARMS, LLC" WHICH MAP IS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MOORE COUNTY, NORTH CAROLINA, IN PLAT CABINET 8, SLIDE 192.

SAVING AND EXCEPTING THEREFROM THE FOLLOWING TRACT:
 BEGINNING AT AN EXISTING IRON PIPE IN THE NORTHERN LINE OF PROPERTY NOW OR FORMERLY OWNED BY R&T PROPERTIES OF NORTH CAROLINA, LLC (ACQUIRED BY DEED RECORDED IN BOOK 1569, PAGE 335) AND FROM SAID POINT OF BEGINNING N 77 DEG. 05 MIN. 01 SEC. W 43.96 FEET TO A NEW IRON PIPE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 87 DEG. 20 MIN. 47 SEC. E 4.15 FEET TO A POINT; THENCE S 77 DEG. 02 MIN. 16 SEC. E 35.31 FEET TO AN EXISTING CONCRETE MONUMENT; THENCE N 52 DEG. 51 MIN. 14 SEC. E 23.32 FEET TO A NEW IRON PIPE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 68 DEG. 23 MIN. 46 SEC. E 162.19 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 06 MIN. 51 SEC. E 66.09 FEET TO A NEW IRON PIPE; THENCE S 12 DEG. 46 MIN. 17 SEC. W 35.55 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 18 MIN. 11 SEC. E 20.20 FEET TO A NEW IRON PIPE IN THE NORTHERN LINE OF THE AFORESAID R&T PROPERTY; THENCE RUNNING WITH THE NORTHERN LINE OF SAID R&T PROPERTY N 77 DEG. 05 MIN. 09 SEC. W 191.01 FEET TO AN EXISTING IRON PIPE; THENCE CONTINUING WITH THE NORTHERN LINE OF SAID R&T PROPERTY S 15 DEG. 18 MIN. 55 SEC. W 3.03 FEET TO THE POINT AND PLACE OF BEGINNING, BEING 10,548 SQUARE FEET, MORE OR LESS, AS PER SURVEY THEREOF ENTITLED "SURVEY FOR R&T PROPERTIES OF NC, LLC" DATED JUNE 27, 2007, PREPARED BY HOMER S. WADE, PLS OF BORUM, WADE AND ASSOCIATES, P.A. OF GREENSBORO, NC.

TOGETHER WITH ALL OF GRANTOR'S INTEREST IN THE 60 FOOT WIDE, NON-EXCLUSIVE ACCESS EASEMENT TO THE ABOVE PROPERTY FROM US HIGHWAY 15-510 DESCRIBED IN DEEDS RECORDED IN BOOK 821, PAGE 463, AND BOOK 663, PAGE 378, AND SHOWN ON THE ABOVE-REFERENCED MAP.

THIS CONVEYANCE IS MADE SUBJECT TO UTILITY EASEMENTS, OF RECORD AND AD VALOREM TAXES FOR THE CURRENT YEAR.

TRACT TWO:
 BEGINNING AT A NEW IRON PIPE IN THE EASTERN MARGIN OF THE RIGHT-OF-WAY OF US HWY 15/501-NC HWY 211, SAID IRON PIPE MARKING A NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OWNED BY R&T PROPERTIES OF NORTH CAROLINA, LLC (ACQUIRED BY DEED RECORDED IN BOOK 1569, PAGE 335); THENCE RUNNING WITH SAID MARGIN OF SAID RIGHT-OF-WAY N 20 DEG. 18 MIN. 11 SEC. W 46.10 FEET TO AN EXISTING IRON PIPE; THENCE S 77 DEG. 05 MIN. 01 SEC. E 121.52 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 86 DEG. 57 SEC. 53 MIN. W 78.04 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 18 MIN. 11 SEC. E 10.48 FEET TO A NEW IRON PIPE; THENCE S 69 DEG. 44 MIN. W 30.00 FEET TO THE POINT AND PLACE OF BEGINNING, BEING 1,758 SQUARE FEET, MORE OR LESS, LYING AND BEING IN SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, AS PER SURVEY THEREOF ENTITLED "SURVEY FOR R&T PROPERTIES OF NC, LLC" DATED JUNE 27, 2007, PREPARED BY HOMER S. WADE, PLS OF BORUM, WADE AND ASSOCIATES, P.A. OF GREENSBORO, NC.

MASTER PLAN DEVELOPMENT WAIVERS

DATE: July 12, 2021

PROJECT: Morganton Park South

Below is a list of waivers being requested as part of the Morganton Park Master Plan. All waivers being requested refer to Section 3.6.6. MRO – Morganton Road Overlay District of the Town of Southern Pines Unified Development Ordinance (UDO).

- **Section 3.6.6(C)(2)** – Due to the topography of the property, existing powerlines, and proposed uses, a modified grid pattern for the property is not a practical development pattern for the property. Streets and adjoining development will, however, be interconnected and the use of cul-de-sacs limited.
- **Section 3.6.6(C)(3)** – Due to the type of development proposed and the site constraints (dimensions and topography), buildings will be oriented toward the street, however, they will not be required to be close to the street frontage.
- **Section 3.6.6(E)** - The proposed signage within the CDP area will meet the standards of the MRO district and Section 4.6 of the UDO, with the following exceptions:
 - Two (2) large overall development identification signs will be constructed at the intersections of the Parkway Connector with US Highway 15/501 and Morganton Road. These signs will combine elements of the permitted landmark signs and general free standing monument signs to identify the overall area as Morganton Park. Detailed standards and elevations for these signs are provided in Section 5.5.7 of CDP document. These standards describe the location of signs, materials, design, height, and size of these signs. In addition, off-premises signs, identifying tenants within the development shall be permitted for these two signs.
- **Section 3.6.6(F)(1)** – Due to the scale, size, and site constraints, parking lot access may be provided from the “Parkway Connector” road. All locations, whether full-motion or right-in/right-out only, will be separated by a minimum of four hundred fifty (450) feet, from centerline to centerline, as specified in Section 3.6.6(F)(1).
- **Section 3.6.6(F)(2)** – Parking for large scale retail development may be located in the front of the buildings, between the street and building front. Smaller mixed-use, office, and retail developments will follow the standards of Section 3.6.6(F)(2).
- **Section 3.6.6(F)(4)** – To provide adequate parking for the development modifications to the standards are as follows.
 - Smaller mixed-use, office, and retail developments will follow the standards of UDO Section 3.6.6(F)(2). Parking for large scale retail development and/or shopping centers must maintain a parking level between 1 parking space per 250 sf and 1 parking space per 200 square feet of retail/restaurant building square footage.
 - Mixed-use sections of the CDP area may propose shared parking, dependent upon uses within the proposed development. Shared parking for mixed-use development may follow the standards set forth in Section 6.4.4(B) of the UDO. Parking will be reviewed at



the time of the PDP for the individual development areas and dependent upon proposed uses for the property.

- **Section 3.6.6(G)** – Some variations in architectural height standards are identified within the CDP document in Section 5.5.3 of the CDP document. To limit the height along the “Parkway Connector” and other main street connections within the CDP area, buildings will be required to maintain a maximum height of 35’ within 50’ of the Parkway Connector right-of-way. Outside of this area buildings may be permitted up to 45’ per UDO standards for the General Business (GB) district. In addition, special architectural features up to sixty (60) feet, may be permitted to add character to the development. These features will be reviewed during Architectural Compliance Permit review.
- **Section 3.6.6(H)(1)** – Short Street will not be installed due to topography and grading issues related to the development of the property. Connections to US Highway 15/501, Morganton Road, Southern Road, and Old Morganton Road will be constructed based on the timing in Section 10 Phasing of the CDP document.
- **Section 3.6.6(H)(3)** – Sidewalks may be substituted with multi-use paths as appropriate throughout the development to encourage pedestrian and bicycle use.
- **Section 3.6.6(H)(6)** – Street trees will be planted as permitted in Section 5.5.4 of the CDP document to encourage a more natural appearance along the roadways.
- **Section 3.6.6(H)(7)** – Alternative street sections are proposed on the Conceptual Transportation Plan in the CDP document for the “Parkway Connector” road. Southern Road and Old Morganton Road will follow the existing roadway design sections to provide consistency with the current design. Engineering standards for the pavement will meet current engineering standards for the Town of Southern Pines.

The waivers listed above are requested with this application.

July 13, 2021

To whom it may concern,

Re: Sewer Availability for: **Pine Ridge aka Morganton Park South**
Parcel ID(s) – 00049222, 98000749

The project engineer has requested 140,357 gallons per day (gpd) of water and sewer flow capacity for the subject project and parcels. The request is based on an email dated July 12, 2021 which provided the following estimate:

Pine Ridge Shopping Center: (NCDEQ 15A 02T.0114 Wastewater Flow Rates)

Shopping centers and malls with food service - 130 gal/1,000 sf @ 220,592 sf = 28,677 gpd

Multi-Family: 260 units assumes an average of two bedroom units – 240 gpd x 260 units = 62,400 gpd

Future Development: Exact Development Patterns Unknown at this time.

56 acres x 880 gal/acre = 49,280 gpd

Total Expected Water and Wastewater Flow – 140,357 gpd

The Town's existing water and sewer systems have the system capacity to serve the project based on the submitted request. A review of the existing sewer collection system downstream of the site will be required as there is an anticipated bottleneck prior to the collection system discharging into the sewer outfall. The project Owner or future Owner's will be required to make improvements necessary to alleviate the bottleneck. Project engineer will be required to determine fire flow requirements and provide testing and calculations confirming the project will meeting applicable fire code. All water and sanitary sewer main extensions to serve the site will be the responsibility of the Owner in accordance with all Federal, State, and Local laws, rules, regulations, and ordinances.

If you have any questions, or desire more information, please e-mail or call me during regular office hours (8:00 a.m. - 5:00 p.m.).

Sincerely,



James Michel, PE, MBA

Town of Southern Pines

Town Engineer/Asst. Public Works Director

140 Memorial Park Ct.

Southern Pines, NC 28387

(910)692-1983

Dr. J.H. CARTER III & ASSOCIATES, Inc.

Environmental Consultants
515-F Midland Road
Southern Pines, N.C. 28388
910-695-1043 / 910-695-3317 (fax)

12 July 2021

TO: Koontz Jones Design
Attn: Robert E. Koontz
150 South Page Street
Southern Pines, NC 28387

FROM: Jeanette Sabo, Wildlife Biologist
Dr. J.H. Carter III & Associates, Inc. (JCA)

SUBJECT: Summary of red-cockaded woodpecker survey for the proposed Morganton Park South project in Southern Pines, Moore County, North Carolina.

CC: Caroline Krom
US Fish and Wildlife Service
P.O. Box 119
Southern Pines, NC 28388

John Hammond
U.S. Fish and Wildlife Service
P.O. Box 33726
Raleigh, NC 27636-3726

Midland Atlantic Development Co. LLC, plans to construct a commercial development within the Morganton Park South retail complex, on portions of 3 adjacent lots (LRK #s 49222, 52502 and 98000749), approximately 99.64 acres (ac.) in Southern Pines, Moore County, North Carolina (NC) (Figure 1). This memorandum evaluates the impacts of this project on the Federally-endangered red-cockaded woodpecker (*Picoides borealis* = *Dryobates borealis*) (RCW) and 3 Federally Endangered plant species, pursuant to Section 9 of the Endangered Species Act (ESA), as amended.

The project site is located between US Highway (Hwy.) 15-501 and State Route (SR) 1309 (Morganton Road (Rd.)), north of the Morganton Road Sports Complex and south of the Southern Pines Village retail complex in Southern Pines, NC (Figure 1). The majority of

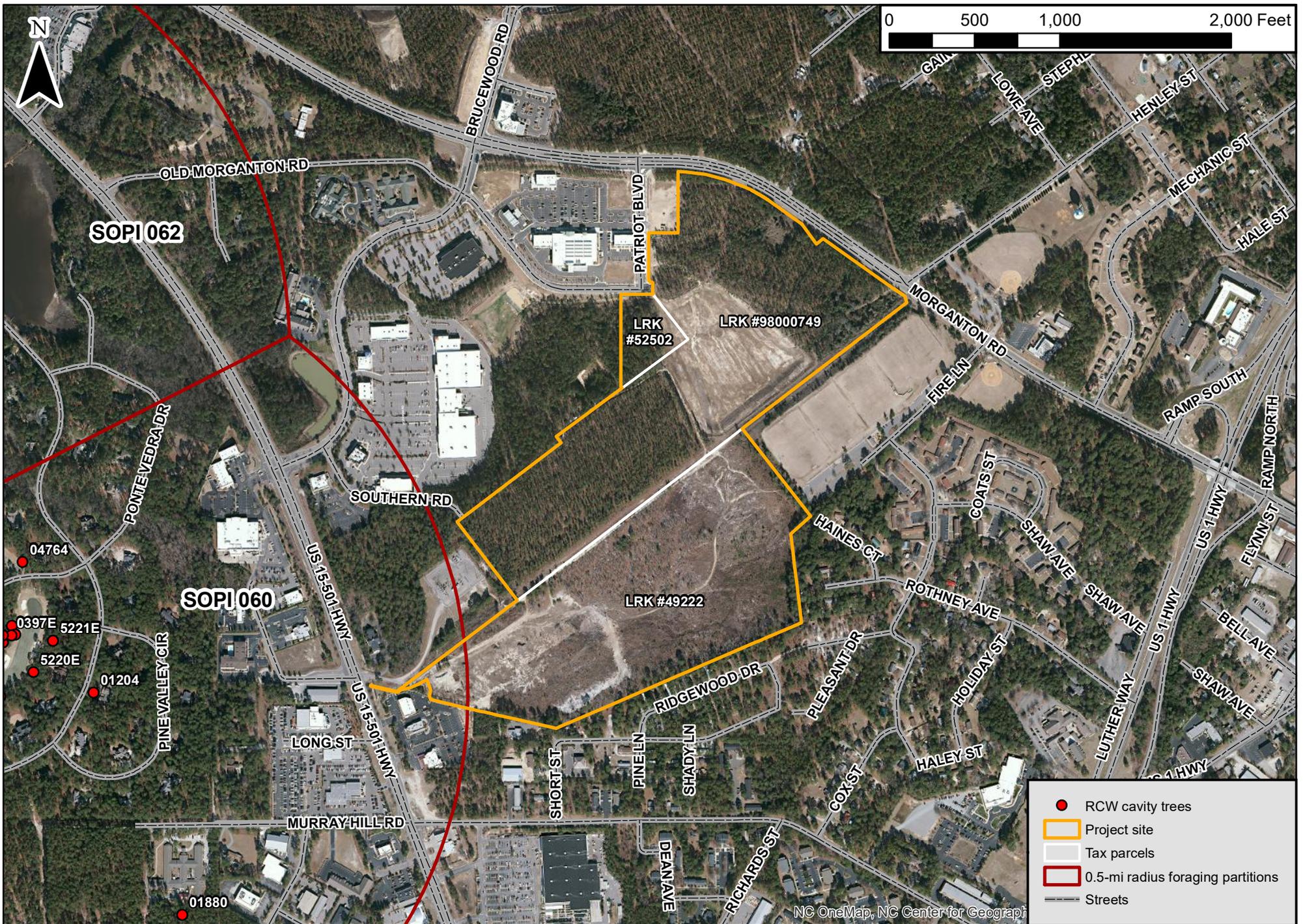


Figure 1. Location of red-cockaded woodpecker clusters and/or partitions impacted by the proposed Morganton Park South project in Southern Pines, Moore County, North Carolina, 2021
 Southern Pines, Moore County, North Carolina, 2021

construction will occur within the southern lot (LRK #49222) with a connector road planned within the northern lot (LRK #98000749). There are no current plans to develop the smallest lot (LRK #52502).

The smallest lot (LRK #52502), approximately 3.05 ac., occurs south of Patriot Boulevard (Blvd.) along the northern edge of the project site (Figure 1). Two-thirds of the lot is pine-forested with dense, second-growth loblolly pine (*Pinus taeda*), a dense 7-ft. tall midstory of bluejack oak (*Quercus incana*) and common wax-myrtle (*Morella cerifera*), and a dense ground cover of muscadine grape (*Muscadinia rotundifolia*), poison ivy (*Toxicodendron radicans*) and Virginia-creeper (*Parthenocissus quinquefolia*). The eastern third of the lot was clear-cut between 2013 and 2014. The clear-cut covers portions of the northern 2 lots.

The larger of the 2 northern lots (LRK #98000749) is approximately 52.00 ac., of which approximately 34.22 ac. consists of 36-year old longleaf pine (*Pinus palustris*) plantation and loblolly pine regeneration, a dense 7-15 ft. tall midstory of sassafras (*Sassafras albidum*), blackjack oak, American persimmon (*Diospyros virginiana*) and red maple (*Acer rubrum*), and a moderately dense ground cover of Carolina wiregrass (*Aristida stricta*), eastern bracken fern (*Pteridium latiusculum*) and Carolina jessamine (*Gelsemium sempervirens*). Dense mats of kudzu (*Pueraria montana*) blanket pines along Morganton Road.

The southern lot (LRK #49222), approximately 44.59 ac., was cleared ±8 years ago (Figure 1). The Kenneth Black Cemetery, approximately 0.30-ac., occurs on the northern edge of the lot and is protected by the Moore County Historical Association. The lot was predominately dominated by sparse 3-5 year old longleaf and loblolly pine regeneration in the midstory, eastern winged (*Rhus copallinum*) and smooth (*R. glabra*) sumacs, bluestems (*Andropogon* spp.) and Coastal prickly pear (*Opuntia stricta*). Approximately 1.67-ac. of the western corner of the lot occurs within the 0.5-mile radius foraging partition for active SOPI Cluster 60. However, less than 6 pine trees occur within the partition.

A wildlife biologist with Dr. J. H. Carter III & Associates, Inc. (JCA) surveyed the project site and vicinity on 7 and 9 July 2021 for RCW cavity trees. No new cavity trees were found. The nearest RCW cavity tree (#1204) contains a relic enlarged cavity and is located 3,568.70 feet west of the project site in SOPI Cluster 60 (Figure 1). This project will have no effect on the RCW.

The USFWS lists 3 Federally Endangered plant species that occur in Moore County: rough-leaved loosestrife (*Lysimachia asperulaefolia*), Michaux's sumac (*Rhus michauxii*) and American chaffseed (*Schwalbea americana*) (USFWS 2021). A biologist evaluated the project site for listed plant species on 7 and 9 July 2021. No habitat occurred within the project site for rough-leaved loosestrife or American chaffseed. Potentially suitable habitat occurred within the project site for Michaux's sumac in the southern lot (LRK #49222).

A JCA biologist transected the 44.59 ac. area at 10-foot intervals and noted vegetative characteristics, soil conditions and ecology. This species was not observed during surveys. The exclusion of fire and habitat conversion were potential contributing factors. The closest known record of Michaux's sumac occurs 3.0 miles southeast of the project area (NCNHP 2021). This project will not impact Michaux sumac.

NC Natural Heritage Program. 2021. NC Natural Heritage Program online database at <http://ncnhp.org/Pages/heritagedata.html> (accessed 7 July 2021).



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sandhills Sub Office
Post Office Box 119
Southern Pines, N. C. 28388

July 16, 2021

Robert E. Koontz
Koontz Jones Design
150 South Page Street
Southern Pines, NC 28387

Re: Morganton Park South project (LRK: 49222, 52502, 98000749), Southern Pines, Moore County, North Carolina

Dear Mr. Koontz:

The Fish and Wildlife Service has reviewed the subject letter report which considered project-related impacts to species federally listed as threatened, endangered, or proposed for such listing. In particular, this document considered impacts to the endangered red-cockaded woodpecker (*Picoides borealis* = *Dryobates borealis*). The U.S. Fish and Wildlife Service (Service) offers the following comments in support of Section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (Act) and the Service's *Private Lands Guidelines* found in Appendix 5 of the Service's *Recovery plan for the red-cockaded woodpecker (Picoides borealis): second revision* (U.S. Fish and Wildlife Service 2003). A survey for this project was conducted by personnel from Dr. J.H. Carter III and Associates, Inc. on July 7 and 9, 2021.

The purpose of the proposed project is to construct a commercial development within the Morganton Park South retail complex on ~99-acres in Southern Pines, NC. The project site is located between US Highway 15-501 and State Route 1309, north of the Morganton Road Sports Complex and south of the Southern Pines Village retail complex in Southern Pines. Approximately 1.67 acres in the western section of the southern lot (LRK 49222) falls within the foraging partition assigned to active red-cockaded woodpecker cluster SOPI 60. The wildlife biologist surveyed within the vicinity of the project site for red-cockaded woodpecker cavities trees, and Michaux's sumac (*Rhus michauxii*), neither were found within the proposed project site.

While the Service has determined that the project, as proposed, is not likely to result in a "take" of red-cockaded woodpecker habitat, this determination must be reconsidered if the project design is subsequently modified in a manner which was not addressed in this report, or if new information becomes available. Therefore, based on the information provided, you have satisfied Fish and Wildlife Service guidelines related to red-cockaded woodpecker responsibilities under the Endangered Species Act. Please use this letter as necessary to inform all potentially affected parties of this finding. If you have any questions, please contact me at (919) 812-2954.

Sincerely,

For Pete Benjamin
Project Leader

RLUAC

Regional Land Use Advisory Commission

SOUTHERN PINES COURTESY REVIEW

Project: PD-08-21 Planned Development District Conceptual Development Plan and PD-09-21: Planned Development District - Preliminary Development Plan

Location: Between Morganton Road and US Highway 15-501

PIN#: 857100575720, 857100572972, 857100562348, and 857100357805

August 2, 2021

Following a review of the above referenced Planned Development District Conceptual Development Plan and Preliminary Development Plan by the RLUAC staff and Board of Directors for the properties listed above, and recognizing that our findings are non-binding on the Town of Southern Pines, the RLUAC Board of Directors finds that:

- The western portion of the site near the proposed parkway connection to US Highway 15-501 falls within an area identified as CRITICAL to Conserve due to the area being within an active red-cockaded woodpecker foraging area.
- The western 1/3 of the site is also situated at the outer edge of a 14 CFR Part 77 Airfield Imaginary Surface (approach / departure surface) associated with a runway at Mackall Army Airfield. While there is not an assumed impact to military operations given the nature of the proposed development, the petitioner should be aware that this area is subject to military aircraft overflight and potential limitations on tall structures in accordance with FAA guidance.

Due to the proximity of the site to known red-cockaded woodpecker clusters, RLUAC encourages the petitioner to have this property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees. Please visit the following website for additional information on the appropriate protocols: https://www.fws.gov/ncsandhills/pine_tree_removal.html. The results of this survey should be sent to the US Fish and Wildlife Service Ecological Services office located in Raleigh, NC (attention John Hammond) for review.

A portion of the site has been identified as Critical to Conserve due to its location within the compatible use rating areas stated above. Therefore, RLUAC recommends the Town consider this information and any potential adverse impacts to Fort Bragg and its mission during its review process.

Thank you for allowing RLUAC to review this case.

John K. McNeill, Chairman

Vagn K. Hansen II, AICP, Executive Director



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-08-21**

WHEREAS, Section 160D-604(d) of the North Carolina General Statutes specifies that the Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the planning board, but that a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

WHEREAS, pursuant to Section 160D-701 of the North Carolina General Statutes, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare.

WHEREAS, the Planning Board conducted a public hearing on August 19, 2021 for consideration of a Conceptual Development Plan for a rezoning to Planned Development District for application PD-08-21;

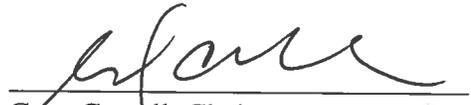
NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the Conceptual Development Plan application PD-08-21 is consistent with the Town of Southern Pines Comprehensive Long Range Plan (CLRP) because the entire subject property is specifically designated for a future land use of "Traditional Mixed Use" that is furthermore described as appropriate for the Morganton Road area. The proposed development of up to 650 dwellings and 700,000 square feet of office and/or commercial/retail development is located in an area of the community that is surrounded by compatible and existing land uses and infrastructure, and is therefore consistent with many of the goals and policies for future growth set forth in Chapter 2 of the CLRP. Finally, with some minor modifications to the CDP as set forth by the Planning Board below, the design of the proposed mixed-use development is generally consistent with the vision, goals and policies for set forth in the CLRP for this area of the Southern Pines community.

AND, THEREFORE, BE IT FURTHER RESOLVED that the following additional matters were considered by the Planning Board as a basis for a recommendation of approval to the Town Council regarding PD-08-21:

1. That no direct access, besides the main parkway collector road as depicted throughout the CDP, be provided to West Morganton Road by development in Phases 3, 4 and/or 9 as depicted on Exhibit VIII of the CDP.

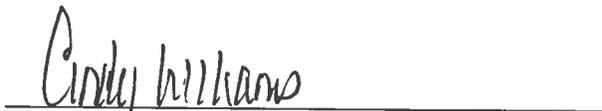
2. That full movement intersections on the parkway collector road be limited to the intersections of Old Morganton Road and Southern Road and the default design of all other accesses to the parkway collector road be right-in, right-out intersections. This default design may be reviewed on a case by case basis at Preliminary Development Plan after a Traffic Impact Analysis is conducted and submitted per the requirements of the UDO.
3. That the 75' right of way cross section for the limited portion of the parkway collector street, as depicted in Exhibit X of the CDP, be modified to show a small raised median acceptable to the Town Engineer and not an 11' turn lane.
4. That the park amenities table in Section 5.5.2 of the Conceptual Development Plan be modified to add shade-providing pergola structures at a rate of one structure per every two benches, or a minimum interval of one structure per 600'.
5. That the landscaping table in Section 5.5.2 of the Conceptual Development Plan be modified to require "One tree per 2,000 square feet, not exceeding a spacing of 50 linear feet" for large trees and small trees.
6. That the landscaping table in Section 5.5.2 of the Conceptual Development Plan be modified to require shrubs at a rate of one shrub per three linear feet adjoining areas of hardscaped park amenities.
7. That the Development Agreement include a provision reflecting the developer's commitment to maintain vegetated medians along the parkway collector road.

ADOPTED this the 19th day of August, 2021.



Gary Carroll, Chairman

ATTEST:



Cindy Williams
Secretary to the Planning Board

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: PD-09-21: A Planned Development District – Preliminary Development Plan for Phase 1 of a Mixed-Use Development Located Between W. Morganton Road and US Hwy 15-501

Date: September 14th, 2021

I. SUMMARY OF APPLICATION REQUEST:

Mr. Bob Koontz, on behalf of John Silverman, has submitted a Planned Development District – Preliminary Development Plan (PDP) application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for Morganton Park South – Phase 1. The project includes construction of a four-lane “Parkway Collector” roadway linking West Morganton Road on the north side and US Highway 15-501 on the south side, as well as development of approximately 221,000 square-feet of retail space on approximately 35.7 acres that can be described as behind Kickback Jack’s and Chick-fil-A. The subject parcels are currently zoned PD (Planned Development) with an approved Conceptual Development Plan (CDP) entitled Morganton Park South.

II. PLANNING BOARD ACTION:

On August, 19th, 2021, the Planning Board held a Preliminary Forum regarding PD-09-21 to listen to public comments and compile a list of issues to forward to the Town Council for their consideration. Following a brief presentation by town staff regarding Morganton Park South Phase 1 and requested deviations from the CDP, the applicant also presented detailed information and statements regarding the justification for multiple CDP deviation requests. Additional information was provided regarding anticipated traffic impacts by a representative of Kimley-Horn.

On a unanimous 7-0 vote, the Planning Board adopted a list of issues to transmit to the Town Council for that body to consider in applying the criteria for a PDP to PD-09-21 to transit to the Town Council:

1. That the signage restrictions in the CDP be upheld and that no deviation be granted for Morganton Park South Phase 1 to accommodate additional wall signage for one retailer.
2. That the buffering requirements for Morganton Park South Phase 1 as set forth in CDP Section 5.5.4 and UDO 4.3.4 be more clearly defined and adhered to.
3. That pursuant to review and approval for traffic safety matters, full movement at all three Parkway Collector road access point be allowed as depicted in the PDP.

4. That the 80' linear park requirement be waived at the intersection with US Highway 15-501 on the west side of Morganton Park South, as depicted in the PDP.

Furthermore, the Planning Board notes that the following concerns was raised during the forum, but do not seem to apply in determining whether the PDP criteria are met:

1. That stormwater management for Morganton Park South Phase 1 meet all applicable rules and regulations, compliance with which is verified during the site plan review process.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that although the Planning Board forwarded a list of issues for the Council's consideration, no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council's decision on PD-09-21.

III. PROJECT INFORMATION:

A. Property Owner(s)

Morganton Park South Phase 1 PDP consists of approximately 35.7 acres of land (subject property) located on portions of four parcels of land that comprise the 98.9-acre Morganton Park South CDP:

1. PIN 857100575720 (PARID 98000749) owned by Morganton Road Enterprises, LLC and Robert W. Van Camp and Julie M. Van Camp, Trustees of the Robert W. and Julie M. Van Camp Living Trust Under Agreement Dated December 22, 1998.
2. PIN 857100572972 (PARID 00052502) owned by Robert W. Van Camp and Julie M. Van Camp, Trustees of the Robert W. and Julie M. Van Camp Living Trust Under Agreement Dated December 22, 1998, as amended.
3. PIN 857100562348 (PARID 00049222) owned by Hyperactive Commercial Investments, LLC
4. PIN 857100357805 (PARID 20070558) owned by Hyperactive Commercial Investments, LLC

A map depicting both the 98.9-acre CDP boundary and the 35.7-acre Morganton Park South Phase 1 PDP boundary may be found below, Figure 2.

B. Applicant(s):

Midland Atlantic Properties
8044 Montgomery Road, Suite 370
Cincinnati, Ohio 45236
jsilverman@midlandatlantic.com

C. Authorized Agent(s):

Bob Koontz
150 S. Page Street
Southern Pines, NC 28387

bkoontz@koontzjones.com

D. Subject Property Description:

The subject property is a portion of the Morganton Park South CDP and is located on the southern and western portions of the CDP. The subject property adjoins US Highway 15-501 across from Partner Circle.

Figure 1: Aerial image taken over US 15-501, looking northeast across subject property.



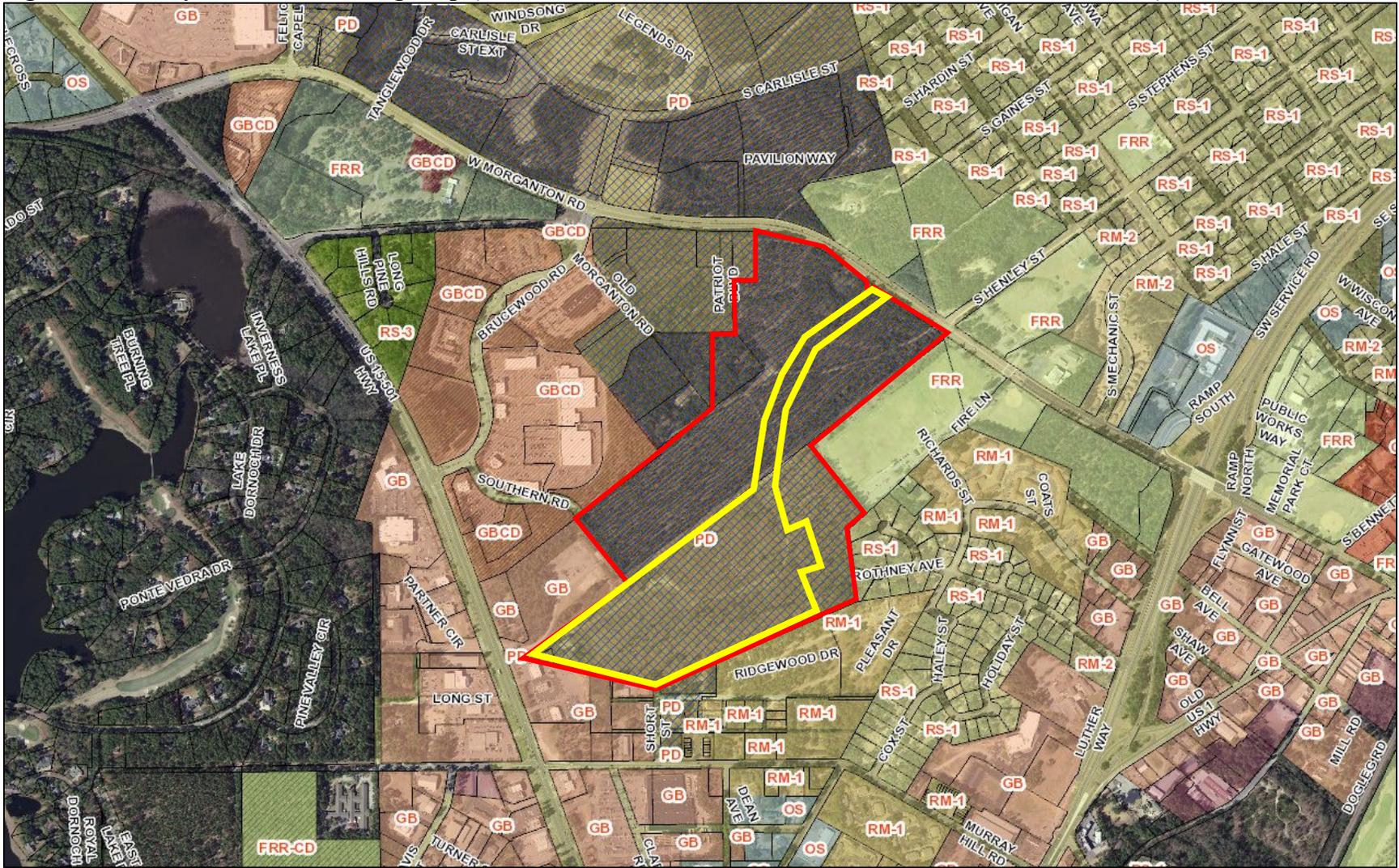
E. Jurisdiction:

All of the subject property is within the Town of Southern Pines' zoning jurisdiction, but the portion of the subject property on which the northeast end of the Parkway Connector road is located has not yet been annexed into the Town of Southern Pines' municipal limits and is therefore part of the Town's Extra-Territorial Jurisdiction (ETJ).

F. Current Property Zoning Classification:

The zoning of the subject property is PD-Planned Development with an approved Conceptual Development Plan (CDP) entitled Morganton Park South.

Figure 2: Vicinity & Current Zoning Map (Overall CDP outlined in Red, Phase 1 PDP outlined in Yellow):



IV. STAFF REVIEW:

A. Review Process:

Applications for a Planned Development District (PD) are reviewed in accordance with UDO §2.18. Creating a Planned Development District is a three-step process including Conceptual Development Plan (CDP), Preliminary Development Plan (PDP) and Final Development Plan (FDP). The second step, PDP, is when a project or phase of a project are reviewed for compliance with the unique zoning standards established in the CDP. This application is for a PDP for 470 NW Broad St. An application for approval of a Preliminary Development Plan (PDP) follows the procedure for a quasi-judicial decision by the Town Council. Prior to the quasi-judicial decision by the Town Council, the Planning Board may hold a Preliminary Forum to review the project.

B. Summary of Procedural Requirements:

- PDP Application Submitted: July 12, 2021
- Application Deemed Incomplete: July 15, 2021
- Application Deemed Complete: July 26, 2021
- Notice of August 19, 2021 Planning Board Hearing:
 - Posted On-site: August 2, 2021
 - Mailed: July 29, 2021
 - Publication Dates: August 4, 2021 and August 11, 2021
- Planning Board Agenda Meeting: August 12, 2021
- Planning Board Regular Meeting: August 19, 2021

- Notice of September 14, 2021 Town Council Public Hearing:
 - Posted On-site: August 2, 2021
 - Mailed: August 20th, 2021
 - Publication Dates: September 1st, 2021 and September 8th, 2021
- Town Council Agenda Meeting: September 8, 2021
- Town Council Regular Meeting: September 14, 2021

C. Applicable Criteria for Review:

The criteria for review and approval of a Preliminary Development Plan (PDP) are found in UDO §2.18.5(H):

Preliminary Development Plan

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.*

D. Town Staff Review & Comments:

i. Consultation with Technical Review Committee:

The proposed development has been presented multiple times to the Town of Southern Pines Technical Review Committee (TRC). A formal pre-application meeting occurred on June 29, 2021 and the TRC discussed the proposed Morganton Park South development again on August 10, 2021.

ii. Consistency with Criteria for a Preliminary Development Plan:

The criteria against which a PDP shall be reviewed are found in UDO §2.18.5(H). The applicants have provided a narrative addressing the criteria for a PDP per UDO §2.18.5(H). A copy of the applicant's narrative containing their assessment of how the Morganton Park South Phase 1 project meets applicable PDP review criteria is attached to this staff report.

iii. Deviations from the Approved CDP:

The applicant has provided a narrative describing features of the proposed Morganton Park South Phase 1 PDP. The narrative also contains descriptions of four (4) deviations from the approved CDP:

1. A request for additional building mounted signage for one tenant in Phase 1. A depiction of the proposed signage for Target is attached to the applicant's narrative as Exhibit B. Town staff recommends against approving this deviation from the CDP. Section 5.5.7 of the CDP states that large retail anchor stores may request additional building mounted wall signage. However, staff's daily experience is that every large retailer throughout Southern Pines' jurisdiction would prefer far more signage than allowed under the UDO, but the UDO restrictions on signage location, size and height are a significant regulatory contribution to preserving the character of the Southern Pines community.
2. A request to waive the 80' linear park requirement at the UD 15-501 entrance to Morganton Park South Phase 1. Staff recommends approval of this deviation because the first 200 linear feet of the Parkway Connector is only 100 feet wide and is bordered by existing developed properties (see Figure 3 below). There is simply no room outside of a 91 foot right of way for a linear park. Sidewalks and paths will connect through this area within the right of way, then expand per CDP linear park design standards approximately 400 linear feet into the property.

Figure 3: 100'-wide Area between Lane Dental (image left) and Chick-fil-A (image right)

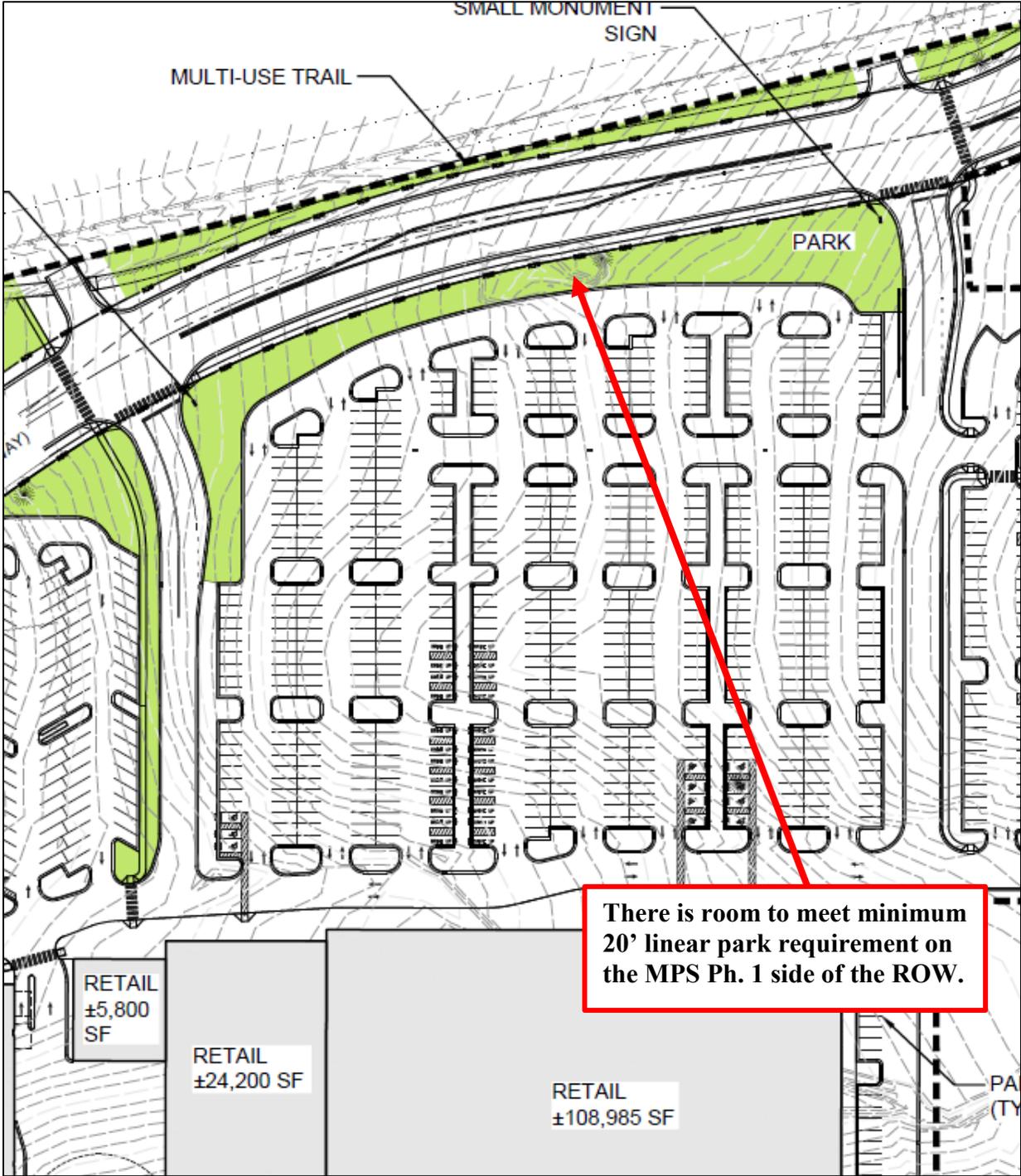


3. A request to waive the minimum 20-foot linear park requirement on the opposite side of the Parkway Connector from the Kenneth Black Cemetery. Staff recommends approval of this deviation because more than the minimum 80-foot total linear park is being provided by preserving the Kenneth Black Cemetery, a Moore County Historical Association facility.
4. A request to waive the 80-foot total linear park requirement in front of the ~110,000 square foot retail building. Staff recommends strongly against approval of this deviation. However, it was discovered at the Planning Board Preliminary Forum on August 19th, 2021 that this request is based on a misunderstanding of the requirement by the applicants. The applicants shall meet the minimum requirement of 20 feet of linear park between the edge of the Parkway Collector right of way and the parking area for Phase 1. The Morganton Park South Phase 1 PDP is not responsible for providing the remaining minimum 60-foot linear park on the opposite side of the Parkway Collector road on land the applicants do not control and that is part of Morganton Park South Phase 5 in the CDP. It is staff's understanding following the Planning Board Preliminary Forum that the applicants are no longer requesting this deviation.

The approved CDP limits full movement driveways on the Parkway Collector road, except as reviewed and approved on a case-by-case basis during the PDP process. The applicants therefore also plan to request consideration of allowing full movement driveways at the west and east entrances to Morganton Park South. Staff recommends approval of this deviation request, pursuant to review by the

Town Engineer for applicable traffic mobility and safety considerations during the site plan review process.

Figure 4: Parking Between ~110,000 square foot Retail and Parkway Collector



iv. **Noteworthy Project Elements for Planning Board & Town Council Consideration:**

- Approval of Morganton Park South Phase 1 PDP will allow approximately 221,235 square feet of retail space in four buildings arranged in the manner depicted in Preliminary Development Plan Sheet L-1.1 as well as the entire Parkway Collector roadway to proceed to engineering plan (site plan) review with town staff.
- A Traffic Impact Analysis (TIA) has been prepared and provided by the applicants. A copy of the Executive Summary, of the TIA is attached to this staff report. The Town Engineer reviewed the TIA and provided the following comments:

1. *US15-501 and Brucewood Intersection: The TIA indicates a drop in the level of service from an D (49.5 AM, 52.5 PM delay) to an E (64.6 AM, 78.3 PM delay) in the westbound approach. The Town's UDO and NCDOT's policies allow for the following.*

UDO 4.12.5. Traffic Level of Service Standards *The standards for traffic service that shall be used to evaluate the findings of a TIA or TDA are:*

(A) Level of Service. Level of Service D (LOS D) or less congested shall be maintained at all arterial and collector street intersections. LOS C or less congested shall be maintained at all other street intersections. For multi-phase Developments, the applicable levels of service shall be maintained for each phase."

**NCDOT POLICY ON STREET AND DRIVEWAY ACCESS TO NORTH CAROLINA HIGHWAYS
CHAPTER 5 TRAFFIC IMPACT STUDY GUIDELINES**

J. Roadway Network Improvements

The applicant shall be required to identify mitigation improvements to the roadway network if at least one of the following conditions exists when comparing base network conditions to project conditions:

- *the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same level of service,*

Brucewood would be classified as a Collector Street with US15-501 being classified as an Arterial. The TIA should provide additional discussion about potential alternatives to mitigate the impact at this intersection for review by the Town prior to making a final determination of any needed improvements.

2. *US15-501 and Murray Hill Road Intersection: This intersection operates below the acceptable level of service defined in the UDO and*

is further degraded by the Morganton Park South (MPS) project and the proposed Southern Pine Retail (SPR) project located in the Northeast corner of this intersection. The TIA acknowledges this and provides a recommendation to add a dedicated westbound right turn lane, but the report anticipates that the Southern Pine Retail project will be responsible for this improvement. Given the proximity to the intersection, the SPR project is likely to have a more direct impact and should be responsible for the installation of the dedicated westbound right turn lane. If the SPR project were to not move forward then the MPS project should be responsible for improvements to the intersection or provide a revised analysis showing that the project does not create a condition requiring mitigation. The proposed NCDOT project U-5814 will provide improvements to this intersection but it is estimated that the project will not be complete for 10 years, or 6 years beyond the estimate completion date for the MPS project. Without any improvements made to this intersection, it will continue to operate at a level of service below the acceptable standard until the NCDOT project is complete.

3. *A minimum of 100ft protected stem shall be provided at all site driveways. Current conceptual plans for the project indicate an adequate protected stem length, but it is being noted for future use with any potential design changes.*
4. *Most of the proposed site drives operate at a level of service of an F for the northbound approaches. The TIA should include some discussion on potential alternatives to mitigate, and the feasibility of the alternatives for further review by the Town.*

- Per Section 9.0 of the Morganton Park South CDP, annexation of the entire CDP boundary (as depicted in Figure 2 above) shall occur prior to approval of “the first set of building permits.” Town staff will not approve any building permits for structures in Morganton Park South Phase 1 until annexation is completed.

V. Cooperating Agency Review and Comments:

A request for comments from agencies was emailed to representatives of North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Regional Land Use Advisory Commission (RLUAC) and Moore County Airport on July 26, 2021.

- Dagoberto JuarezPozos with NCDOT commented on July 19, 2021 that his agency has no comments at this time. NCDOT is reviewing the Traffic Impact Analysis submittal, and will coordinate directly with the developer regarding their agency’s requirements.
- Vagn Hansen with RLUAC provided written comments on August 5, 2021. A copy of RLUAC’s comments are attached to this staff report.

VI. ATTACHMENTS:

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

1. Morganton Park South Phase 1 PDP Application
2. Applicant's Narratives:
 - a. Addressing Criteria in UDO 2.18.5(H)
 - b. Addressing PDP design and deviations from CDP.
3. Preliminary Development Plan (Sheets L-1.0 through L-1.3)
4. "Pine Ridge Commercial" Traffic Impact Analysis Executive Summary
5. RLUAC Comment

VII. TOWN COUNCIL ACTION:

To either approve or deny a Preliminary Development Plan application, the Town Council must make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4. The Town Council may choose one of the following motions, or any alternative they wish:

I move to:

1. Adopt Attachment A of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-09-21.

-or-

2. Adopt Attachment A of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-09-21, with the following changes...

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

I move to:

1. Approve the Preliminary Development Plan for PD-09-21;
2. Deny the Preliminary Development Plan for PD-09-21;
3. Approve the Preliminary Development Plan for PD-09-21 with the following additional conditions...

ATTACHMENT “A”
Draft Town Council Findings of Fact
Preliminary Development Plan Application PD-09-21

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary 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 Town Council 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 Town Council finds that the Preliminary Development Plan (PDP) for Morganton Park South Phase 1 implements the purposes of the Planned Development District because the project is a multi-phased, mixed-use development located in an area of town with existing access to necessary utility infrastructure and where the street system is adequate, or can be improved to be adequate, to accommodate the projected traffic volumes. Furthermore, the design of the PDP implements the majority of the 14 stated intentions of the Planned Development District as set forth in Chapter 3 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 Town Council finds that the PDP is consistent with the Conceptual Development Plan (CDP) with the exception of the deviations specifically requested by the applicant as part of the PDP application. Furthermore, any design elements not specifically addressed in the CDP or specifically addressed as a deviation to the CDP are found to comply with the applicable sections of the UDO.

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

Town Council finds that the proposed PDP is located in an appropriate area of town because the proposed multi-phased, mixed-use development containing up to 700,000 square-feet of office and commercial land uses as well as up to 650 dwellings may be served by existing public utilities and is providing a desirable connection between two significant roadways (West Morganton Road and UD Highway 15-501). The subject property is near similar existing land uses, and 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.**

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities to which the proposed development may connect exist near the proposed shopping center.

Furthermore, the development is to be accessed by a new town roadway that creates a connection between existing roadways. Finally, municipal public services are presently provided to adjoining land uses surrounding the proposed PDP, so the proposed multi-phased, mixed-use development is not creating a new location of public service delivery demand.



Planned Development District Preliminary Development Plan Application

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

Project Information:

Project Name: Morganton Park South - Phase 1

Physical Address: Between Morganton Rd & US 15-501 across from Partner Cir.

PIN: 857100575720; 857100562348; 857100357805 Parcel ID: 98000749; 00049222; 20070558

Site Size: 35.7 Acres Zoning: PD - Planned Development;
GB- General Business

Applicant:

Name(s): John Silverman - Midland Atlantic Properties

Email: jsilverman@midlandatlantic.com Phone: 513-792-5000

Mailing Address: 8044 Montgomery Road, Suite 370, Cincinnati, Ohio 45236

Authorized Agent, if different from Applicant:

Name(s): Bob Koontz

Email: bkoontz@koontzjones.com Phone: 910-684-8487

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

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

Name(s): Morganton Road Enterprises, LLC, Thomas M Van Camp, Trustee & Others; Hyperactive Commercial Investments, LLC

Email: thomasv@vancamplaw.com; Nconti@pinehurstsurgical.com Phone: 910-295-2525; 910-315-8514

Mailing Address: PO Box 1389 Pinehurst, NC 28387; 25 Shaw Road 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 South side of Morganton Rd (St./Ave.), between S Henley (St./Ave.) and Patriot Blvd (St./Ave.). The property has a frontage of 1570 feet and a depth of 3870 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:
Commercial, Retail, Office, Residential

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.

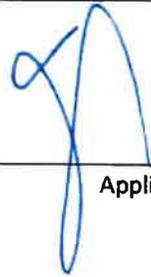
1. Adjacent property: See Attached Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
2. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
3. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
4. Adjacent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

4-12-21

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:

6/28/2021



Applicant

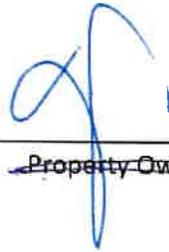
APPOINTMENT OF AGENT

The undersigned owner(s), MIDLAND ATLANTIC PROPERTIES 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 28TH day of June, 2021.



~~Property Owner~~ APPLICANT

Property Owner



Agent

APPOINTMENT OF AGENT

The undersigned owner(s) HYPERACTIVE COMMERCIAL, 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 8th day of July, 2021.

Hyperactive Commercial Investments LLC
Neil D. Coof. member/manager
Property Owner

Property Owner
[Signature]
Agent

APPOINTMENT OF AGENT

The undersigned owner(s), Morgan Road Enterprises, 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 12 day of July, 2021.



Property Owner *Thomas Van Curen*

Property Owner


Agent

4-12-21

EXHIBIT A

Morganton Park South 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;

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards set forth in the UDO. The documents included with the approved CDP demonstrate the overall compliance with the UDO and this PDP follows the standards of the CDP.

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

The PDP is consistent with and meets all standards and requirements provided in the CDP documents and plans and conforms to the standards of the UDO. All uses are consistent with the proposed development program and allowable uses in the CDP. The retail development is consistent with Section 2.2 & Section 5.0 of the Project Narrative and Design Standards as part of the CDP. The retail development will follow all standards of the CDP

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

The Comprehensive Long-Range Plan (CLRP) designates this property as Traditional Mixed Use with a PD (Planned Development) zoning classification which allows for a variety of land uses. The surrounding properties consist of retail, commercial and residential uses. The CDP application, plans, and exhibits encourage a variety of land uses and building types including residential, commercial, and office uses. The CDP results in a master planned development and discourages disjointed, piecemeal development. Proposed standards and allowable uses, as defined in the CDP are compatible with the surrounding developed properties and adjacent zoning classifications. The proposed PDP follows the standards as established in the CDP and is consistent and appropriate for the area of Town in which it is located.

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

As described in Section 4.2.3 of the CDP, water and sewer utilities are readily available for the project, as well as all other necessary utilities. New utilities to serve the community described in the CDP documents, will follow the existing pattern of utility extensions within the area. Adequate sewer and water capacity to serve the development is available.

MORGANTON PARK SOUTH PRELIMINARY DEVELOPMENT PLAN NARRATIVE

The purpose of this PD – Preliminary Development Plan (PDP) application is to fully describe the proposed initial phase of development for the approved Morganton Park South 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 initial Phase 1 of the proposed development of the Morganton Park South CDP. This narrative will describe how the PDP meets the criteria set forth in Section 2.18.5(A). Phase 1 is consistent with the PD zoning district, the approved CDP, and the Town’s Comprehensive Long-Range Plan (CLRP).

The subject property is currently zoned Planned Development (PD) with an approved Conceptual Development Plan (CDP). The property is also indicated as Traditional Mixed-Use in the Town’s CLRP. The proposed development provided in this PDP follows the standards of the approved CDP with some requests for deviations related to site specific features and signage. Requests for deviations of this type are permitted in both the approved CDP and UDO.

Phase 1, as described in this PDP application, is intended to include a retail development as well as the completion of the ‘Parkway Connector’ on +/- 35.7 acres. The ‘Parkway Connector’, per the CDP, will connect Morganton Road to US 15-501 creating a significant transportation route for the town of Southern Pines. The retail development will consist of approximately +/- 221,235 SF of retail space and outdoor gathering spaces. The development will be accessed via the ‘Parkway Connector’ from three access points, as shown on the PDP plans. Following is a description of the individual phase and overall design elements of the PDP.

Retail Development

Phase 1 of the Morganton Park South CDP will include a retail development consisting of ± 221,235 SF of retail space with uses permitted in Exhibit VII – Land Use Plan of the approved CDP. The following are specifics of the proposed development included in the PDP drawings.

Open Space

Outdoor gathering spaces consisting of patio areas, sitting areas, trellises, a linear park, and small parks will be provided in the development and will be connected to a network of pedestrian sidewalks and multi-use trails that will be established as part of the overall development.

The PDP area includes the retail development and the entirety of the Parkway Connector to Morganton Road. +/- 6.01 acres (+/- 17 %) of open space is included in this phase of development, all of which is considered usable open space by

UDO standards. Open space for the future minimum 80' wide linear park which stretches from the end of the retail development to Morganton Road is not included in this calculation.

The required open space in the entirety of the CDP area is 19.8 acres (20%), of which 9.9 acres (10%) must be usable. As a result of this PDP the remaining open space to be provided for the CDP area is 13.8 acres of overall open space and 3.9 acres of usable open space. The additional +/- 1,900 linear feet of linear park will account for an additional +/- 3.5 acres of usable open space.

Architectural Character

Elements and materials common to Southern Pines will be utilized in the development. The Town of Southern Pines Council will review and approve all building plans for compliance with the Town's architectural standards in Section 4.10.4 of the UDO. All building will require an Architectural Compliance Permit.

Stormwater Management

Stormwater management for all sites on the property will be provided per Section 5.5.10 of the CDP booklet. Appropriate state and local stormwater and erosion control permits will be required by the Town prior to any land disturbance activity on the site. A general location for the site's stormwater management area is depicted on the PDP plan. The pond indicated on the plan is intended to be a wet pond and provide an additional amenity for the development.

Lighting

All lighting on the property will follow Section 5.5.6 of the CDP and Section 4.8 of the UDO. Lighting levels in parking lots and along streets will be provided to meet the UDO standards for safety. Documents showing the lighting levels consistent with Town standards will be submitted with the engineering plans.

Endangered Species

There is no woodpecker habitat on the property as it was cleared approximately 30 years ago and there are now very few remaining trees on the property. Much of the site included in this PDP area was once occupied by a driving range facility.

All development and building permits within the site are subject to all local, state, and federal permitting guidelines, rules, and regulations. Additional studies will be conducted as required for permitting.

Site Features

An existing historic cemetery is located on the property. This cemetery will be preserved to become a destination along the linear park. Landscaping, paths, fencing, and seating areas will be used to enhance the appearance and provide a

parklike setting for the cemetery. Trails and multi-use trails will connect the facility to the multi-modal network of the linear park.

Utilities

This PDP follows the criteria described in Section 5.5.5 of the CDP booklet. Water and sewer utilities are readily available for the project. A Conceptual Utility Plan has been provided in the documents, illustrating the location of water and sewer utility connections.

Roadways

Construction of the 'Parkway Connector' will be completed with Phase 1. The 'Parkway Connector' will connect Morganton Road to US 15-501. The retail development, as part of Phase 1, will be accessed from the 'Parkway Connector' from three access points.

Signage

Signage on the property will follow Section 5.5.7 of the approved CDP document. Freestanding landmark/monument signs and retail entry and wayfinding signs will follow the standards of the CDP and will be located at the locations depicted in Exhibit XI – Signage Plan.

A request for modified building mounted signage as permitted in Section 5.5.7 of the CDP is included as Exhibit B in this application. The large retail store depicted in the exhibit will be more than 45,000 sf. This building will have multiple access points for customers and separate customer pick-up locations for online orders. In addition, this store will have separate smaller retailers located within the single large retail building. Individual retailers within the single building will also have wall mounted signage on the exterior of the building at a reduced scale.

Linear Park

A request to deviate from some of the standards related to the width and setbacks of the linear park as included in Section 5.5.2 of the CDP is requested with this application. Due to the existing site features and constraints including Duke Energy easements and powerlines, site access from US Highway 15/501 being so narrow, and the existing historic cemetery, some modifications to the standards for the linear park are requested. These requests are described below:

- At the intersection of US Highway 15/501 and the Parkway Connector, there is limited width between existing properties to provide room for the 80' wide linear park. Landscaping, fencing, entry monumentation, sidewalks, and the multi-use trail will be provided in this area to enhance the appearance and provide pedestrian connectivity.
- The existing historic cemetery area is located along the frontage of the western portion of the retail shopping center. To preserve and enhance

this historic cemetery, the road must be shifted south to avoid the graves located in the area. As a result, there is inadequate room to provide a 20' minimum linear park width on the front of the shopping center property. The cemetery park area will exceed the required 80' of linear park space. In the limited area between the sidewalk/back of right-of-way area on the south side of the Parkway, landscaping and fencing will be added to enhance the appearance in front of the shopping center.

- Duke Energy transmission powerlines are located along the northern property boundary in front of the Eastern portion of the shopping center. The roadway is located, with a buffer, close to these power lines, which are on the adjacent property. As a result, the total width of the linear park will not meet the 80' minimum on the subject property, in this area due to the powerline easement. With the easement added and development of the adjacent parcel, there will be adequate room for the linear park. The 20' minimum width is met in front of this area of the shopping center.

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 Traditional Mixed-Use. This PDP meets the standards of the approved CDP unless a deviation request has been made above. The proposed PDP is the commencement of a new high-quality development in the Town of Southern Pines. Phase 1 will meet the description of the community vision described in Section 2.2 of the CDP and will create a vibrant new retail development in Southern Pines.

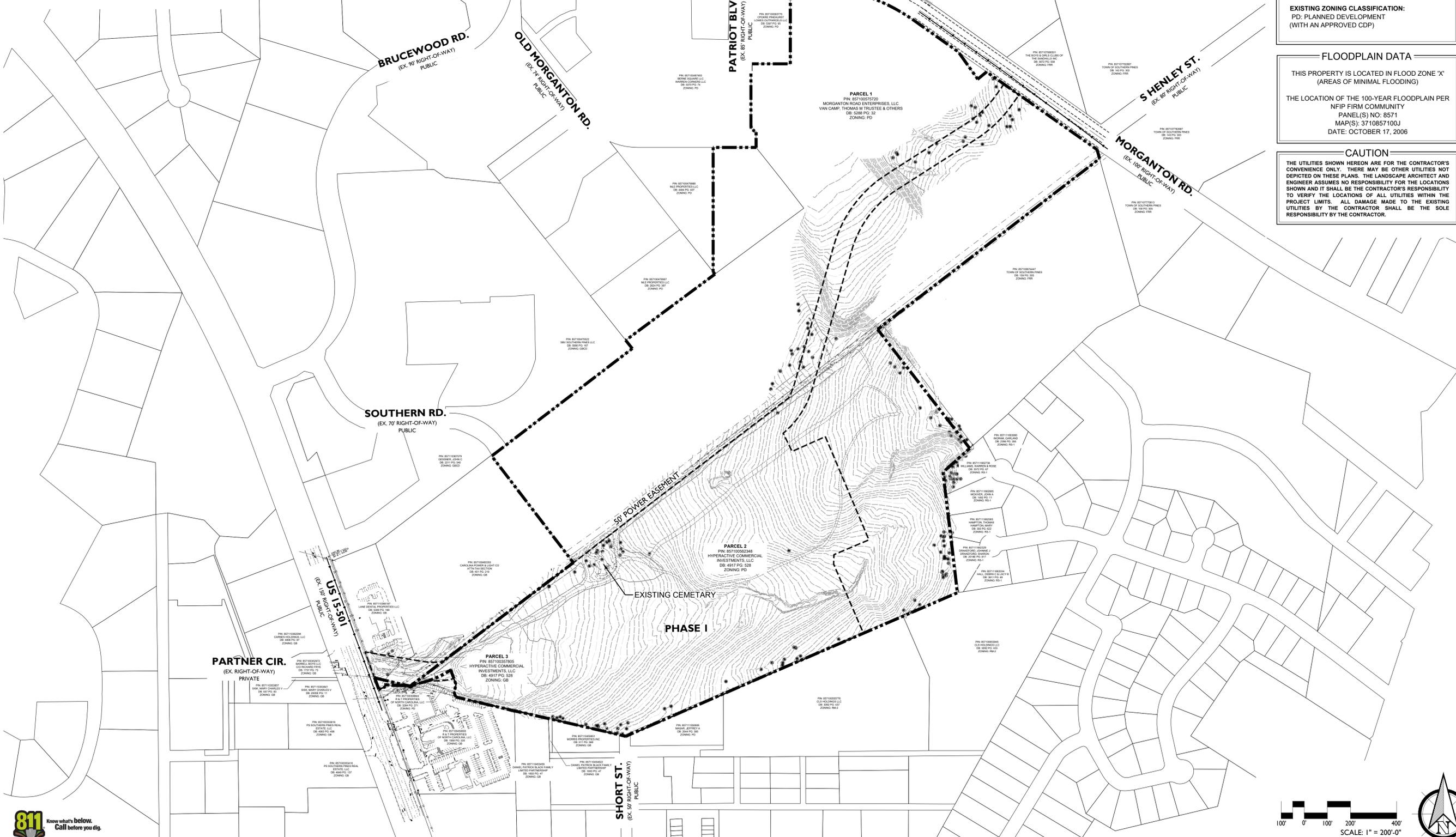
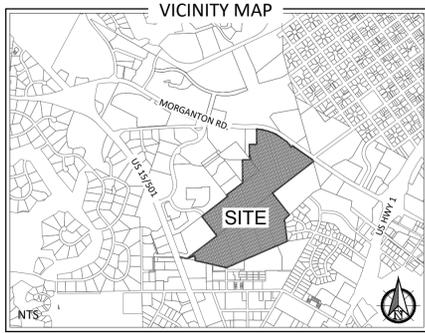
EXHIBIT B



FRONT ELEVATION



SIDE ELEVATION



LEGEND

- = OVERALL PROPERTY BOUNDARY
- = PHASE BOUNDARY
- = EXISTING MINOR CONTOUR
- = EXISTING MAJOR CONTOUR
- = EXISTING WATER LINE
- = EXISTING SEWER LINE
- = EXISTING OVERHEAD POWER LINE

PROPERTY INFORMATION

PROPERTY OWNER(S):
 PARCEL 1:
 MORGANTON ROAD ENTERPRISES, LLC
 THOMAS VAN CAMP, TRUSTEE, & OTHERS
 PO BOX 1389
 PINEHURST, NC 28370

PARCEL 2 & 3:
 HYPERACTIVE COMMERCIAL INVESTMENTS, LLC
 25 SHAW ROAD
 PINEHURST, NC 28374

APPLICANT:
 MIDLAND ATLANTIC PROPERTIES - JOHN SILVERMAN
 8044 MONTGOMERY ROAD, SUITE 370
 CINCINNATI, OH 45236

TOTAL ACREAGE (PHASE 1): ±35.7 AC

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:
 PD: PLANNED DEVELOPMENT
 (WITH AN APPROVED CDP)

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
 MAP(S): 3710857100J
 DATE: OCTOBER 17, 2006

CAUTION

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

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

KOONTZJONESDesign
 LAND PLANNING | LANDSCAPE ARCHITECTURE

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

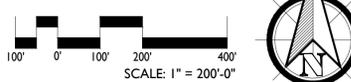
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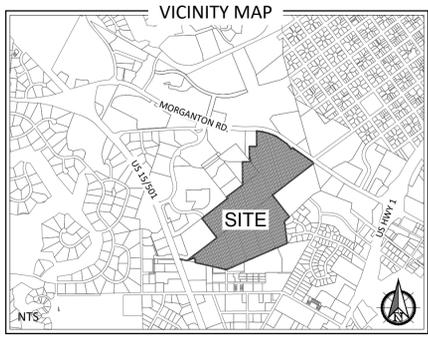
REVISIONS:

REVISIONS:

**MORGANTON PARK SOUTH
 PRELIMINARY DEVELOPMENT PLAN
 SOUTHERN PINES, NORTH CAROLINA
 EXISTING CONDITIONS**

DATE: 08-09-2021
 DESIGNED BY: REK
 DRAWN BY: PJS
 CHECKED BY: REK
 SCALE: 1" = 200'-0"
 PROJECT #: KJ221069
 SHEET NUMBER:
L-1.0





GENERAL NOTES:

1. STREET LIGHTING WILL BE PROVIDED IN ACCORDANCE WITH SECTION 5.5.6 OF THE CDP AND SECTION 4.8 OF TOWN'S UDO
2. PROJECT SIGNS WILL MEET ALL REQUIREMENTS AS ESTABLISHED IN SECTION 5.5.7 OF THE CDP
3. DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. THE GENERAL LOCATION OF SUCH DEVICES ARE SHOWN ON THIS PLAN. DETAILED STORMWATER MANAGEMENT PLANS WILL BE PROVIDED DURING PERMITTING OF THE DEVELOPMENT AND WILL FOLLOW THE TOWN OF SOUTHERN PINE'S STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.

LEGEND

- OVERALL PROPERTY BOUNDARY
- - - PHASE BOUNDARY
- - - EXISTING MINOR CONTOUR
- - - EXISTING MAJOR CONTOUR
- - - EXISTING WATER LINE
- - - EXISTING SEWER LINE
- - - EXISTING OVERHEAD POWER LINE
- - - PROPOSED RIGHT-OF-WAY
- PROPOSED USEABLE OPEN SPACE

PROPERTY INFORMATION

PROPERTY OWNER(S):
 PARCEL 1:
 MORGANTON ROAD ENTERPRISES, LLC
 THOMAS VAN CAMP, TRUSTEE, & OTHERS
 PO BOX 1389
 PINEHURST, NC 28370

PARCEL 2 & 3:
 HYPERACTIVE COMMERCIAL INVESTMENTS, LLC
 25 SHAW ROAD
 PINEHURST, NC 28374

APPLICANT:
 MIDLAND ATLANTIC PROPERTIES - JOHN SILVERMAN
 8044 MONTGOMERY ROAD, SUITE 370
 CINCINNATI, OH 45236

TOTAL ACREAGE (PHASE 1): ±35.7 AC
TOTAL OPEN SPACE: ±6.01 AC
TOTAL USEABLE OPEN SPACE: ±6.01
TOTAL RETAIL: ±221,235 SF
PROVIDED PARKING: 949 SPACES (1 SPACE / 233 SF)

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 MAP(S) 3710857100J DATE: OCTOBER 17, 2006

CAUTION

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

KOONTZJONESDesign
 LAND PLANNING | LANDSCAPE ARCHITECTURE

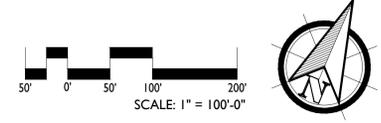
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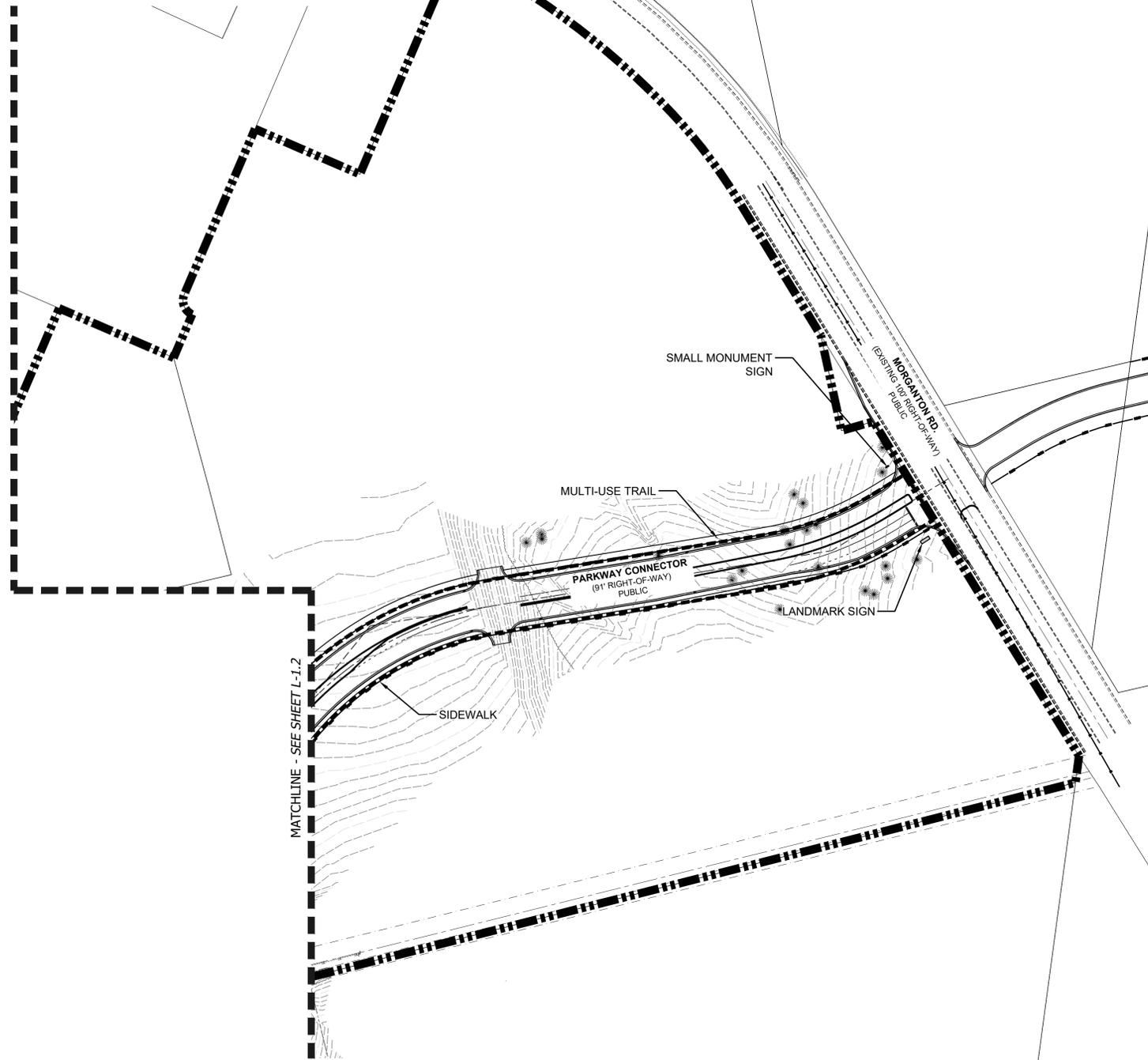
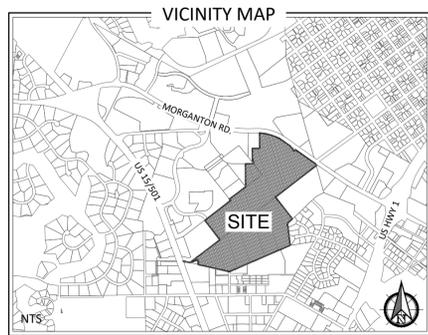
REVISIONS:

MORGANTON PARK SOUTH
 PRELIMINARY DEVELOPMENT PLAN
 SOUTHERN PINES, NORTH CAROLINA

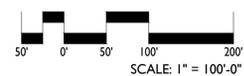
PRELIMINARY DEVELOPMENT PLAN - PHASE 1

DATE: 08-09-2021
 DESIGNED BY: REK
 DRAWN BY: PJS
 CHECKED BY: REK
 SCALE: 1" = 100'-0"
 PROJECT #: K1D21069
 SHEET NUMBER#: L-1.1





MATCHLINE - SEE SHEET L-1.2



LEGEND

- = OVERALL PROPERTY BOUNDARY
- = PHASE BOUNDARY
- = EXISTING MINOR CONTOUR
- = EXISTING MAJOR CONTOUR
- = EXISTING WATER LINE
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- = EXISTING OVERHEAD POWER LINE
- = PROPOSED RIGHT-OF-WAY
- = PROPOSED USEABLE OPEN SPACE

FLOODPLAIN DATA

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

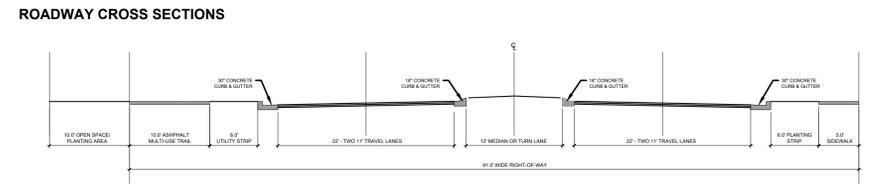
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO. 8571
MAP(S): 3710857100J
DATE: OCTOBER 17, 2006

CAUTION

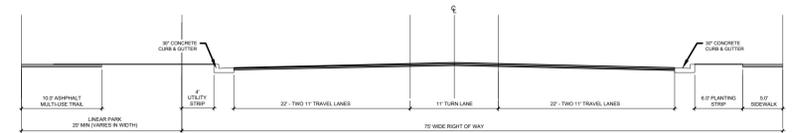
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OPEN SPACE SUMMARY
(PER SECTION 5.0 OF THE CONCEPTUAL DEVELOPMENT PLAN)

PHASE	OVERALL OPEN SPACE (PROVIDED)	USEABLE OPEN SPACE (PROVIDED)
I	6.01 acres	6.01 acres
TOTAL PROVIDED	6.01 acres	6.01 acres
REQUIRED OPEN SPACE (20%/10%)	19.8 acres	9.90 acres
TOTAL REMAINING TO PROVIDE	13.79 acres	3.89 acres



91' RIGHT-OF-WAY (PARKWAY COLLECTOR)
SECTION (NOT TO SCALE)



75' RIGHT-OF-WAY (PARKWAY COLLECTOR)
SECTION (NOT TO SCALE)

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

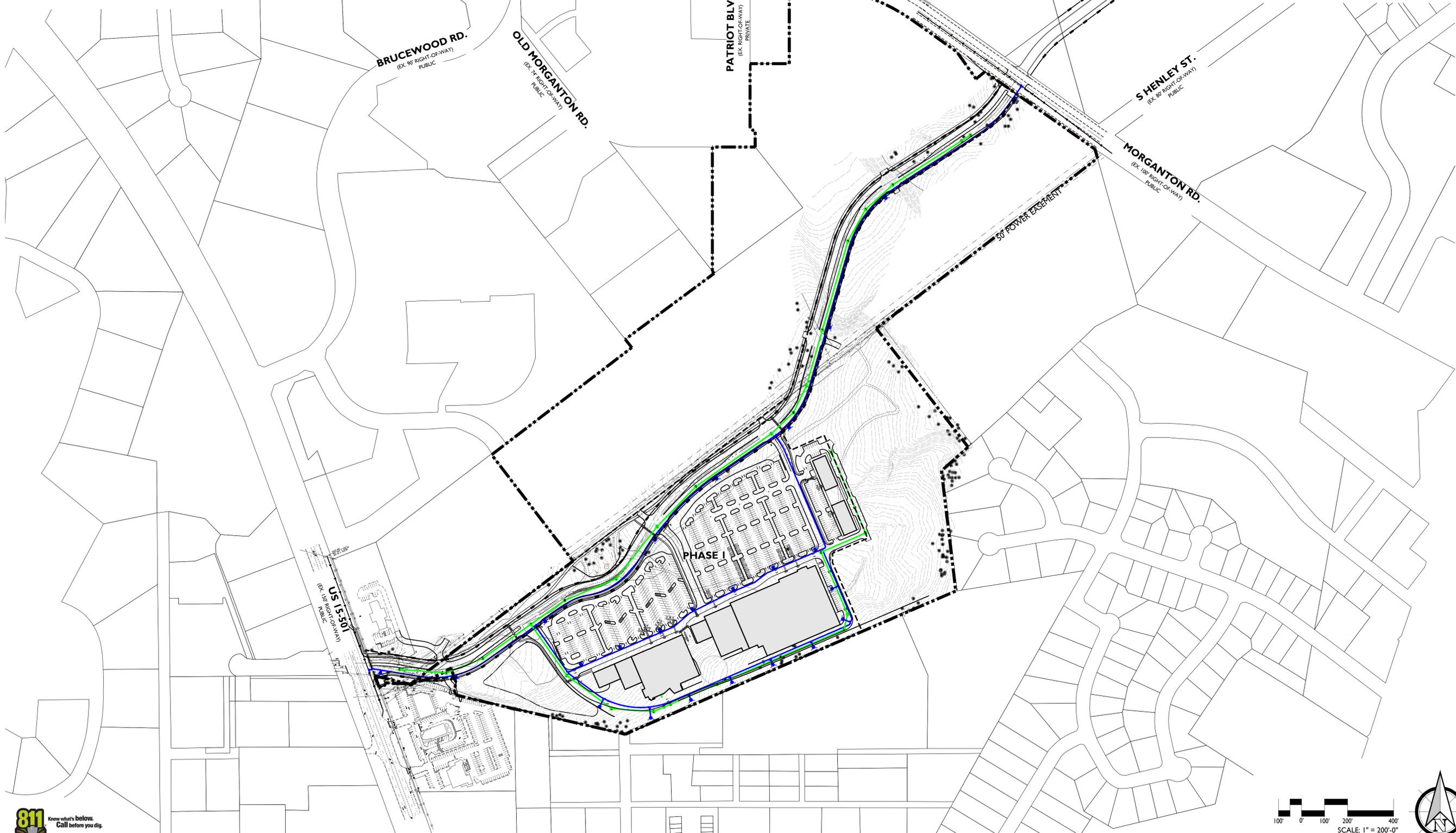
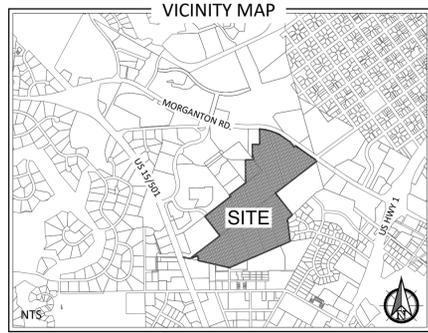
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

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

REVISIONS:

MORGANTON PARK SOUTH
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
PRELIMINARY DEVELOPMENT PLAN - PHASE 1

DATE: 08-09-2021
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 100'-0"
PROJECT #: K1D21069
SHEET NUMBER#: **L-1.2**



LEGEND

	= OVERALL PROPERTY BOUNDARY
	= PHASE BOUNDARY
	= EXISTING MINOR CONTOUR
	= EXISTING MAJOR CONTOUR
	= EXISTING WATER LINE
	= EXISTING SEWER LINE
	= EXISTING OVERHEAD POWER LINE

UTILITY LEGEND

	= PROPOSED SEWER LINE
	= PROPOSED WATER LINE
	= PROPOSED SEWER MANHOLE
	= PROPOSED FIRE HYDRANT

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
MAP(S): 3710857100J
DATE: OCTOBER 17, 2006

CAUTION

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

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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

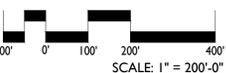
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8467
W: www.koontzjonesdesign.com

REVISIONS:

REVISIONS:

**MORGANTON PARK SOUTH
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
CONCEPTUAL UTILITIES PLAN**

DATE: 08-09-2021
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 200'-0"
PROJECT #: K1D21069
SHEET NUMBER:
L-1.3



Traffic Impact Analysis

Pine Ridge Commercial
Southern Pines, NC

Prepared for:
LKC Engineering, PLLC

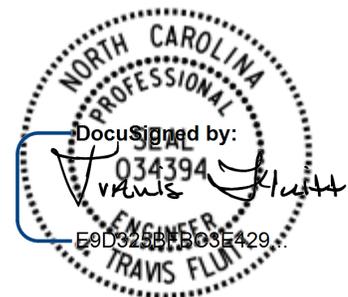


Traffic Impact Analysis for
Pine Ridge Commercial
Southern Pines, North Carolina

Prepared for:
LKC Engineering
Aberdeen, NC

Prepared by:
Kimley-Horn and Associates, Inc.
NC License #F-0102
421 Fayetteville Street, Suite 600
Raleigh, NC 27601
(919) 677-2000

July 2021
018923019



7/23/2021

Executive Summary

Kimley-Horn and Associates, Inc. has performed a Traffic Impact Analysis (TIA) for the proposed Pine Ridge Commercial development located between US 15/501 and Morganton Road east of the Southern Pines Village shopping center in Southern Pines, NC. The site is currently vacant. As currently envisioned, the development is proposed to include up to 260 multi-family residential units, 20,000 square feet (SF) of office space, and 220,000 SF of shopping center space. The site is proposed to be accessed by the new Pine Ridge Parkway, which will extend from US 15/501 at Partner Circle to Morganton Road at the proposed S. Stephens Street Extension. Build-out of the development is anticipated in 2024.

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. The Town of Southern Pines’ Unified Development Ordinance (UDO) requires the study of the build-out traffic conditions for both the site build-out and 10-year projections. Therefore, the traffic conditions studied include the existing (2021) and projected (2024 and 2031) background and build-out traffic conditions for the AM and PM peak hours.

As shown in [Table ES-1](#), the site has the potential to generate approximately 7,832 net new daily trips, 382 net new external trips during the AM peak hour, and 685 net new external trips during the PM peak hour.

Table ES-1 ITE Traffic Generation (Vehicles)								
Land Use Code	Land Use	Intensity		Daily Total	AM Peak Hour		PM Peak Hour	
					In	Out	In	Out
221	Multifamily Housing (Mid-Rise)	260	d.u.	1,416	23	64	68	43
710	General Office Building	20,000	s.f.	224	39	6	4	21
820	Shopping Center	220,000	s.f.	10,278	162	100	468	506
Subtotal				11,918	224	170	540	570
<i>Internal Capture Reduction</i>				784	6	6	56	56
<i>Pass-By Reduction</i>				3,302	0	0	152	161
Total Net New External Trips				7,832	218	164	332	353

Intersection capacity analyses were performed using Synchro/SimTraffic Version 10.3 software. [Table ES-2](#) summarizes the operation of the overall study intersections for the AM and PM peak hours.

Table ES-2 Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
US 15/501 at Brucewood Road (Signalized)		
Existing (2021) Traffic	A (7.5)	C (20.4)
Background (2024) Traffic	A (8.2)	C (23.8)
Build-Out (2024) Traffic	A (7.1)	C (25.6)
Background (2031) Traffic	A (9.7)	C (25.1)
Build-Out (2031) Traffic	A (9.9)	C (26.3)
US 15/501 at Pine Ridge Parkway North U-Turn (Signalized)		
Background (2031) Traffic	A (7.3)	B (14.0)
Build-Out (2031) Traffic	A (8.9)	C (20.7)
US 15/501 at Partner Circle / Pine Ridge Parkway		
Existing (2021) Traffic – <i>Unsignalized, Full Movement</i>	EB – D (33.7) WB – F (72.6) NBL – B (10.8) SBL – B (10.7)	EB – F (77.4) WB – F (>500) NBL – B (14.2) SBL – B (12.8)
Background (2024) Traffic – <i>Unsignalized, Full Movement</i>	EB – E (46.7) WB – F (85.8) NBL – B (11.5) SBL – B (11.4)	EB – F (143.0) WB – F (>500) NBL – C (15.8) SBL – B (13.9)
Build-Out (2024) Traffic – <i>Signalized, Full Movement</i>	A (7.4)	B (12.5)
Background (2031) Traffic – <i>Signalized, Superstreet</i>	NB Side - A (7.2) SB Side - B (10.7)	NB Side - A (9.8) SB Side - B (16.3)
Build-Out (2031) Traffic – <i>Signalized, Superstreet</i>	NB Side - B (10.2) SB Side - B (10.6)	NB Side - C (21.4) SB Side - C (12.9)
US 15/501 at Murray Hill Road (Signalized)		
Existing (2021) Traffic	C (32.2)	F (90.8)
Background (2024) Traffic	D (39.1)	F (109.8)
Build-Out (2024) Traffic	D (40.5)	F (111.3)
Background (2031) Traffic - <i>Superstreet</i>	NB Side - B (15.9) SB Side - B (11.4)	NB Side - C (32.2) SB Side - D (37.3)
Build-Out (2031) Traffic - <i>Superstreet</i>	NB Side - B (16.6) SB Side - B (14.3)	NB Side - D (43.3) SB Side - D (50.9)

Table ES-2 (cont.) Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Morganton Road at Brucewood Road (Signalized)		
Existing (2021) Traffic	B (11.2)	B (15.1)
Background (2024) Traffic	C (26.3)	C (32.0)
Build-Out (2024) Traffic	C (26.4)	C (32.0)
Background (2031) Traffic	C (28.7)	C (32.1)
Build-Out (2031) Traffic	C (28.9)	C (32.5)
Morganton Road at S. Stephens Street Extension / Pine Ridge Parkway		
Background (2024) Traffic – <i>Unsignalized</i>	NB – F (63.3) SB – E (49.4) EBL – B (11.2) WBL – B (10.3)	NB – F (74.3) SB – F (118.0) EBL – B (11.1) WBL – B (10.6)
Build-Out (2024) Traffic – <i>Signalized</i>	A (5.8)	A (9.0)
Background (2031) Traffic – <i>Signalized</i>	A (7.2)	B (11.0)
Build-Out (2031) Traffic – <i>Signalized</i>	A (8.7)	C (23.3)
Pine Ridge Parkway at Site Driveway 1 (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.6) WBL – A (7.5)	NB – B (12.8) WBL – A (8.0)
Build-Out (2031) Traffic	NB – C (16.2) WBL – A (8.8)	NB – E (45.3) WBL – A (9.5)
Pine Ridge Parkway at Southern Road / Site Driveway 2 (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.4) WBL – A (7.5)	NB – B (12.5) WBL – A (8.0)
Background (2031) Traffic	SB – B (12.0) EBL – A (7.9)	SB – C (16.7) EBL – A (8.7)
Build-Out (2031) Traffic	NB – C (17.8) SB – C (16.3) EBL – A (8.1) WBL – A (8.7)	NB – F (136.5) SB – F (59.9) EBL – A (9.1) WBL – A (9.3)
Pine Ridge Parkway at Site Driveway 3 / Phase 5 East Driveway (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.1) WBL – A (7.4)	NB – B (10.6) WBL – A (7.8)
Background (2031) Traffic	SB – B (11.8) EBL – A (8.1)	SB – C (23.7) EBL – A (8.8)
Build-Out (2031) Traffic	NB – C (17.2) SB – C (15.4) EBL – A (8.3) WBL – A (8.3)	NB – F (62.5) SB – F (72.4) EBL – A (9.5) WBL – A (8.7)

Table ES-2 (cont.) Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Pine Ridge Parkway at Site Driveway 4 / Phase 7 Driveway (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.2)	NB – B (10.9)
	WBL – A (7.4)	WBL – A (7.8)
Background (2031) Traffic	NB – B (13.5)	NB – C (15.9)
	SB – B (10.9)	SB – B (12.9)
	EBL – A (7.8)	EBL – A (8.2)
	WBL – A (7.9)	WBL – A (7.9)
Build-Out (2031) Traffic	NB – B (16.5)	NB – D (33.1)
	SB – B (12.0)	SB – C (18.8)
	EBL – A (8.0)	EBL – A (8.9)
	WBL – A (8.1)	WBL – A (8.6)
Pine Ridge Parkway at Old Morganton Road Extension		
Background (2031) Traffic	EB – B (11.0)	EB – B (12.4)
	WB – B (11.7)	WB – B (10.8)
	NBL – A (7.7)	NBL – A (7.8)
	SBL – A (7.6)	SBL – A (7.7)
Build-Out (2031) Traffic	EB – B (12.0)	EB – C (18.4)
	WB – B (13.2)	WB – B (14.4)
	NBL – A (8.0)	NBL – A (8.4)
	SBL – A (7.8)	SBL – A (8.2)

The following improvements are recommended to be performed as part of the proposed Pine Ridge Commercial development:

US 15/501 at Partner Circle / Pine Ridge Parkway:

- Provide an exclusive left-turn lane and a shared through/right lane on westbound Pine Ridge Parkway
- Install a temporary wood-pole traffic signal

Morganton Road at S. Stephens Street / Pine Ridge Parkway:

- Provide an exclusive left-turn lane and a shared through/right-turn lane on the northbound approach of Pine Ridge Parkway
- Construct a westbound left-turn lane on Morganton Road (and convert the existing intersection of Morganton Road at S. Henley Street to right-in/right-out only)
- Install a traffic signal when warranted

Pine Ridge Parkway at Site Driveway 1:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

Pine Ridge Parkway at Site Driveway 2:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

Pine Ridge Parkway at Site Driveway 3:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

Pine Ridge Parkway at Site Driveway 4:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

The following additional improvement is recommended to be incorporated into STIP Project U-5814:

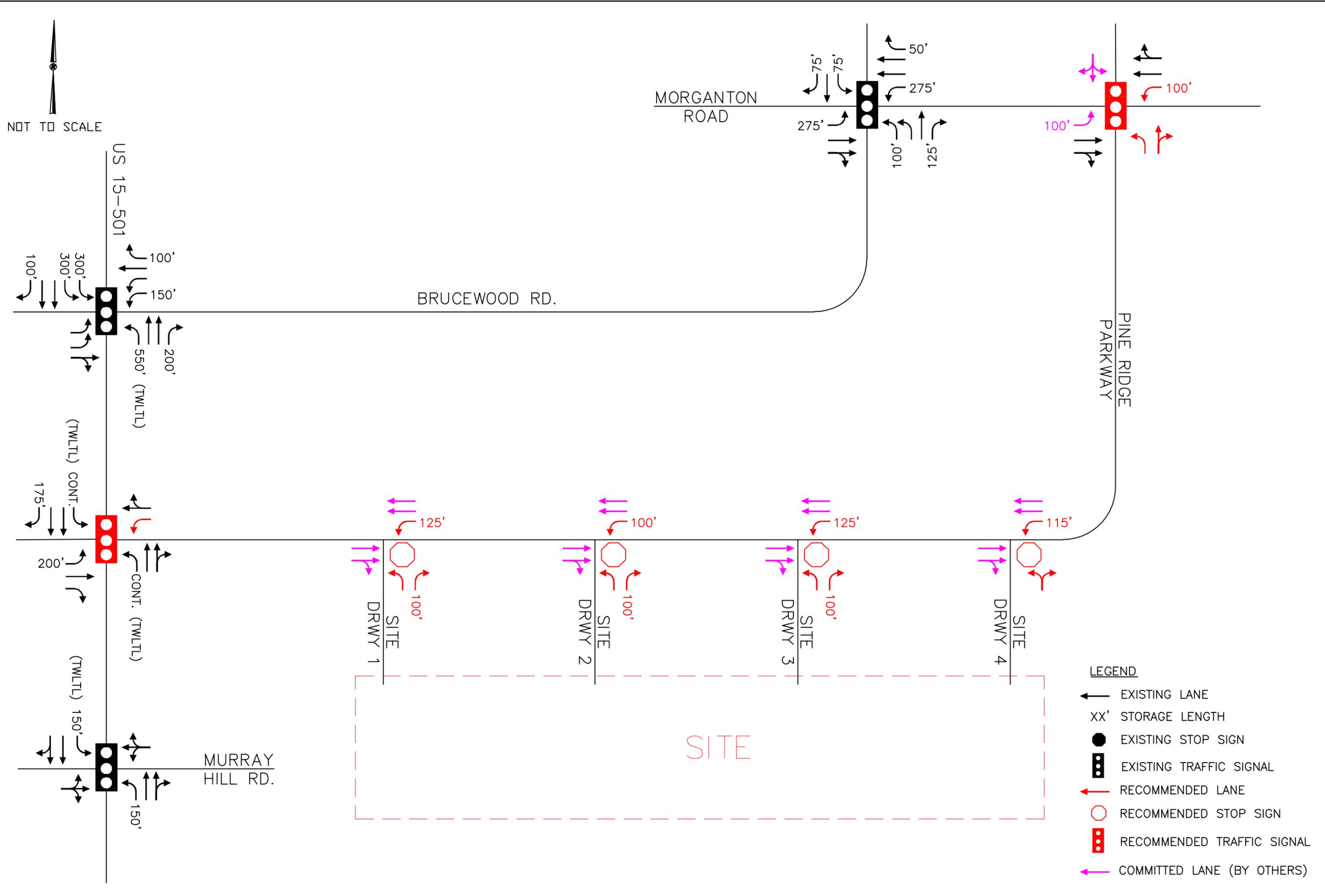
US 15/501 at Partner Circle / Pine Ridge Parkway:

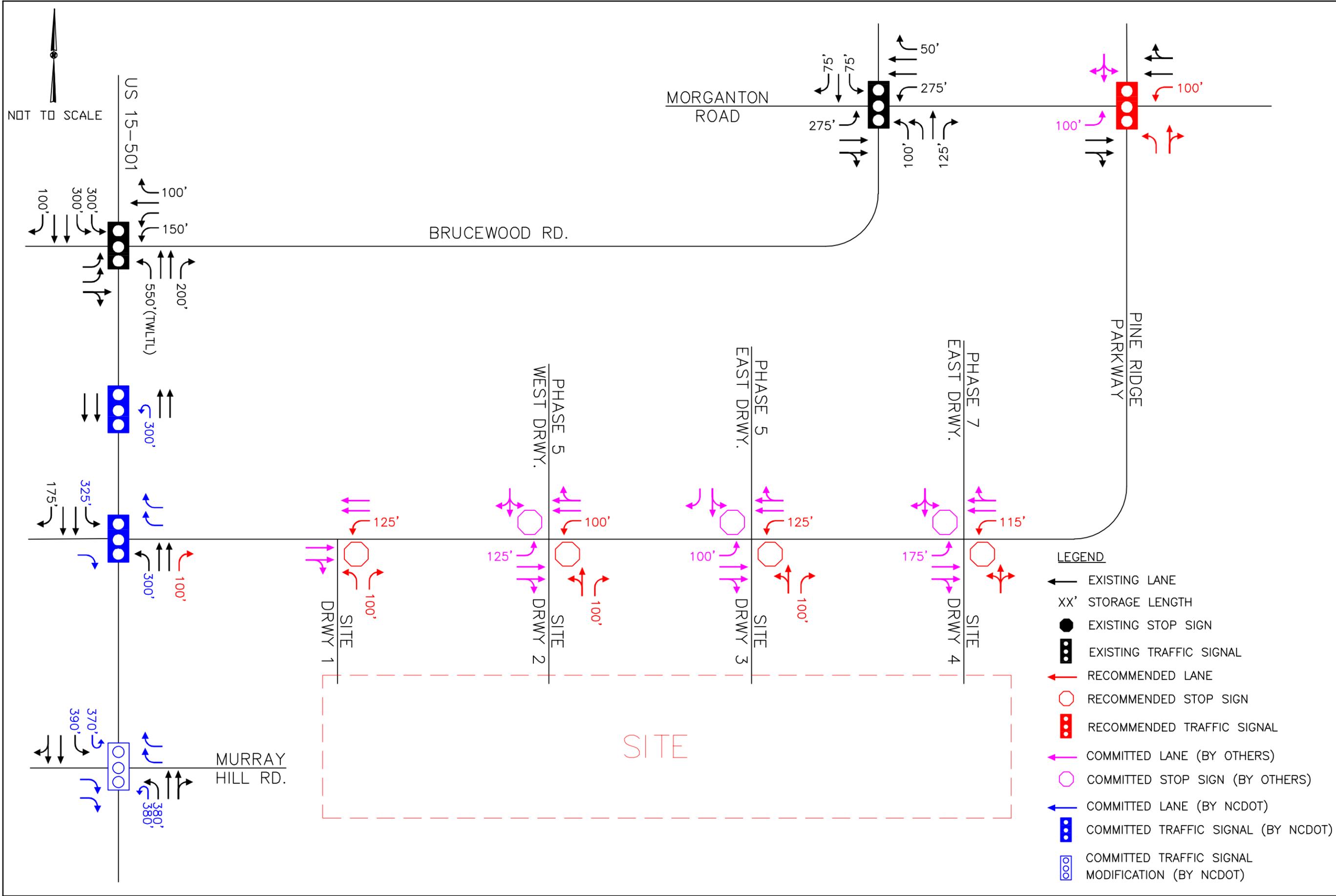
- Construct a northbound right-turn lane on US 15/501 with a minimum of 100 feet of storage and appropriate tapers

With the recommended improvements in place, all of the study intersections except for the intersection of US 15/501 at Murray Hill Road are expected to operate acceptably in the build-out traffic conditions. US 15/501 at Murray Hill Road currently operates at LOS F in the PM peak hour due to the lack of turn lanes on Murray Hill Road. It is anticipated that the commercial development proposed on the northeast quadrant of the intersection will provide at least a right-turn lane on the westbound approach. When the superstreet is implemented on US 15/501 with NCDOT STIP Project U-5814, the intersection is expected to operate at acceptable levels of service.

While some unsignalized intersections are expected to operate with long delays, it is typical for stop sign controlled side streets and driveways intersecting major streets to experience long delays during peak hours, while the majority of the traffic moving through the intersection on the major street experiences little or no delay. SimTraffic simulations also show no significant queuing issues as any of these intersections.

The recommended 2024 roadway laneage is shown on **Figure ES-1**, and the committed and recommended 2031 roadway laneage is shown on **Figure ES-2**.





NOT TO SCALE

FIGURE ES-2

COMMITTED AND RECOMMENDED ROADWAY LANES - 2031 HORIZON YEAR

PINE RIDGE COMMERCIAL SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS



THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

RLUAC

Regional Land Use Advisory Commission

SOUTHERN PINES COURTESY REVIEW

Project: PD-08-21 Planned Development District Conceptual Development Plan and PD-09-21: Planned Development District - Preliminary Development Plan

Location: Between Morganton Road and US Highway 15-501

PIN#: 857100575720, 857100572972, 857100562348, and 857100357805

August 2, 2021

Following a review of the above referenced Planned Development District Conceptual Development Plan and Preliminary Development Plan by the RLUAC staff and Board of Directors for the properties listed above, and recognizing that our findings are non-binding on the Town of Southern Pines, the RLUAC Board of Directors finds that:

- The western portion of the site near the proposed parkway connection to US Highway 15-501 falls within an area identified as CRITICAL to Conserve due to the area being within an active red-cockaded woodpecker foraging area.
- The western 1/3 of the site is also situated at the outer edge of a 14 CFR Part 77 Airfield Imaginary Surface (approach / departure surface) associated with a runway at Mackall Army Airfield. While there is not an assumed impact to military operations given the nature of the proposed development, the petitioner should be aware that this area is subject to military aircraft overflight and potential limitations on tall structures in accordance with FAA guidance.

Due to the proximity of the site to known red-cockaded woodpecker clusters, RLUAC encourages the petitioner to have this property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees. Please visit the following website for additional information on the appropriate protocols: https://www.fws.gov/ncsandhills/pine_tree_removal.html. The results of this survey should be sent to the US Fish and Wildlife Service Ecological Services office located in Raleigh, NC (attention John Hammond) for review.

A portion of the site has been identified as Critical to Conserve due to its location within the compatible use rating areas stated above. Therefore, RLUAC recommends the Town consider this information and any potential adverse impacts to Fort Bragg and its mission during its review process.

Thank you for allowing RLUAC to review this case.

John K. McNeill, Chairman

Vagn K. Hansen II, AICP, Executive Director

**RESOLUTION #984 SETTING DATE OF PUBLIC HEARING
FOR ANNEXATION APPLICATION AX-05-21: 200 & 300 Pavilion Way**

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Douglass Community Center at 6:00 pm on October 12, 2021.

Section 2. The area proposed for annexation is described as follows:

Physical Addresses:

200 Pavilion Way
Southern Pines, NC 28387

300 Pavilion Way
Southern Pines, NC 28387

Property Owners/Applicants:

Pinehurst Medical Goup, LLC
200 Pavilion Way
Southern Pines, NC 28387

Pinehurst Surgical Clinic Realty
300 Pavilion Way
Southern Pines, NC 28387

Property Identification Number (PIN) and Parcel Identification:

PIN: 587100590157; PARID: 20200203
PIN: 857100597408; PARID: 20190272

Size of Property:

Total Current Combined Acreage: ±19.78 acres

Meets & Bounds Description:

200 Pavilion Way – Being located on a portion of the Pinehurst Medical Group, LLC Tract (PID-20200203) Lot 3A described in Deed Book 5291 Page 202 in the Moore County Registry, McNeill Township, Southern Pines; Bounded on the north & east by the Morganton Park Realty, LLC, the south by Morganton Road, on the west by Pavilion at Morganton Park, LLC and more particularly described as follows: Beginning at an iron rod set in Morganton Road northern right-of-way (100'), said iron rod also being the southeast corner of the Pavilion at Morganton Park, LLC Lot 1 described in Deed Book 4448 Page 206 and shown on Plat Cabinet 16 Slide 458 in the Moore County Registry; thence N 12°34'40" E a distance of 270.18'; and existing iron rod, said iron rod being the northeast corner of the Pavilion at Morganton Park, LLC Lot 1; thence N 12°34'40" E a distance of 25.01 to an existing iron rod; then a curve to the left having a radius of 230.00' a chord bearing of N 85°12'49" E a chord distance of 137.28' to an existing iron rod; thence N 67°50'57" a distance of 118.83' to an existing iron rod; thence a curve to the right having a radius of 230.00' a chord bearing of N 78°32'26" E a chord distance of 85.34' to an existing iron rod; thence N 89°13'55" E a distance of 242.28' to an existing iron rod; thence S 00°46'05" E a distance of 406.77' to an existing iron rod in the Morganton Road northern right-of-way; thence with the Morganton Road northern right-of-way the following calls N 89°39'43" W a distance of 87.55' to a calculated point; thence N 89°03'27" W a distance of 112.41' to a calculated point; thence N 87°27'10" W a distance of 108.02' to an existing iron rod; thence N 85°44'17" W a distance of 112.32' to a calculated point; thence N 84°00'26" W a distance of 108.22' to a calculated point; thence N 82°27'33" W a distance of 111.62' to a calculated point; thence N 80°47'15" W a distance of 4.40' to the point of beginning, having an area of 5.08 acres.

300 Pavilion Way – Being all of the Pinehurst Surgical Clinic Realty, LLC Tract (PID-20190272) Lot 4 described in Deed book 5210 Page 301 in the Moore County Registry, McNeill Township, Southern Pines; bounded on the north South Carlisle Street, the east the Robert W. & Julie M. Van Camp & Thomas Van Camp tracts, the Town of Southern Pines Tract; on the south by Morganton Road; on the east by the Morganton Park Realty, LLC tract and more particularly described as follows: Beginning at a .5” existing iron rod in the South Carlisle Street southern right-of-way (80’ ROW), said iron rod also being the northeast corner of the Morganton Park Realty, LLC tract described in Deed Book 5210 Page 279 in the Moore County Registry; thence with the South Carlisle Street southern right-of-way the following calls; N 74°24’56” E a distance of 232.92’ to a .5” existing iron rod; thence N 74°34’32” E a distance of 508.87’ to a .5” existing iron rod; thence a curve to the left having a radius of 580.00’ a chord bearing of N 72°26’38” a chord distance of 41.05’ to a .5” existing iron rod, said iron rod being the northwest corner of the Robert W. & Julie M Van Camp, Trustees and Thomas M. Van Camp, Trustee tract described in Deed Book 4504 Page 322 in the Moore County Registry; thence with the Van Camp tract the following calls S 07°21’57” E a distance of 548.71’ to a .5” existing iron rod; thence S 44°53’28” W a distance of 325.80’ to a .5” existing iron rod, said iron rod being in the northern line of the Town of Southern Pines tract described in Deed Book 143 Page 303 in the Moore County Registry; thence with the Town of Southern Pines tract the following calls; S 78°35’08” W a distance of 13.41’ to an existing iron rod; thence S 78°35’08” W a distance of 40.26’ to an existing concrete monument; thence S 53°20’16” W a distance of 92.38’ to an existing concrete monument; thence S 36°19’36” E a distance of 497.95’ to a .5” existing iron rod in the Morganton Road northern right-of-way (100’ ROW); thence with the Morganton Road northern right-of-way the following calls; a curve to the left, having a radius of 1638.77’ a chord bearing of N 60°48’51” W a chord distance of 202.69’ to a calculated point; thence a curve to the left having a radius of 1136.13’ a chord bearing of N 75°34’06” W a chord distance of 397.05’ to a calculated point; thence N 86°48’02” W a distance of 118.37’ to a calculated point; thence N 89°39’43” W a distance of 18.60’ to a .5” existing iron rod, said iron rod being the southeast corner of the Morganton Park Realty, LLC tract; thence the following call with the Morganton Park Realty, LLC tract; N 00°46’05” W a distance of 462.18’ to a .5” existing iron rod; thence a curve to the left having a radius 1240.00’ a chord bearing of N 07°49’19” W a distance of 304.55’ to a .5” existing iron rod; thence N 14°52’33” W a distance of 65.47’ to the point of beginning, having an area of 17.70 acres.

Section 3. Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of September 14, 2021 as shown in the minutes of the Town Council for that date.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

**CERTIFICATE OF SUFFICIENCY
AX-05-21: 200 & 300 Pavilion Way**

To the Town Council of the Town of Southern Pines, North Carolina;

I, Elizabeth Robertson, Deputy Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

The petition contains an adequate property description of the area proposed for annexation, which is identified as follows:

200 Pavilion Way
Southern Pines, NC 28387
PIN: 587100590157 (PARID: 20200203)

300 Pavilion Way
Southern Pines, NC 28387
PIN: 857100597408 (PARID: 20190272)

The area described in the petition is contiguous to the Town of Southern Pines primary corporate limits, as defined by N.C.G.S. 160A-31.

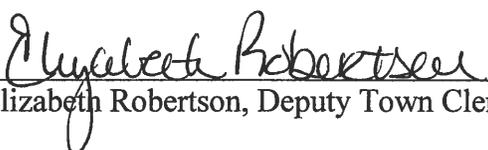
The petition is signed by and includes addresses of all owners of real property lying in the area described herein. Per the Moore County Tax Department and Moore County Register of Deeds, the property owners are listed as:

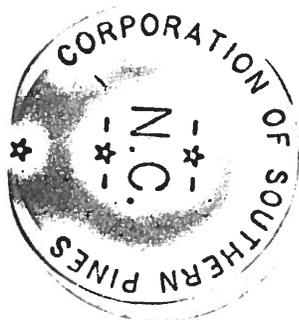
Pinehurst Medical Group, LLC/Erick Frizzell
200 Pavilion Way
Southern Pines, NC 28387

Pinehurst Surgical Clinic Realty LLC/Charles Gregg
300 Pavilion Way
Southern Pines, NC 28387

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Southern Pines, North Carolina, this 31st day of August, 2021.

(SEAL)


Elizabeth Robertson, Deputy Town Clerk



Agenda Item

To: Reagan Parsons, Town Manager

From: Cindy Williams, Planning Technician

Subject: AX-05-21: Set a Public Hearing for Voluntary Annexation of Property Contiguous to the Corporate Limits of the Town of Southern Pines; 19.78 Acres; Petitioners: Eric Frizzell and Charles Gregg

Date: September 14, 2021

I. SUMMARY OF APPLICATION REQUEST:

Eric Frizzell and Charles Gregg are requesting voluntary annexation of two contiguous parcels that are currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject parcel identified as PIN 857100590157 (PARID 20200203) is owned by and Pinehurst Medical Group LLC and the subject parcel identified as PIN 857100597408 (PARID 20190272) is owned by Pinehurst Surgical Clinic Realty LLC.

II. PRIOR TOWN COUNCIL ACTION:

During the August 23, 2021 Town Council Work Session, the Town Council approved a *Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31*.

III. PROJECT INFORMATION:

A. Physical Addresses:

200 Pavilion Way
Southern Pines, NC 28387

300 Pavilion Way
Southern Pines, NC 28387

B. Property Owners/Applicants:

Pinehurst Medical Group, LLC/Erick Frizzell
200 Pavilion Way
Southern Pines, NC 28387

Pinehurst Surgical Clinic Realty LLC/Charles Gregg
300 Pavilion Way
Southern Pines, NC 28387

C. Property Identification & Parcel Identification Numbers:

PIN 857100590157 (PARID 20200203)

PIN 857100597408 (PARID 20190272)

D. Size of Properties:

Total current combined acreage: 19.78 acres

IV. STAFF COMMENTS:

- The applicants have submitted annexation petitions accompanied by a map and a written metes and bounds description of each of the subject properties.
- The requests are voluntary requests for contiguous annexation as the adjacent properties are within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject properties are presently zoned PD (Planned Development) and the adjacent properties are presently zoned PD and FRR (Facilities, Resource & Recreation).
- At the August 23, 2021 Town Council Work Session, the Town Clerk was directed to investigate the sufficiency of the petition for voluntary annexation of the subject property.
- The purpose of this agenda item is for the Town Council to adopt a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.
- **Comprehensive Long Range Plan Analysis:**
 - The subject properties are identified as “Traditional Mixed Use” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

“The Traditional Mixed Use category applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines. This designation applies to the Morganton Road area and to the Pine Needles area, identifying these as likely spots for mixed-use including an interconnected street network as found in traditional town development. No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating modes of travel beyond the automobile.”

Figure 1: Adjacent Property (Areas to be Annexed Outlined in Red)



 Town of Southern Pines Corporate Limits

 Town of Southern Pines ETJ

Figure 2: Zoning Map (Area to be Annexed Outlined in Black)

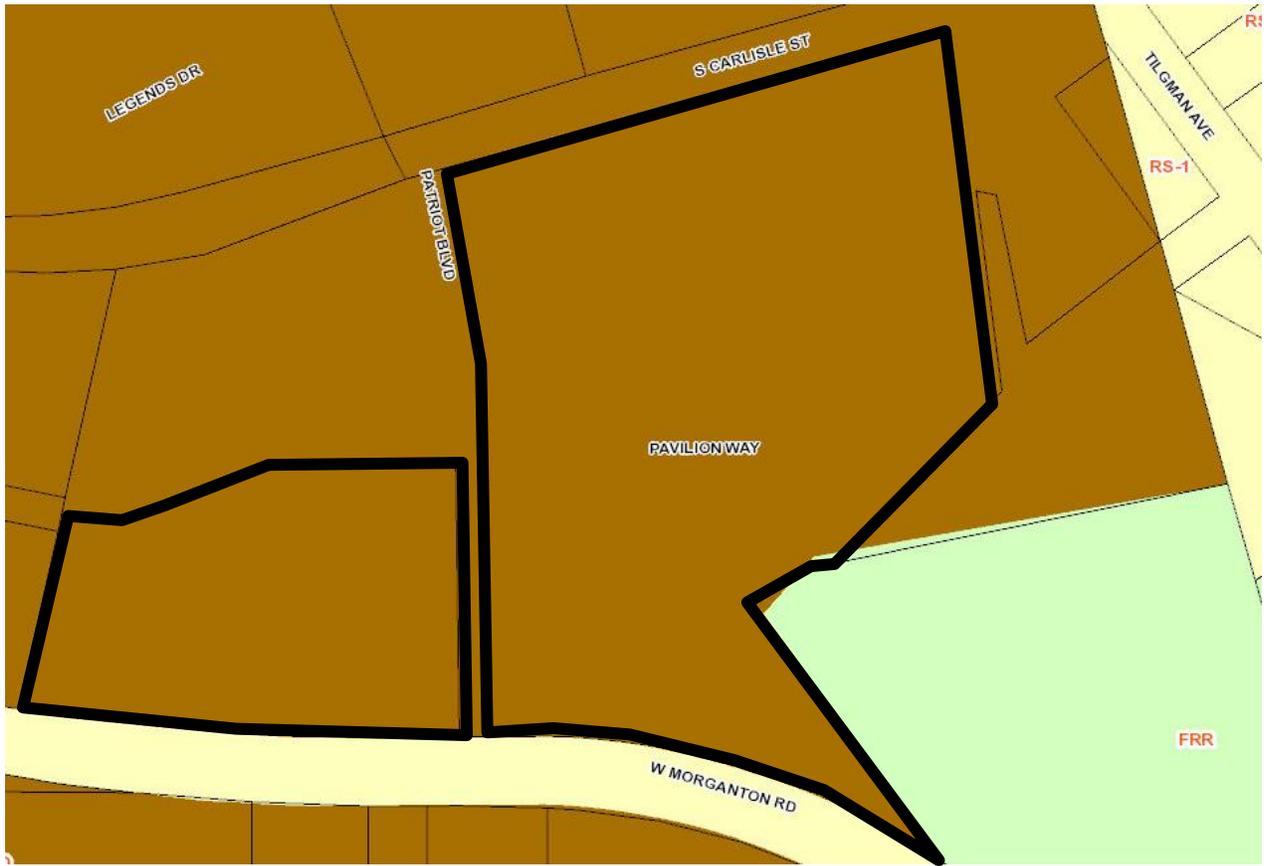
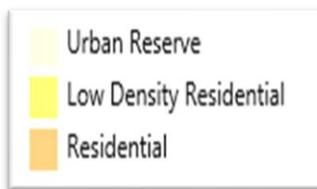


Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Blue)



V. ATTACHMENTS:

1. Petitions
2. Written metes and bounds descriptions
3. Surveys of subject properties

VI. TOWN COUNCIL ACTION:

Upon receiving a Certificate of Sufficiency from the Town Clerk, the Town Council may fix a date for the public hearing to consider the annexation request. The Town Council may choose one of the following motions, or any alternative they wish:

- 1) Per the Town Clerk's Certificate of Sufficiency, I move to adopt a resolution establishing **October 12, 2021** as the date of the public hearing for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-05-21.

-or-

- 2) I move to not adopt a resolution establishing **October 12, 2021** as the date of the public hearing for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-05-21.

Lot 3A
Pinehurst Medical Group, LLC

**PETITION FOR VOLUNTARY ANNEXATION OF REAL
PROPERTY CONTIGUOUS TO THE
TOWN OF SOUTHERN PINES, NORTH CAROLINA**

June 30, 2021

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA:

- 1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-31.**

- 2. The area requested to be annexed is contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:**

A legal metes and bounds description of boundaries of annexation, or a legal metes and bounds description of boundaries must be included.

Name & Signature of Owner

Eric Farrell


Address of Owner

200 Pavilion Way
Southern Pines, NC 28387

Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (new projects or properties that are being subdivided are to obtain address numbers from the Southern Pines Planning office while properties with existing structures are to obtain/confirm those addresses through the Southern Pines Fire Department) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.

Lot 4
Pinehurst Medical Clinic Realty, LLC

**PETITION FOR VOLUNTARY ANNEXATION OF REAL
PROPERTY CONTIGUOUS TO THE
TOWN OF SOUTHERN PINES, NORTH CAROLINA**

August 2, 2021

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-31.
2. The area requested to be annexed is contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:

A legal metes and bounds description of boundaries of annexation, or a legal metes and bounds description of boundaries must be included.

Name & Signature of Owner

 Charles
Gregg

Address of Owner

300 Pavilion Way, Southern Pines, NC
28387

Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (new projects or properties that are being subdivided are to obtain address numbers from the Southern Pines Planning office while properties with existing structures are to obtain/confirm those addresses through the Southern Pines Fire Department) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.

Metes & Bounds Description of Properties Petitioning for Annexation:

LOT 3A
PINEHURST MEDICAL GROUP, LLC

BEING LOCATED ON A PORTION OF THE PINEHURST MEDICAL GROUP, LLC TRACT (PID-20200203) LOT 3A DESCRIBED IN DEED BOOK 5297 PAGE 202 IN THE MOORE COUNTY REGISTRY, MCNEILL TOWNSHIP, SOUTHERN PINES; BOUNDED ON THE NORTH & EAST BY THE MORGANTON PARK REALTY, LLC, THE SOUTH BY MORGANTON ROAD, ON THE WEST BY PAVILION AT MORGANTON PARK, LLC AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD SET IN MORGANTON ROAD NORTHERN RIGHT-OF-WAY (100'), SAID IRON ROD ALSO BEING THE SOUTHEAST CORNER OF THE PAVILION AT MORGANTON PARK, LLC LOT 1 DESCRIBED IN DEED BOOK 4448 PAGE 206 AND SHOWN ON PLAT CABINET 16 SLIDE 458 IN THE MOORE COUNTY REGISTRY ; THENCE N 12°34'40" E A DISTANCE OF 270.18'; AN EXISTING IRON ROD, SAID IRON ROD BEING THE NORTHEAST CORNER OF THE PAVILION AT MORGANTON PARK, LLC LOT 1; THENCE N 12°34'40" E A DISTANCE OF 25.01 TO AN EXISTING IRON ROD; THENCE A CURVE TO THE LEFT HAVING A RADIUS OF 230.00' A CHORD BEARING OF N 85°12'49" E A CHORD DISTANCE OF 137.28' TO AN EXISTING IRON ROD; THENCE N 67°50'57" E A DISTANCE OF 118.83' TO AN EXISTING IRON ROD; THENCE A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00' A CHORD BEARING OF N 78°32'26" E A CHORD DISTANCE OF 85.34' TO AN EXISTING IRON ROD; THENCE N 89°13'55" E A DISTANCE OF 242.28' TO AN EXISTING IRON ROD; THENCE S 00°46'05" E A DISTANCE OF 406.77' TO AN EXISTING IRON ROD IN THE MORGANTON ROAD NORTHERN RIGHT-OF-WAY; THENCE WITH THE MORGANTON ROAD NORTHERN RIGHT-OF-WAY THE FOLLOWING CALLS N 89°39'43" W A DISTANCE OF 87.55' TO A CALCULATED POINT; THENCE N 89°03'27" W A DISTANCE OF 112.41' TO A CALCULATED POINT; THENCE N 87°27'10" W A DISTANCE OF 108.02' TO AN EXISTING IRON ROD; THENCE N 85°44'17" W A DISTANCE OF 112.32' TO A CALCULATED POINT; THENCE N 84°00'26" W A DISTANCE OF 108.22' TO A CALCULATED POINT; THENCE N 82°27'33" W A DISTANCE OF 111.62' TO A CALCULATED POINT; THENCE N 80°47'15" W A DISTANCE OF 4.40' TO THE POINT OF BEGINNING, HAVING AN AREA OF 5.08 ACRES.

LOT 4
PINEHURST SURGICAL CLINIC REALTY, LLC

BEING ALL OF THE PINEHURST SURGICAL CLINIC REALTY, LLC TRACT (PID-20190272) LOT 4 DESCRIBED IN DEED BOOK 5210 PAGE 301 IN THE MOORE COUNTY REGISTRY, MCNEILL TOWNSHIP, SOUTHERN PINES; BOUNDED ON THE NORTH SOUTH CARLISLE STREET, THE EAST THE ROBERT W. & JULIE M. VAN CAMP & THOMAS M. VAN CAMP TRACTS, THE TOWN OF SOUTHERN PINES TRACT; ON THE SOUTH BY MORGANTON ROAD; ON THE EAST BY THE MORGANTON PARK REALTY, LLC TRACT AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A .5" EXISTING IRON ROD IN THE SOUTH CARLISLE STREET SOUTHERN RIGHT-OF-WAY (80' ROW), SAID IRON ROD ALSO BEING THE NORTHEAST CORNER OF THE MORGANTON PARK REALTY, LLC TRACT DESCRIBED IN DEED BOOK 5210 PAGE 279 IN THE MOORE COUNTY REGISTRY ; THENCE WITH THE SOUTH CARLISLE STREET SOUTHERN RIGHT-OF-WAY THE FOLLOWING CALLS; N 74°24'56" E A DISTANCE OF 232.92' TO A .5" EXISTING IRON ROD; THENCE N 74°34'32" E A DISTANCE OF 508.87' TO A .5" EXISTING IRON ROD; THENCE A CURVE TO THE LEFT HAVING A RADIUS OF 580.00' A CHORD BEARING OF N 72°26'38" E A CHORD DISTANCE OF 41.05' TO A .5" EXISTING IRON ROD, SAID IRON ROD BEING THE NORTHWEST CORNER OF THE ROBERT W. & JULIE M. VAN CAMP, TRUSTEES AND THOMAS M. VAN CAMP, TRUSTEE TRACT DESCRIBED IN DEED BOOK 4504 PAGE 322 IN THE MOORE COUNTY REGISTRY;

THENCE WITH THE VAN CAMP TRACT THE FOLLOWING CALLS S 07°21'57" E A DISTANCE OF 548.71' TO A .5" EXISTING IRON ROD; THENCE S 44°53'28" W A DISTANCE OF 325.80' TO A .5" EXISTING IRON ROD, SAID IRON ROD BEING IN THE NORTHERN LINE OF THE TOWN OF SOUTHERN PINES TRACT DESCRIBED IN DEED BOOK 143 PAGE 303 IN THE MOORE COUNTY REGISTRY; THENCE WITH THE TOWN OF SOUTHERN PINES TRACT THE FOLLOWING CALLS; S 78°35'08" W A DISTANCE OF 13.41' TO AN EXISTING IRON ROD; THENCE S 78°35'08" W A DISTANCE OF 40.26' TO AN EXISTING CONCRETE MONUMENT; THENCE S 53°20'16" W A DISTANCE OF 92.38' TO AN EXISTING CONCRETE MONUMENT; THENCE S 36°19'36" E A DISTANCE OF 497.95' TO A .5" EXISTING IRON ROD IN THE MORGANTON ROAD NORTHERN RIGHT-OF-WAY (100' ROW); THENCE WITH THE MORGANTON ROAD NORTHERN RIGHT-OF-WAY THE FOLLOWING CALLS; A CURVE TO THE LEFT, HAVING A RADIUS OF 1638.77' A CHORD BEARING OF N 60°48'51" W A CHORD DISTANCE OF 202.69' TO A CALCULATED POINT; THENCE A CURVE TO THE LEFT HAVING A RADIUS OF 1136.13' A CHORD BEARING OF N 75°34'06" W A CHORD DISTANCE OF 397.05' TO A CALCULATED POINT; THENCE N 86°48'02" W A DISTANCE OF 118.37' TO A CALCULATED POINT; THENCE N 89°39'43" W A DISTANCE OF 18.60' TO A .5" EXISTING IRON ROD, SAID IRON ROD BEING THE SOUTHEAST CORNER OF THE MORGANTON PARK REALTY, LLC TRACT; THENCE THE FOLLOWING CALLS WITH THE MORGANTON PARK REALTY, LLC TRACT; N 00°46'05" W A DISTANCE OF 462.18' TO A .5" EXISTING IRON ROD; THENCE A CURVE TO THE LEFT HAVING A RADIUS 1240.00' A CHORD BEARING OF N 07°49'19" W A DISTANCE OF 304.55' TO A .5" EXISTING IRON ROD; THENCE N 14°52'33" W A DISTANCE OF 65.47' TO THE POINT OF BEGINNING, HAVING AN AREA OF 14.70 ACRES.

L. JERRY L. CROOK (CERT. # 146) - THIS PLAT HAS BEEN MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED SURVEYOR IN THE STATE OF NORTH CAROLINA. I HAVE PERSONALLY EXAMINED THE PLAT AND I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE ALSO PERSONALLY EXAMINED THE ORIGINAL RECORDS OF THE SURVEY AND I HAVE FOUND NO DISCREPANCIES THEREIN. I HAVE ALSO PERSONALLY EXAMINED THE ORIGINAL RECORDS OF THE SURVEY AND I HAVE FOUND NO DISCREPANCIES THEREIN. I HAVE ALSO PERSONALLY EXAMINED THE ORIGINAL RECORDS OF THE SURVEY AND I HAVE FOUND NO DISCREPANCIES THEREIN.

State of North Carolina
 Review Officer of those Courts,
 North Carolina courts shall be paid in full which the said courts or other public authority,
 requires for recording.

Dee E. P. [Signature]
 9-19-2019
 Date

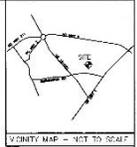
[Signature]
 9/18/19
 Date

L. JERRY L. CROOK, PROFESSIONAL LAND SURVEYOR, 1000
 COUNTRY CLUB DRIVE, WILSON, NORTH CAROLINA 27597
 THIS SURVEY IS OF ANOTHER CATEGORY OR IS THE
 REVISION OF AN EXISTING SURVEY. A COURT ORDER OR
 OTHER AUTHORITY IS REQUIRED FOR THIS SURVEY TO BE
 RECORDED.

[Signature]
 9/18/2019
 Date

THE INFORMATION CONTAINED IN THIS
 PLAT IS SUBJECT TO THE
 SURVEYING ACT OF 1975
 AND THE SURVEYING
 ACT OF 1978

PLAT CABINET 18 SLIDE 239



TITLE REFERENCE
 PID 20150046
 PIN 82710334875
 DEED BOOK 4504 PAGE 322
 MOORE COUNTY REGISTRY
 PID 00037588
 PIN 88710525604
 DEED BOOK 4504 PAGE 322
 MOORE COUNTY REGISTRY

LINE	BEARING	DISTANCE
1	S 89° 24' 30" W	23.31
2	S 72° 47' 30" W	44.80
3	S 34° 31' 30" W	244.15
4	N 0° 00' 00" E	75.84
5	N 02° 31' 00" E	74.01
6	N 02° 31' 00" E	75.84
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35	N 02° 31' 00" E	74.01
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38	S 72° 47' 30" W	44.80
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58	N 0° 00' 00" E	75.84
59	N 02° 31' 00" E	74.01
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71	N 02° 31' 00" E	74.01
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96	N 02° 31' 00" E	75.84
97	S 89° 24' 30" W	23.31
98	S 72° 47' 30" W	44.80
99	S 34° 31' 30" W	244.15
100	N 0° 00' 00" E	75.84

LINE	BEARING	DISTANCE	AREA
1	S 89° 24' 30" W	23.31	0.0000
2	S 72° 47' 30" W	44.80	0.0000
3	S 34° 31' 30" W	244.15	0.0000
4	N 0° 00' 00" E	75.84	0.0000
5	N 02° 31' 00" E	74.01	0.0000
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7	S 89° 24' 30" W	23.31	0.0000
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9	S 34° 31' 30" W	244.15	0.0000
10	N 0° 00' 00" E	75.84	0.0000
11	N 02° 31' 00" E	74.01	0.0000
12	N 02° 31' 00" E	75.84	0.0000
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14	S 72° 47' 30" W	44.80	0.0000
15	S 34° 31' 30" W	244.15	0.0000
16	N 0° 00' 00" E	75.84	0.0000
17	N 02° 31' 00" E	74.01	0.0000
18	N 02° 31' 00" E	75.84	0.0000
19	S 89° 24' 30" W	23.31	0.0000
20	S 72° 47' 30" W	44.80	0.0000
21	S 34° 31' 30" W	244.15	0.0000
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23	N 02° 31' 00" E	74.01	0.0000
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29	N 02° 31' 00" E	74.01	0.0000
30	N 02° 31' 00" E	75.84	0.0000
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47	N 02° 31' 00" E	74.01	0.0000
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52	N 0° 00' 00" E	75.84	0.0000
53	N 02° 31' 00" E	74.01	0.0000
54	N 02° 31' 00" E	75.84	0.0000
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56	S 72° 47' 30" W	44.80	0.0000
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63	S 34° 31' 30" W	244.15	0.0000
64	N 0° 00' 00" E	75.84	0.0000
65	N 02° 31' 00" E	74.01	0.0000
66	N 02° 31' 00" E	75.84	0.0000
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68	S 72° 47' 30" W	44.80	0.0000
69	S 34° 31' 30" W	244.15	0.0000
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100	N 0° 00' 00" E	75.84	0.0000

NOTES:
 1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 2. ALL DISTANCES ARE TO BE MEASURED FROM THE DATE OF THIS SURVEY.
 3. ALL DISTANCES ARE TO BE MEASURED FROM THE DATE OF THIS SURVEY.
 4. ALL DISTANCES ARE TO BE MEASURED FROM THE DATE OF THIS SURVEY.
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 8. ALL DISTANCES ARE TO BE MEASURED FROM THE DATE OF THIS SURVEY.
 9. ALL DISTANCES ARE TO BE MEASURED FROM THE DATE OF THIS SURVEY.
 10. ALL DISTANCES ARE TO BE MEASURED FROM THE DATE OF THIS SURVEY.

EXEMPT SURVEY OF
 TRACTS 1, 2, 3, 4 & 5 MORGANTON PARK
 MINERAL SPRINGS TOWNSHIP, TOWN OF SOUTHERN PINES
 MOORE COUNTY, NORTH CAROLINA
 SEPTEMBER 16, 2019 SCALE 1" = 200'
 FIELD SURVEY - AUGUST, 2019



OWNER: ROBERT W. & JULIE W.
 VAN CAMP, TRUSTEE
 P.O. BOX 1780
 FRENCHES, NC 28720
 SURVEYOR: JERRY L. CROOK, PLS
 2000 W. HARRIS ROAD
 MOORE COUNTY, NC 27558
 (919) 871-2300

**ORDINANCE #1945 DECREASING THE SPEED LIMIT ON
PADDOCK LANE TO 25 MPH**

WHEREAS, North Carolina General Statute (N.C.G.S.) § 20-141(b)(1) sets the maximum speed limit inside municipal corporate limits at 35 mph for all vehicles; and

WHEREAS, N.C.G.S. § 20-141(e) further states *“Local authorities, in their respective jurisdictions, may authorize by ordinance higher speeds or lower speeds than those set out in subsection (b) upon all streets which are not part of the State highway system; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets affected.”*; and

WHEREAS, the Council of the Town of Southern Pines has received a petition signed by 25 affected property owners within the Longleaf Golf & Family Club Community are requesting a reduction on Paddock Lane from the current 35mph to 25mph; and

WHEREAS, the Southern Pines Town Council wishes to address the petitioned request in the interest of public health, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. The Maximum Speed Limit on Paddock Lane shall be set at 25mph.

Section 2. Effective Date. The effective date of this new speed limit shall be September 14, 2021 or upon installation of required signage by the Town, whichever date occurs later.

Adopted this 14th day of September, 2021.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

**Petition to Lower the Speed Limit on Paddock Lane
in the Longleaf Community of Southern Pines**

- We the undersigned owners of residences on Paddock Lane and adjoining area within the Longleaf Golf & Family Club Community wish designate the speed limit on Paddock Lane at 25 miles per hour, a speed limit which reflects the same speed limit on other streets in the Longleaf neighborhood;
- Posted speed limit signs on Steeplechase Way, Hunter Trail, and Hunter Court, all in Longleaf, indicate a 25 mph speed limit;
- Posted speed limit signs within contingent neighbor communities of Talimore Golf Club and Pine Grove Village indicate a 25 mph speed limit;
- Residents on Paddock Lane recall a 25 mph sign on Paddock Lane which appears to have been removed for an unknown reason;
- As residents, we believe it is appropriate and fitting to designate this street as a 25 mph zone for the personal safety of the residents, for their pets, and for visiting families and friends;
- Therefore, we the undersigned request designation of Paddock Lane as a 25 mph zone for the safety and welfare of the residents.
- The undersigned residents of Paddock Lane and contingent properties in Southern Pines will be pleased to speak with our esteemed Mayor, Council, and Town Manager if more information is needed.

Address	Name	Phone	
24. 1.	Beth C. Hill	99 Paddock Ln	828-302-0440 Beth Hill
25. 2.	Thomas R. Hill	99 Paddock Ln.	(828) 302-0400 Thomas Hill
26. 3.			
27. 4.			
28. 5.			
29. 6.			
30. 7.			

8. Sherry S. Shaw 39 Paddock Ln (910) 692-4700
9. ~~Mad D. Hoover~~ 69 Paddock Ln 919 496 8645
10. Kelly M. Stewart 69 Paddock Lane 919-496-0586
11. WH Bevins 79 Paddock Ln 910-692-6042
12. Connie Bevins 79 Paddock Ln. 692-6042
13. Lisa Dodge-Warner 109 Paddock Ln. 684-8691
14. ~~By Con~~ Timothy Copeland 130 Paddock Ln
15. Billy R. Bruce 120 Paddock Ln 695-0531
16. J. Main Tamm 120 Paddock Ln 625-3812
910-315-8052
17. Ernie & Wes Harrison 110 Paddock Ln
18. Darlene L. Luppino 100 Paddock Lane
19. Hugh S. Merier 90 Paddock Lane
20. Angie Y. Merier 90 Paddock Ln.
21. ~~Debra~~ 80 Paddock Ln
22. Margaret Pleasants 5 Steeplechase Way
23. Ray Curlee 501 Cottage Lane

**Petition to Lower the Speed Limit on Paddock Lane
in the Longleaf Golf & Family Club Community of Southern Pines**

- We the undersigned owners of residences on Paddock Lane and adjoining area within the Longleaf Golf & Family Club Community wish to designate the speed limit on Paddock Lane at 25 miles per hour, a speed limit which reflects the same speed limit on other streets in the Longleaf neighborhood;
- Posted speed limit signs on Steeplechase Way, Hunter Trail, and Hunter Court, all in Longleaf, indicate a 25 mph speed limit;
- Posted speed limit signs within contingent neighbor communities of Talamore Golf Club and Pine Grove Village indicate a 25 mph speed limit;
- Residents on Paddock Lane recall a 25 mph sign on Paddock Lane which appears to have been removed for an unknown reason;
- As residents, we believe it is appropriate and fitting to designate this street as a 25 mph zone for the personal safety of the residents, for their pets, and for visiting families and friends;
- Therefore, we the undersigned request designation of Paddock Lane as a 25 mph zone for the safety and welfare of the residents and request a sign to mark the proposed 25 mph zone.
- The undersigned residents of Paddock Lane and contingent properties in Southern Pines will be pleased to speak with our esteemed Mayor, Council, and Town Manager if more information is needed.

Name	Address	Phone
1. <u>Yanni P. Wilson</u>	<u>49 Paddock Lane</u>	<u>(910) 653-8910</u>
2. <u>Jennifer Barrows</u>	<u>6 Steeplechase Way</u>	<u>910 246 0991</u>
3. <u>Ernie DeWitt</u>	<u>49 Paddock Ln</u>	<u>(910) 986-9905</u>
4. <u>Jim Scott</u>	<u>9 Paddock Ln</u>	
5. <u>Iga Scott</u>	<u>9 Paddock Ln</u>	<u>692-2006</u>
6. <u>William McVerry</u>	<u>29 Paddock Ln</u>	<u>692-6267</u>
7. <u>Sarah McVerry</u>	<u>29 Paddock La</u> <u>So Pines</u>	<u>692-6267</u>

**RESOLUTION #985 AUTHORIZING THE ON-GOING DISPOSITION
OF SURPLUS BOOKS AND OTHER CIRCULATING MATERIALS**

WHEREAS, the Town of Southern Pines Public Library periodically identifies books and other circulating materials that are no longer useable by the Town as surplus property; and

WHEREAS, pursuant to N.C. Gen. Stat. 160A-280, the Town may donate to non-profits, sister cities, and other units of government personal property that the governing board determines to be surplus, obsolete or unused; and

WHEREAS, pursuant to N.C. Gen. Stat. 160A-266, the Town Council of the Town of Southern Pines may authorize one or more public officials to declare and dispose of surplus property consistent with North Carolina General Statutes; and

WHEREAS, the identification and declaration of obsolete, unusable or unwanted books and other circulating materials as surplus property will continue to be a regular and on-going process.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines:

1. That the Library Director and Purchasing Agent are hereby authorized to identify and declare books and other circulating materials withdrawn from circulation according to the Town of Southern Pines Public Library's Collection Development Policy as surplus property on an on-going basis; and
2. That upon the recommendation by the Library Director and with the approval of the Purchasing Agent, appropriate books and other circulating materials withdrawn from circulation and declared as surplus property as stated above may be donated to other units of government, non-profits, or sister cities as directed by the Library Director and Purchasing Agent; and
3. That the above authority for said surplus property identification and disposal is hereby approved and accepted unless and until such on-going authority is rescinded by the Town Council of the Town of Southern Pines.

Adopted this 14th day of September, 2021.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of September 14, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

NORTH CAROLINA

**UTILITY ENGINEERING AND CONSTRUCTION
AGREEMENT (UCA)**

MOORE COUNTY

8/24/2021

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Project: BR-0035

AND

WBS Elements: 49073.3.1

TOWN OF SOUTHERN PINES

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Southern Pines, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project BR-0035, said plans consists of improvements to Bridge 24 on NC 22 over Nicks Creek; said project having a right-of-way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the parties hereto wish to enter into an agreement for certain utility work to be performed by the Department's construction contractor with full reimbursement by the Municipality for the costs thereof as hereinafter set out.

NOW, THEREFORE, it is agreed as follows:

PRELIMINARY ENGINEERING

1. The Department shall use its utility limited service agreement for Project BR-0035 in Moore County.
2. The Municipality shall be responsible for the costs of the Preliminary Engineering Design. The cost to the Municipality is \$2,294.94 as shown on the attached cost estimate, Exhibit "B". It is understood by both the Department and the Municipality that this is a final cost unless the Municipality requests additional work not covered under this Agreement, or plan review by the Department and/or Municipality does not properly identify all existing conflicts or Department

revises highway plans before or during construction. Under this agreement, the Municipality reserves the right to re-engineer plans due to the Department's plan revisions.

3. The Municipality will participate in the preliminary engineering design cost by submitting a check for \$2,294.94 to the Department (address below) upon partial execution of this Agreement by the Municipality. Both parties understand that there will be no adjustment to this fixed amount.

REMITTANCE ADDRESS:

NC Department of Transportation
ATTN: Accounts Receivable
1514 Mail Service Center
Raleigh, NC 27699-1514

4. Upon the satisfactory completion of the utility construction plans covered under this Agreement, the Municipality shall review and approve the plans, the associated estimated utility construction cost and special provisions to be made part of the Department's roadway contract for highway construction; the Municipality shall release the Department of any future responsibility for the design of the utility construction plans. Said releases shall be deemed to be given by the Municipality upon completion of the plans, estimates, special provisions and acceptance by the Department and Municipality for the plans to be made part of the highway roadway contract.

CONSTRUCTION

5. The Department shall place provisions in the construction contract for Project BR-0035 Moore County, for the contractor to adjust and relocate water lines. Said work shall be accomplished in accordance with plan sheets, attached hereto as Exhibit "A", costs estimates attached hereto as Exhibit "B", and project specific provisions, if applicable, attached hereto as Exhibit "C".
6. The Municipality shall be responsible for water lines construction as shown on Exhibit "A". The estimated cost to the Municipality is \$32,013.50 as shown on the attached Exhibit "B". It is understood by both parties that this is an estimated cost and is subject to change. The Municipality shall reimburse the Department for said costs as follows:

REIMBURSEMENT TO THE DEPARTMENT – FINAL BILLING

7. The Municipality shall reimburse the Department for construction costs as follows:

- A. Upon completion of the highway work, the Department shall submit an itemized invoice to the Municipality for costs incurred. Billing will be based upon the actual bid prices and actual quantities used.
- B. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.
- C. If the Municipality does not pay said invoice within sixty (60) days of the date of the invoice, the Department shall charge interest on any unpaid balance at a variable rate of the prime plus (1%) in accordance with G.S. 136-27.3.
- D. Said interest rate shall be set upon final execution of the Agreement by the Department. The Municipality will be notified of the set interest rate by the Department's approval letter upon receipt of the fully executed agreement.
- E. Any cost incurred due to additional utility work requested by the Municipality after award of the construction contract, shall be solely the responsibility of the Municipality. The Municipality shall reimburse the Department 100% of the additional utility cost.
- F. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.
- G. At any time prior to final billing by the Department, the Municipality may prepay any portion of the costs by sending a check with the WBS Element noted to the below address. The Department will provide a final billing based on actual costs, less any previous payments that have been made.

REMITTANCE ADDRESS:

NC Department of Transportation
ATTN: Accounts Receivable
1514 Mail Service Center
Raleigh, NC 27699-1514

- 8. Upon the satisfactory completion of the relocations and adjustments of the utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall

release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be given by the Municipality upon completion of construction of the project and its acceptance by the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.

9. It is further agreed that the following provisions shall apply regarding the utilities covered in this Agreement.
 - A. The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right-of-way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.
 - B. If at any time the Department shall require the removal of or changes in the location of the encroaching facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement (if applicable per G.S. 136-27.1), without any cost to the Department.
10. The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.
11. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.
12. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST: TOWN OF SOUTHERN PINES
BY: _____ BY: _____
TITLE: _____ TITLE: _____
DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:
Town of Southern Pines

DEPARTMENT OF TRANSPORTATION
BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ 10/7/2021 _____ (Date)

NCDOT Project BR-0035
Water Line Relocation for NC-22 Bridge over Nick's Creek

**Estimated Town of
Southern Pines Cost
Responsibility**

Pay Item Description	Pay Item Quantities	Pay Item Units
FOUNDATION CONDITIONING MATL, MS	20	TON
FOUNDATION CONDITIONING GEOTEXTILE	60	SY
8" WATER LINE	332	LF
DUCTILE IRON WATER PIPE FITTINGS	1225	LB
8" VALVE	0	EA
8" TAPPING SLEEVE AND VALVE	1	EA
FIRE HYDRANT	2	EA
FIRE HYDRANT LEG	57	LF
ABANDON 8" UTILITY PIPE	307	LF
REMOVE FIRE HYDRANT	2	EA
18" ENCASEMENT PIPE	60	LF
BORE AND JACK OF 18"	35	LF
GENERIC UTILITY ITEM - 8" INSERTION VALVE	1	EA
Town of Southern Pines Utility Relocation Cost Responsibility - Construction		\$32,103.50
Town of Southern Pines Utility Relocation Cost Responsibility - Engineering		\$2,294.94

STATE OF NORTH CAROLINA
MOORE COUNTY

WATER PURCHASE CONTRACT

THIS CONTRACT for ~~the sale~~ the sale and purchase of water is entered into as of the _____ day of _____, 2019~~2021~~, between the TOWN OF SOUTHERN PINES (hereinafter referred to as "Seller"), and the TOWN OF ABERDEEN, (hereinafter referred to as "Purchaser").

WITNESSETH:

WHEREAS, the Purchaser is a recognized public utility by the North Carolina Utilities Commission and desires to purchase potable water from the Seller for resale to customers in Whispering Pines, North Carolina, or to others within the previously defined area; and

WHEREAS, the Seller is a body politic duly organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Purchaser, among its other functions, operates a water distribution system serving water users within its boundaries, and is in need of a supply of treated water therefore; and

WHEREAS, the Seller owns a water supply and distribution system; and

WHEREAS, the Seller currently has available excess capacity of treated water sufficient to supply the request of the Purchaser as set forth in this contract and to satisfy the present and anticipated needs of its Customers; and

WHEREAS, the Seller desires to sell to Purchaser and Purchaser desires to buy from Seller a supply of potable water as set forth herein: and

WHEREAS, the Seller and the Purchaser have agreed upon certain terms regarding the sale of water as mentioned above, and now desire to set forth the terms of their agreement; and

WHEREAS, by Resolution adopted by the Town Council of the TOWN OF SOUTHERN PINES at its meeting on _____, the sale of said water to the Purchaser as provided herein was approved, and the execution of this Contract by the Seller was duly authorized; and

WHEREAS, by Purchaser agreed to the purchase of said water from the Seller as provided herein was approved on _____, and the execution of this contract by Purchaser was duly authorized;

NOW THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth, the Parties Agree as follows:

A. SELLER'S OBLIGATIONS:

1. (Quality and Quantity) Subject to the remaining provisions of this contract, the Seller shall furnish to the Purchaser at the point of delivery hereinafter specified, during the term of this contract or any renewal or extension thereof, potable treated water meeting applicable purity standards of the State of North Carolina, Rules Governing Public Water Systems, 15 NCAC 18C, in such quantity as may be required by the Purchaser not to exceed ~~Six Hundred~~Twenty Eight Thousand (28,000) gallons per day or ~~Two Hundred Nineteen~~Ten Million ~~Two Hundred~~Twenty Thousand (10,220,000) gallons per year. The annual minimum is ~~Two Hundred Fifty Seven~~ Thousand (7,000) gallons per day, averaged over the preceding year or ~~Ninety One~~Two Million ~~Two Five~~ Hundred Fifty Thousand (2,555,000) gallons per year. For purposes of this Paragraph A.1, a "year" is defined as July 1 through June 30 and includes 365 days for mathematical purposes. If Purchaser fails to purchase the required annual minimum after the shorter time of the development is being 100% developed or more three years past the date of this agreement, and no restrictions on the purchase of water have been imposed by Seller, or if there is not a state mandated drought restriction during the year, then Purchaser shall nevertheless be obligated to pay to Seller the difference between the amounts paid by Purchaser for the water actually purchased during that year and the amount that Purchaser would have been obligated to pay had Purchaser purchased the 2,555,000 gallons minimum for the year.
2. (Point of Delivery and Pressure) Seller shall furnish water at a reasonably constant pressure from an existing main supply line owned by Seller. The point of delivery shall be at a meter facility owned by Seller and located at mutually agreed upon location(s). If the Purchaser requires a greater pressure than that normally available at the point of delivery, the cost of providing such greater pressure shall be borne by the Purchaser. Emergency failures of pressure or supply due to main supply line breaks, power failure, water source contamination, flood, drought, fire and use of

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water to fight fire, earthquake or other catastrophe shall excuse the Seller from this provision for such reasonable period as may be necessary to restore service.

3. (Metering Equipment) The metering equipment owned by Seller and located at the point of delivery hereof shall be read by Seller on the 1st working day of each month. An appropriate official of the Purchaser shall have access at all reasonable times to the meter for verifying its readings.
4. (Billing Procedure) Seller shall provide to the Purchaser, between the twentieth (20th) day and the twenty-fifth (25th) day of each month, an itemized statement of the amount of water furnished the Purchaser during the preceding month. Water bills are due by the 10th of the following month. Purchaser is responsible for any applicable late fees as outlined in the Seller's Code of Ordinances.

~~5.~~

B. PURCHASER'S OBLIGATIONS:

~~1.~~ (Rates and Payment Dates) See above in Section A.4 for payment dates and penalties. The rate shall be \$~~3.28-52~~ per 1,000 gallons purchased. The annual minimum total payout will be \$~~35,7628,993,060~~.

~~2.~~ (Water Availability) For amounts in excess of ~~600,000~~28,000 gallons per any given day during the term of this contract, the Purchaser will need to have the availability approved in advance by the Town Manager of the TOWN OF SOUTHERN PINES, or designee on the Seller's behalf. In the event the Seller finds it necessary to go elsewhere to purchase water, which Seller then re-sells to Purchaser, the Purchaser agrees to pay ten percent (10%) above the Seller's cost or Purchaser shall have the option to suspend the contract until sufficient water is available.

~~3.~~ (System Improvements) Prior initial purchase of water, the Purchaser agrees to install or have installed a new watermain connecting the end of Seller's water system along SW Broad Street to the Seller's system on Saunders. The Purchaser also agrees to install or have installed a meter vault at a mutually agreed upon location and purchase the meter from the Seller.

Commented [HW1]: Need to update to current rate and the annual minimum total payout

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2.4.(Upfront Charges) The Purchaser agrees to pay the Seller a mutually agreed upon sum of \$136,779.53 based upon the agreed to usage and system configuration. Additional charges may apply if changes become necessary.

C. ANNUAL RATE ADJUSTMENTS:

1. The Seller will adjust the rate per thousand gallons sold to the purchaser at the same rate as its regular in-town rate-paying customer. For the purpose of this contract, the “same” means cost per 1,000 gallons volume charge. If regular in-town rates increase/decrease by a certain percentage, this contract rate per thousand gallons volume will increase/decrease at the same percentage rate.

D. IT IS FURTHER AGREED BETWEEN THE SELLER AND THE PURCHASER AS FOLLOWS:

1. (Term of Contract) The effective date of the Contract is the latter date of signature for either of the two parties. That this Contract shall extend for a term of five (5) years from the date of adoption of this Contract between the Seller and the Purchaser by both parties and, thereafter may be renewed or extended for such term, or terms, as may be agreed upon by the Seller and Purchaser. This contract will automatically extend for two (2) additional five (5) year terms unless either the Seller or Purchaser, within one hundred eighty (180) calendar days of each renewal date, decide to make changes to or terminate the contract. Any changes to or termination notice is only valid if received by the other party in writing. For clarification of the one hundred eighty (180) day rule, if the renewal date were July 1 of a specified year then any notice to change or terminate would have to be received by the other party on or before December 31 of the preceding year.
2. (Emergency Services) -That Seller and Purchaser shall endeavor to provide such quantities of water each to the other as may be needed in the case of emergency water needs, such as water source contamination, production facility failure, natural disaster, or other catastrophe. The cost of such water shall be at the rate described in Section B.1. In the event that the Seller initiates water shortage conservation measures as defined in the Seller’s Code of Ordinances, the Purchaser shall reciprocate such measures within its service area unless the Seller provides written consent waiving the Purchaser from said requirements.

Commented [HW2]: 5. (Rate Escalation Clause) The Rate can only be increase on an annual basis, based on the same percentage increase that the Southern Pines Council raises the rate for all customers (e.g., if the water rate per 1000 gallon is increased 3 percent then the rate per 1000 gallons billed for this contract will increase by 3 percent).

Commented [JW3]: 3

Commented [JW4]: 3

3. (Delivery of Water) The Purchaser shall notify the Seller in writing of the date for the initial delivery of water.
4. (Failure to Deliver) The Seller will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish the Purchaser with quantities of water required under the terms of this Contract by the Purchaser. Temporary or partial failure to deliver water shall be remedied with all possible dispatch.
5. (Modification of Contract) That the provisions of the contract may be modified or altered by mutual written agreement of the parties.
6. (Termination) This contract may be terminated, for cause, by the non-breaching party notifying the breaching party of a substantial failure to perform in accordance with the provisions of this contract and if the failure is not corrected within thirty (30) days of the receipt of the notification. Upon such termination, the parties shall be entitled to such additional rights and remedies as may be allowed by applicable law. Termination of this contract shall not form the basis of any claim for loss of anticipated profits by either party.
7. (Notices) Any notice required to be given hereunder by Seller to Purchaser shall be made by Seller in writing and mailed by first class mail or transmitted by facsimile to the **Town Manager, Town of Aberdeen, 115 North Poplar Street, Aberdeen NC 28315.** Notice shall be effective upon receipt. Any notices required to be given hereunder by Purchaser to Seller shall be made by Purchaser in writing and mailed by first class mail or transmitted by facsimile to the Town Manager, Town of Southern Pines, 125 S.E. Broad Street, Southern Pines, North Carolina 28387. Notice shall be effective upon receipt.

8. (Amendments) This Agreement may be amended by the parties only in writing.
9. (Binding Effect) This contract shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.
10. (Entire Agreement) This contract contains the entire agreement of the parties and there are no representations, inducements, or other provisions other than those expressed in writing.

Commented [JW5]: As required by this Agreement, the parties shall provide notice to each other by contacting the following persons:

The Town of Aberdeen
 Paul Sabiston,
 Town Manager
psabiston@townofaberdeen.net
 Mr. Harold Watts, Public Works Director
hwatts@townofaberdeen.net

Either party may amend the persons, mailing addresses or email addresses listed above by providing the other party written or emailed notice of said changes.

Commented [JW6]: 7. Amendments:
 This Agreement may be amended by the parties only in writing.
8. Binding Effect:
 This contract shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.
9. Entire Agreement:
 This contract contains the entire agreement of the parties and there are no representations, inducements, or other provisions other than those expressed in writing.

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8.11. (Regulatory Agencies) This contract is subject to such rules, regulation, or laws as may be applicable to similar agreements in this State, and Seller and Purchaser will collaborate in obtaining such permits, certificates, or the like, as may be required to comply therewith.

9.12. (Governing Laws) This contract shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this contract shall be brought in the General Court of Justice in the County of Moore and the State of North Carolina.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed in duplicate counterparts, each of which shall constitute and original.

The rest of this page is left intentionally blank.

Executed by the Town of Southern Pines, this _____ day of _____,
~~2019~~2021.

Town of Southern Pines

By: W. David McNeill Carol Haney
Mayor

ATTEST:

Peggy K. Smith
Town Clerk

Certificate of Town of Southern Pines Finance Officer

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Town of Southern Pines Finance Officer

Executed by the ~~Carolina Water Service, Inc~~ Town of Aberdeen. of North Carolina, this _____ day of _____, 2019.

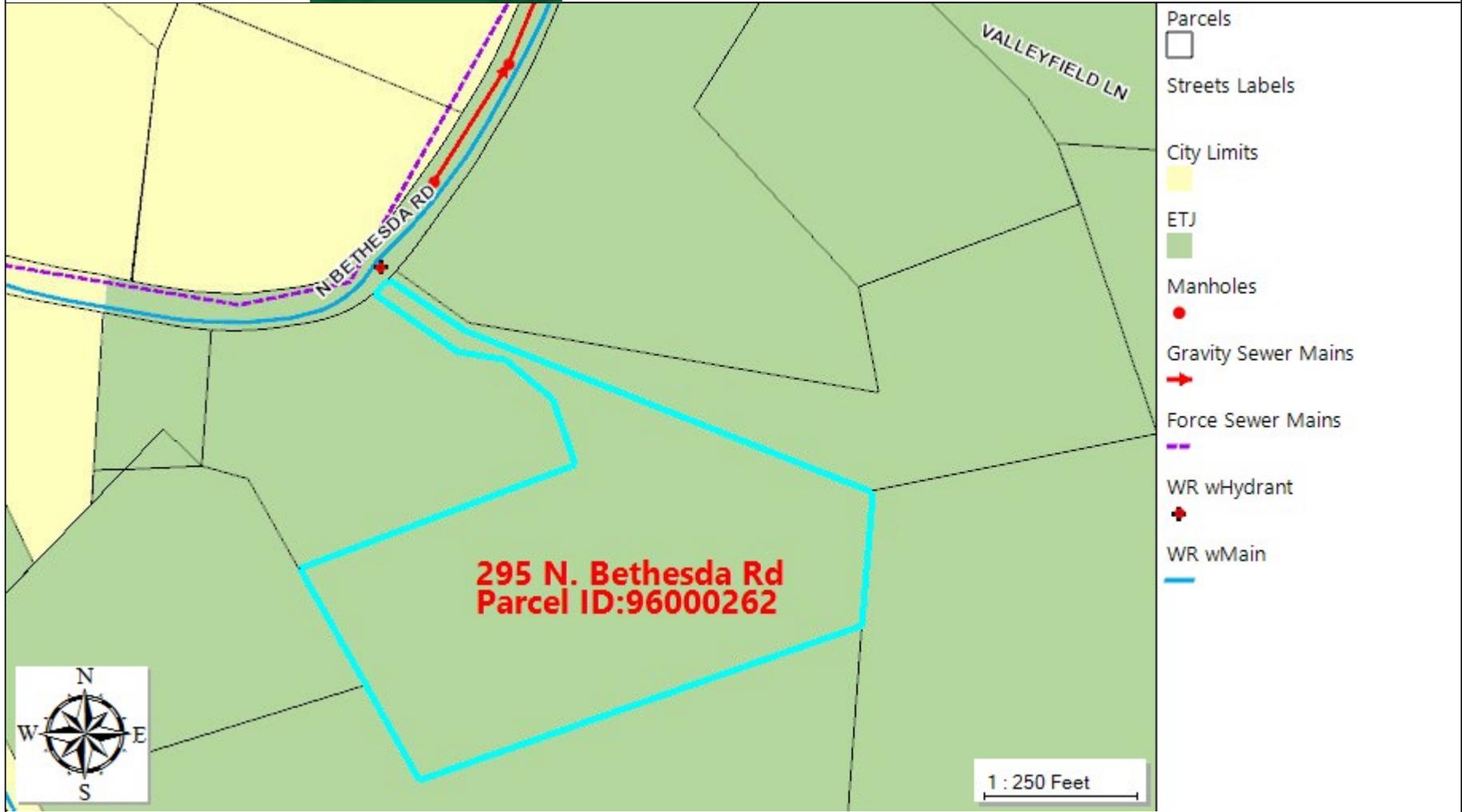
Town of Aberdeen

By: _____

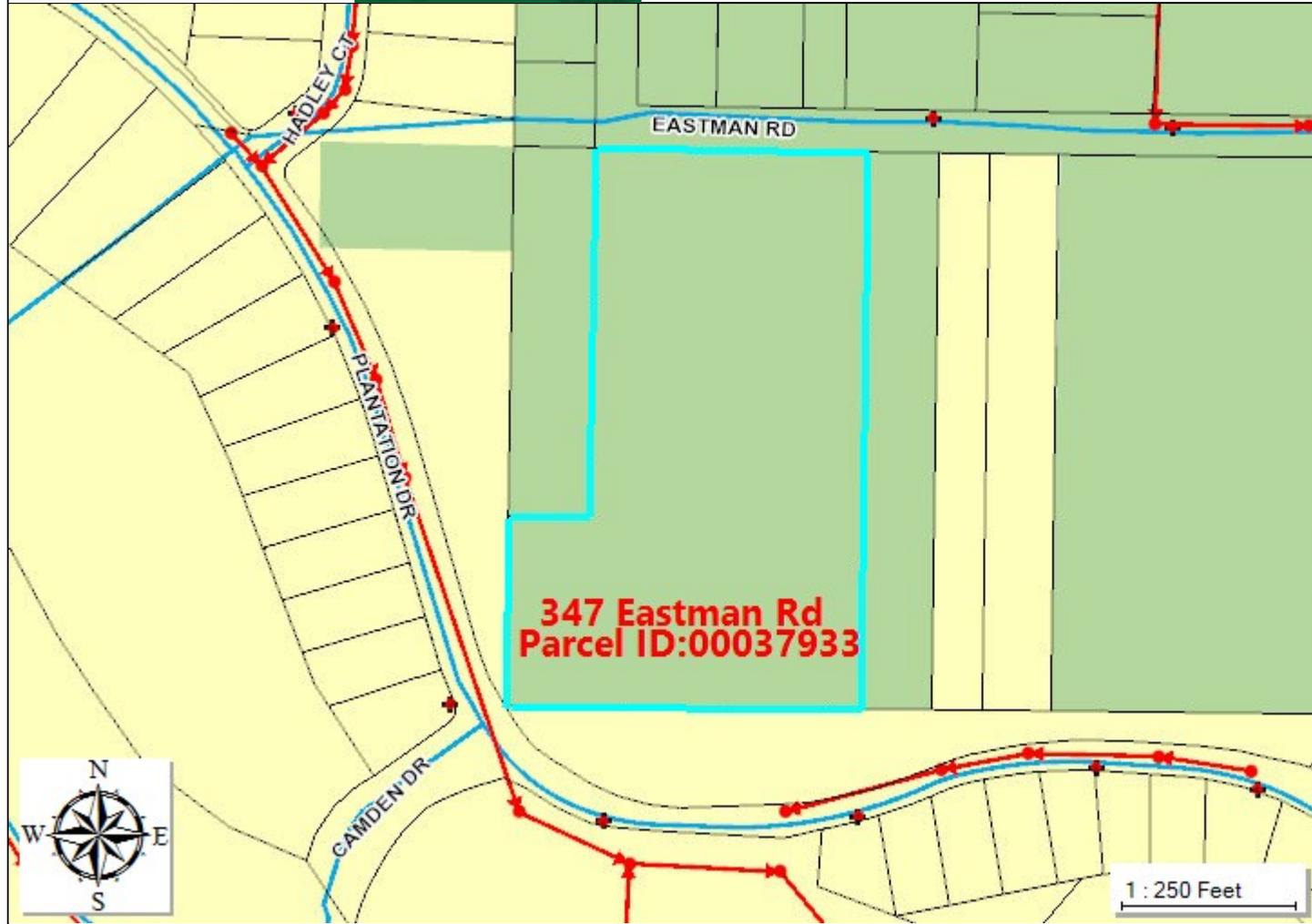
Robert A. Farrell
Mayor

ATTEST:

DRAFT



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- Parcels 
- Streets Labels
- City Limits 
- ETJ 
- Manholes 
- Gravity Sewer Mains 
- Force Sewer Mains 
- WR wHydrant 
- WR wMain 



1 : 250 Feet

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MINUTES

Wednesday, August 4, 2021: 6:00 PM

Town Council Agenda Meeting

C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Haney called the meeting to order at 6:00 pm. All Councilmembers were present.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda. He noted that the applicant for the Village Walk project submitted a request under UDO Section 2.5.14b to continue the Council public hearing to the September 14, 2021 meeting.

3. ACTION ITEMS

a. AX-04-21: Consider Resolution to Investigate Annexation Petition

Town Manager Parsons gave a brief overview of the project and Planner Lauren Long presented the staff report and gave more detail of the request. Ms. Toni Anne Washington has petitioned the Town for a voluntary annexation of a contiguous ±2.03-acre parcel, located at 1042 SW Broad Street, PIN 857100951443 (PARID 00055811). N.C.G.S. 160A-31 requires that Council direct the Town Clerk to investigate the sufficiency of the petition before proceeding further.

Mr. John Hecklethorn, Architect Kevin Lindsey, Civil Engineer were present to answer any questions and provide clarification on any UDO deviations being requested.

Councilmember Saulnier moved to adopt a Resolution directing the Town Clerk to investigate the AX-04-21 petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-04-21. Seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the resolution was approved.

4. REVIEW PROPOSED ITEMS FOR AUGUST 10 AGENDA

a. Public Hearings for Business Meeting Agenda

i. AX 03-21: Voluntary Annexation Petition for 260 Saunders Blvd.

Town Manager Parsons gave a brief review of the request. Robert and Tracy Currie have petitioned the Town for a voluntary annexation of a contiguous +.459-acre parcel, located at 260 Saunders Blvd.

ii. PD-04-21: CDP for NC 22 Overseas Shipping Container Self-Storage for 7688 NC 22 Hwy.

Planner Suzy Russell gave an overview of the project. Dan Pritchard has submitted an application for a Planned Development Conceptual Development Plan in order to develop a storage facility with a commercial outparcel. The subject property is on the west side of NC 22, between Waynor Rd. and Russett Ct.

iii. PD-05-21: PDP for NC 22 Overseas Shipping Container Self-Storage for 7688 NC 22 Hwy.

Town Manager Parsons explained the request was contingent upon the decision of PD-04-21. Dan Pritchard has submitted a Preliminary Development Plan for the first phase of the overall development, to include a maximum of 290 storage units.

iv. RA-02-21: Right-of-Way Abandonment on W. Michigan Ave.

Town Manager Parsons gave a brief description of the project. The Town, on behalf of the Mid-South development, proposes to abandon a section of right-of-way in order to facilitate an emergency access point for the Mid-South development. The section proposed for

abandonment is located northwest of the intersection with Pine Street and West Michigan Avenue.

b. Proposed Action Items for Business Meeting Agenda

i. AR-02-21: Consider Architectural Compliance Permit for 540 SW Broad St.

Town Manager Parsons explained the request. John Heckethorn, on behalf of Colin and Emi Webster, requests approval of an Architectural Compliance Permit for a 4,668 square-foot commercial office building.

ii. WP-02-21: Watershed Protection Permit for NC 22 Overseas Shipping Container Self-Storage for 7688 NC 22 Hwy.

Planning Director Grieve gave an overview of the request. Dan Pritchard has submitted an application for a Watershed Protection Permit in order to develop a storage facility with a commercial outparcel. If approved, the project will be permitted to develop up to the 70% of the built-upon land area. The subject property is on the west side of NC 22, between Waynor Rd. and Russett Ct. The size of the project was questioned and will be addressed in the public hearing on August 10, 2021.

iii. Consent Agenda

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

1. AX-04-21: Approve Resolution to Set Public Hearing for Annexation Petition

Ms. Toni Anne Washington has petitioned the Town for a voluntary annexation of a contiguous +2.03-acre parcel, located at 1042 SW Broad St. Upon receipt of a Certificate of Sufficiency from the Town Clerk, the next step is to adopt a resolution setting a date for a public hearing. The hearing is proposed for September 14.

2. Re-Appoint Cooper Carter to the Planning Board for a Term to Expire May 15, 2024

Cooper Carter has served on the Town's Planning Board since 2019. His term expired on May 15 and he requests re-appointment for a three-year term.

3. Approve Minutes

- a. July 7, 2021 Agenda Meeting
- b. July 7, 2021 Closed Session
- c. July 13, 2021 Business Meeting
- d. July 23, 2021 Work Session

5. COUNCIL CLOSED SESSION AS AUTHORIZED IN N.C.G.S. § 143-318.11(a)(3).

Mayor Haney announced that a closed session will not be held.

6. COMMENTS

Councilmember Lancaster shared his desire to speak about the request from the Southern Pines Land and Housing Trust for funds from the Town to acquire the former Southern Pines Primary School from the Moore County School Board. Councilmember Lancaster stated that he feels Council should divulge the discussion that took place in the July 26, 2021 closed session and requested clarification on what can be revealed publicly.

Town Attorney Doug Gill stated that the purpose of a closed session is to consider the attorney's opinions and those are not to be discussed publicly. Attorney Gill suggested that, for the record, Council take action authorizing Councilmember Lancaster to speak of those proceedings.

Councilmember Lancaster stated his opinion that the Southern Pines Land and Housing Trust's plan is too ambitious and that the School Board's offer to sell the smaller five-acre parcel is much more manageable.

7. ADJOURNMENT

The meeting adjourned at 6:59 pm.

As so incorporated to these minutes of August 4, 2021 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

Respectfully Submitted,

Elizabeth Robertson, Deputy Town Clerk

DRAFT



AGENDA

Tuesday, August 10, 2021: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Haney called the meeting to order at 6:00 pm.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the meeting agenda noting several changes.

4. PUBLIC HEARINGS

a. **AX 03-21: Voluntary Annexation Petition for 260 Saunders Blvd.**

Robert and Tracy Currie have petitioned the Town for a voluntary annexation of a contiguous +.459-acre parcel, located at 260 Saunders Blvd. Town Manager Parsons noted that due to an error in publishing the legal ad, staff requests reschedule the public hearing August 23, 2021.

Councilmember Saulnier moved to reschedule the Public hearing regarding AX 03-21 to the work session scheduled for August 23, 2021 at 3:00 pm to be held at the Haney Room of the Town of Southern Pines Police Department, 450 West Pennsylvania Ave. The motion was seconded by Mayor Pro Tem Murphy and carried unanimously 5-0.

b. **PD-04-21: CDP for NC 22 Overseas Shipping Container Self-Storage for 7688 NC 22 Hwy.**

Dan Pritchard has submitted an application for a Planned Development Conceptual Development Plan in order to develop a storage facility with a commercial outparcel. The subject property is on the west side of NC 22, between Waynor Rd. and Russett Ct.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing for PD-04-21 was opened.

Applicant Bob Koontz requested a continuance for approximately sixty days to allow his client to consider changes to the application.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing for PD-04-21 was closed.

Councilmember Saulnier moved to continue the public hearing for PD-04-21 to October 14, 2021. The motion was seconded by Mayor Pro Tem Murphy and carried unanimously 5-0.

c. PD-05-21: PDP for NC 22 Overseas Shipping Container Self-Storage for 7688 NC 22 Hwy

Dan Pritchard has submitted a Preliminary Development Plan for the first phase of the overall development, to include a maximum of 290 storage units.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing for PD-05-21 was opened.

This application is subject to the rezoning requested under PD-04-21 and cannot be addressed until that item is completed. Mr. Koontz requested a continuance of the scheduled hearing to October 14, 2021.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing for PD-05-21 was closed.

Councilmember Saulnier moved to continue the public hearing for PD-05-21 to October 14, 2021. The motion was seconded by Mayor Pro Tem Murphy and carried unanimously 5-0.

d. RA-02-21: Right-of-Way Abandonment on W. Michigan Ave.

The Town, on behalf of the Mid-South development, proposes to abandon a section of right-of-way in order to facilitate an emergency access point for the Mid-South development. The section proposed for abandonment is located northwest of the intersection with Pine Street and West Michigan Avenue.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing for RA-02-21 was opened.

Town Planner Lauren Long provided an overview of the project and the staff report associated with it. There were no further comments.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the public hearing for RA-02-21 was closed.

Councilmember Saulnier moved that the proposed vacation of a section of W. Michigan Ave. does not deny any adjacent property owners their rights or means of reasonable access and that the closure is in the public interest. The motion was seconded by Mayor Pro Tem Murphy and carried unanimously 5-0.

Councilmember Saulnier moved to approve the order as drafted to vacate a section of W. Michigan Ave. The motion was seconded by Mayor Pro Tem Murphy and carried unanimously 5-0.

5. ACTION ITEMS

a. **AR-02-21: Consider Architectural Compliance Permit for 540 SW Broad St.**

John Heckethorn, on behalf of Colin and Emi Webster, requests approval of an Architectural Compliance Permit for a 4,668 square-foot commercial office building.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, AR-02-21: Architectural Compliance Permit for 540 SW Broad St. was approved.

b. **WP-02-21: Watershed Protection Permit for NC 22 Overseas Shipping Container Self-Storage for 7688 NC 22 Hwy.**

Dan Pritchard has submitted an application for a Watershed Protection Permit in order to develop a storage facility with a commercial outparcel. If approved, the project will be permitted to develop up to the 70% of the built-upon land area. The subject property is on the west side of NC 22, between Waynor Rd. and Russett Ct.

As this application is associated with PD-04-21 and PD-05-21, it will be rescheduled for October 12, 2021.

c. **Consent Agenda**

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

1. **AX-04-21: Approve Resolution to Set Public Hearing for Annexation Petition**

Ms. Toni Anne Washington has petitioned the Town for a voluntary annexation of a contiguous +2.03-acre parcel, located at 1042 SW Broad St. Upon receipt of a Certificate of Sufficiency from the Town Clerk, the next step is to adopt a resolution setting a date for a public hearing. The hearing is proposed for September 14.

2. **Re-Appoint Cooper Carter to the Planning Board for a Term to Expire May 15, 2024**

Cooper Carter has served on the Town's Planning Board since 2019. His term expired on May 15 and he requests re-appointment for a three-year term.

3. **Approve Minutes**

- a. July 7, 2021 Agenda Meeting
- b. July 7, 2021 Closed Session
- c. July 13, 2021 Business Meeting
- d. July 23, 2021 Work Session

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

d. Appointment of Council Treasurer & Vice-Treasurer

Councilmember Mitch Lancaster, who currently serves as Treasurer, is vacating his seat to move to Pinehurst.

Upon motion by Mayor Pro Tem Murphy, seconded by Councilmember Pate and carried unanimously 5-0, Councilmember Saulnier was appointed Treasurer.

Councilmember Saulnier moved to appoint Mayor Haney as Vice-Treasurer, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0 the motion was approved.

The Mayor and Council wished Councilmember Lancaster well and thanked him for his service, unique perspective and hard work.

6. PUBLIC COMMENTS

The following attendees addressed Council:

- a. Felicia Winfield of 1760 W. New York Ave. expressed thanks to those who supported the ongoing efforts of West Southern Pines and its residents.
- b. Dorothy Brower of 102 Eastman Rd. indicated her appreciation for the Town engaging with the Southern Pines Land and Housing Trust regarding possible assistance in supporting the purchase of the former Southern Pines Primary School.
- c. Don Rich of Mechanic Street spoke in opposition to enhanced code enforcement and expressed his dissatisfaction with the School Board's decision regarding the primary school.
- d. Donnie Miller of 980 Lowe Ave. questioned the lack of black representation in the administration and the racism he perceives in the community.
- e. Arthur Mason of 795 W New Hampshire Ave. expressed his dissatisfaction with the Moore County School Board decision.
- f. Marsh Smith of Warrior Woods declared his support to the Southern Pines Land and Housing Trust's effort to acquire the primary school campus.
- g. Oliver Hines of Southern Pines stated that the community as a whole should fight against gentrification and encouraged the Council and Town to rally and support the West Southern Pines community.

7. ADJOURNMENT

Upon motion by Councilman Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 5-0, the meeting was adjourned at 7:23 pm.

As so incorporated to these minutes of August 10, 2021 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

Respectfully Submitted,

Elizabeth Robertson, Deputy Town Clerk

DRAFT



MINUTES

Monday, August 23, 2021: 3:00 PM

Town Council Work Session

C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Carol Haney called the work session to order and welcomed everyone to the meeting. All members of Council were present.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the pending agenda.

3. PUBLIC HEARING: AX 03-21: Voluntary Annexation Petition for 260 Saunders Blvd.

Robert and Tracy Currie have petitioned the Town for a voluntary annexation of a contiguous \pm .459-acre parcel, located at 260 Saunders Blvd.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the public hearing for AX-03-21 was opened.

Planning Director B.J. Grieve gave an overview of the application.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the public hearing for AX-03-21 was closed.

Councilmember Mike Saulnier moved to adopt an Ordinance approving the Voluntary Annexation request in application AX-03-21 for the property as defined in the submitted written metes and bound description, and to have the Ordinance effective immediately. The motion was seconded by Mayor Pro Tem Paul Murphy and carried 4-0.

4. ACTION ITEM: AX-05-21: Voluntary Annexation Petition for 200 & 300 Pavilion Way

Planning Director Grieve gave an overview of the request. Pinehurst Medical Group, LLC and Pinehurst Surgical Clinic Realty, LLC have petitioned the Town for a voluntary annexation of two contiguous parcels, totaling \pm 19.78 acres. The parcels are on Pavilion Way between W. Morganton Rd. and S. Carlisle St. State law requires that Council direct the Town Clerk to investigate the sufficiency of the petition before proceeding further.

Councilmember Pate questioned the timing of the annexation request. Planning Director Grieve stated that it is preferable that the annexation request come much earlier in the process due to water connection needs but that was not needed in this case. Town Manager Parsons mentioned that an earlier

annexation would have eased some jurisdictional issues that have occurred on this project site with law enforcement responding to theft reports.

Councilmember Mike Saulnier moved to adopt a Resolution directing the Town Clerk to investigate application AX-05-21. The motion was seconded by Mayor Pro Tem Paul Murphy and carried 4-0.

5. COUNCIL UPDATES AND DISCUSSION

a. Paddock Lane: Speed Reduction Petition

Town Manager Parsons briefly reviewed the petition. The Town has received a petition from 25 residents of Paddock Lane requesting a reduction of the speed limit from 35 MPH to 25 MPH.

Town Manager Parsons stated that as this street ends in a cul-de-sac the Town does not typically support a reduction in the speed limit to 25mph nor does the Town it put up signage on a cul de sac, however this is also one of the last publically dedicated streets in the Longleaf community that has not been reduced to 25mph.

Council discussed the matter. Most of the complaints of speeding on this street come from the service staff of Longleaf Club. Given this is of such a concern to residents and the majority of the surrounding streets are signed at 25mph, Council directed staff to draft a resolution for review.

b. Potential Negotiations with Moore County Board of Education

Mayor Haney has requested that the School Board consider negotiations that would allow the Town to acquire the Blanchie Carter Park, part of the campus for the former Southern Pines Primary School and is seeking the support of the Council in the form of a Resolution that she read aloud to the Council.

There is an appraisal and survey already available on the property. The property is currently FRR zoned Mayor Haney feels this is consistent with the Town's efforts to revitalize West Southern Pines. Councilmembers Saulnier, Pate and Mayor Pro Tem all agreed to give the Council's support.

Councilmember Mike Saulnier moved to adopt a Resolution as written Authorizing The Town of Southern Pines To Privately Negotiate With The Moore County Board Of Education to Acquire The Property Know As Blanchie Carter Park, seconded by Mayor Pro Tem Paul Murphy and carried 4-0.

c. Library Surplus Books and Materials

Town Manger Parsons gave a brief overview of the request. He shared that the current practice requires staff to store proposed surplus items until a future time when Council approves the surplus. Staff recommends that Council grant ongoing authority to the Library Director and Purchasing Agent to surplus books and other circulating materials that are no longer usable by the Town on an as-needed basis.

d. NCDOT Agreement for Relocation of Main Water Transmission Line

Town Manager Parsons, with Town Engineer James Michel's assistance, gave an overview of the project. NCDOT has plans to improve the US-1 corridor between Southern Pines and Aberdeen. This project will require the relocation of an existing 18-inch transmission water line owned by the Town to the right-of-way of North Poplar Street in Aberdeen. NCDOT has prepared a draft three-party agreement to execute with Southern Pines and Aberdeen.

Actual work will not start until after the 2024 Men's U.S. Open in Pinehurst. Under current NC General Statute, the Town is responsible for 25% of the actual costs to relocate these lines. The amount in the draft agreement is only an estimate of the pre-bid cost and could be significantly higher when construction is completed.

e. Aberdeen Bulk Water

Town Manager Parsons gave an overview of the request. The Town of Aberdeen has requested to purchase bulk water from the Town of Southern Pines in order to serve a new development off SW Broad Street. Staff is continuing discussions with Aberdeen about this and will forward the agreement to Council when it is ready.

f. FFCRA Program Extension

Town Manager reviewed the request and the accompanying memo from Administrative Services Director Bruce Rosenberg. The Town extended the FFCRA (Families First Coronavirus Response Act) program on a voluntary basis through June 30, 2021. Staff recommends that Council voluntarily extend the program.

Councilmember Saulnier motioned to extend the FFCRA program until December 31, 2021. The motion was seconded by Mayor Pro-Tem Murphy and carried unanimously, 4-0.

6. ADJOURNMENT

Upon motion by Councilmember Saulnier, seconded by Councilmember Pate and carried unanimously 4-0, the meeting was adjourned at 3:56 pm.

Respectfully Submitted,

Elizabeth Robertson, Deputy Town Clerk

Consent Agenda Item

To: Reagan Parsons, Town Manager

From: James Michel, Town Engineer
Ron Istre, Utilities Superintendent

Subject: Amendment to the Town Code of Ordinances – Tap Fees

Date: September 8, 2021

In October of each year, the water and sewer tap fees are subject to an automatic price increase. The increase is determined by the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all urban customers (CPI-U) for water and sewerage maintenance. The Town adjusts the rates effective October 1 of each year with the July – July unadjusted percent change that become available in August of each year. The rate adjustment effective October 1, 2021 for water and sewer taps is 3.4%. The numbers in parenthesis show the previous years fees, and the adjacent numbers are the new fees proposed for adoption.

Expenditure category	Relative importance June 2020	Unadjusted percent change		Seasonally adjusted percent change		
		Jul. 2020-Jul. 2021	Jul. 2020-Jul. 2021	Apr. 2021-May 2021	May 2021-Jun. 2021	Jun. 2021-Jul. 2021
Water and sewerage maintenance	0.788	3.4	0.4	0.3	0.5	0.4

TITLE V: PUBLIC WORKS
APPENDIX A: RATES, FEES AND CHARGES

(C) Connection Charges (Tap Fees). These fees are subject to increase automatically on October 1 each year, proportional to the annual average increase in the United States Bureau of Labor Statistics, Consumer Price Index for all urban consumers (CPI-U), U.S. city average, detailed expenditure category, for water and sewerage maintenance for the time period between July of the previous calendar year to July of the current calendar year. In all cases, the Town will furnish the meter.

TAP FEES		
<i>SEWER</i>		
	<i>In Town</i>	<i>Out of Town</i>
4" Connection	\$1,660 (\$1,605)	\$2,045 (\$1,978)

6" Connection	\$2,044 (\$1,977)	\$2,556 (\$2,472)
Mats/Labor Furnished	\$126 (\$122)	\$320 (\$309)
<i>WATER</i>		
	<i>In Town</i>	<i>Out of Town</i>
3/4" Water Tap	\$1,660 (\$1,605)	\$2,045 (\$1,978)
3/4" Split Service	\$765 (\$740)	\$959 (\$927)
3/4" Meter Only (preset)	\$357 (\$345)	\$447 (\$432)
1" Water Tap	\$1,917 (\$1,854)	\$2,429 (\$2,349)
1" Meter Only (preset)	\$609 (\$589)	\$709 (\$686)
1½" Water Tap	\$2,873 (\$2,779)	\$3,641 (\$3,521)
1½" Meter Only (preset)	\$919 (\$889)	\$1,072 (\$1,037)
2" Water Tap	\$3,258 (\$3,151)	\$3,961 (\$3,831)
2" Meter Only (preset)	\$1,157 (\$1,119)	\$1,348 (\$1,304)

*New Rate (FY 20-21 Rate)

**ORDINANCE #1946 AMENDING CHAPTER 50, APPENDIX A OF
THE TOWN OF SOUTHERN PINES CODE OF ORDINANCES**

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled the 14th day of September, 2021, that Chapter 50, Water and Sewer Use, Appendix A: Rates, Fees and Charges of the Code of Ordinances be amended as follows:

1. Revise APPENDIX A: RATES, FEES AND CHARGES by replacing the current Section (C) with the following:

(C) Connection Charges (Tap Fees). These fees are subject to increase automatically on October 1 each year, proportional to the annual average increase in the United States Bureau of Labor Statistics, Consumer Price Index for all urban consumers (CPI-U), U.S. city average, detailed expenditure category, for water and sewerage maintenance for the time period between July of the previous calendar year to July of the current calendar year. In all cases, the Town will furnish the meter.

TAP FEES		
<i>SEWER</i>		
	<i>In Town</i>	<i>Out of Town</i>
4" Connection	\$1,660	\$2,045
6" Connection	\$2,044	\$2,556
Mats/Labor Furnished	\$126	\$320
<i>WATER</i>		
	<i>In Town</i>	<i>Out of Town</i>
3/4" Water Tap	\$1,660	\$2,045
3/4" Split Service	\$765	\$959
3/4" Meter Only (preset)	\$357	\$447
1" Water Tap	\$1,917	\$2,429
1" Meter Only (preset)	\$609	\$709
1½" Water Tap	\$2,873	\$3,641
1½" Meter Only (preset)	\$919	\$1,072
2" Water Tap	\$3,258	\$3,961
2" Meter Only (preset)	\$1,157	\$1,348

These amendments shall become effective on October 1, 2021.

Adopted this 14th day of September, 2021.

ATTEST:

TOWN OF SOUTHERN PINES:

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney