



AGENDA

Monday, September 27, 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

2. TOWN MANAGER'S COMMENTS

3. 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. This hearing was opened at the Council's business meeting on September 14 and continued to September 27.

4. ACTION ITEM: AX-06-21: Voluntary Annexation Petition for 295 N. Bethesda Rd

Bryan and Lisa Murphy have petitioned the Town for a voluntary annexation of a parcel totaling ± 8.11 acres. The parcel is identified as PIN858119601836 (PARID 96000262) and is located at 295 N. Bethesda Rd. State law requires that Council direct the Town Clerk to investigate the sufficiency of the petition before proceeding further.

5. COUNCIL UPDATES AND DISCUSSION

a. Code Amendment – Skateboards and Similar

Marcel Goneau has submitted a request for the Town Council to consider amending the Town's Code of Ordinance to make them less restrictive for skateboards, roller skates, in-line skates, and similar devices.

b. Southern Pines Land & Housing Trust

The Land & Housing Trust is in negotiations with the Moore County Board of Education to acquire the Southern Pines Primary School campus. The Trust has requested a contribution of \$160,000 from the Town.

c. FY 21-22 1st Quarter Budget Update

Staff will provide a brief update, to include some pending amendments that will be forwarded for Council consideration.

6. COUNCIL CLOSED SESSION

Council will hold a closed session as authorized in N.C.G.S. § 143-318.11(a)(6).

7. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's [YouTube channel](#). Video of the Town Council meetings will be live streamed on the channel for viewing either during the meetings or after they have concluded. Please note, the video is provided only for the purposes of viewing the meetings; public comments or questions are not accepted via the live stream. To receive notifications when new content is published, please "subscribe" to the Town's channel at <https://bit.ly/3hXx2Qk>

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

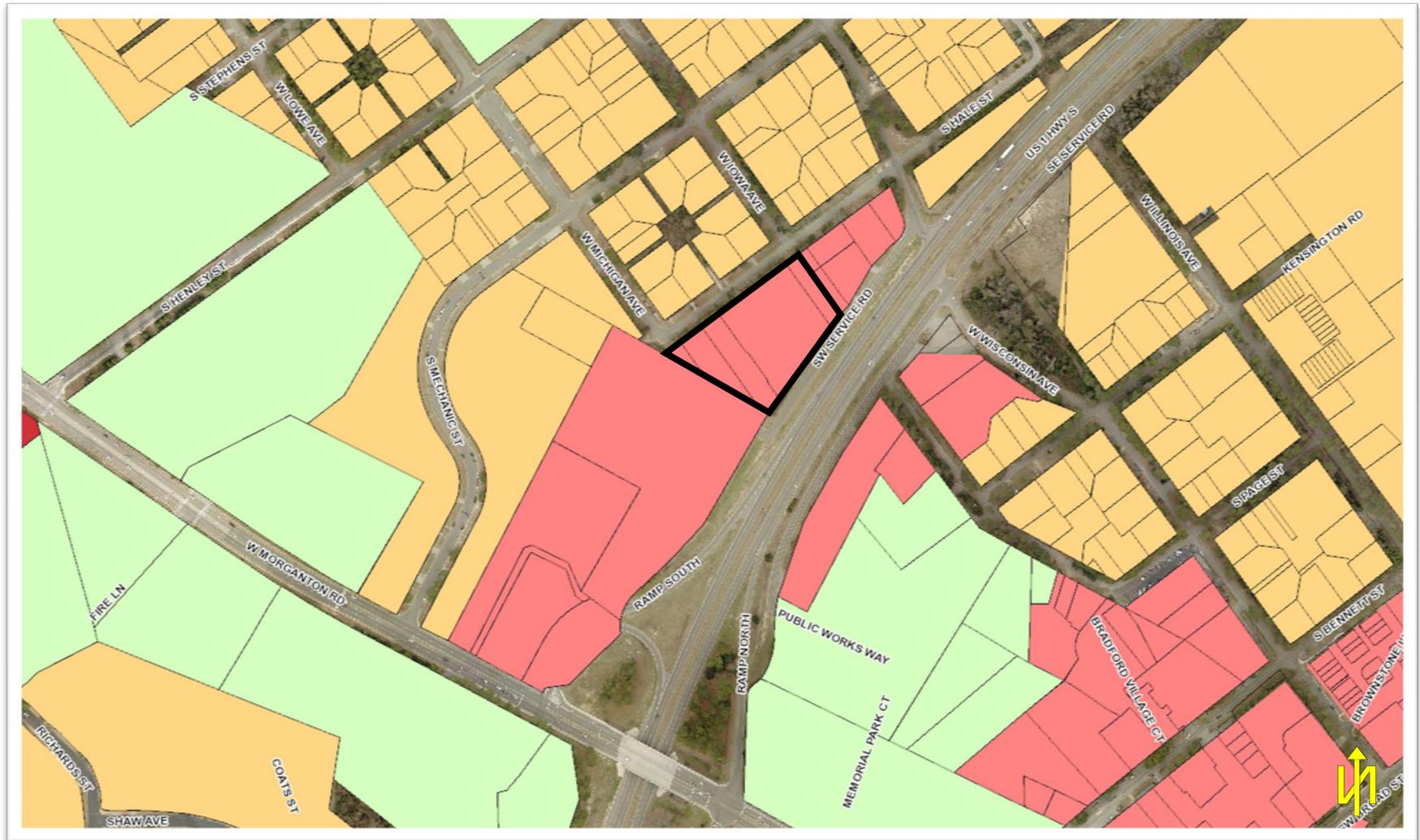
Marcel Goneau
PO Box 4839
Pinehurst, NC 28374

- 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

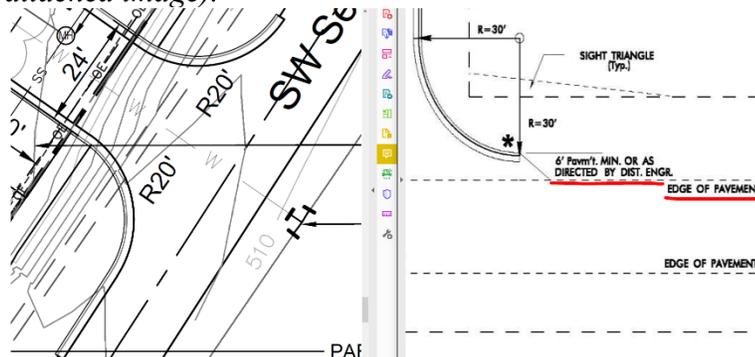
- The applicant has submitted a narrative addressing compliance with the criteria for a Conditional Use Permit as well as a narrative addressing compliance with Major Subdivision Preliminary Plat, copies of which are attached to this report.
- In the OS zoning district, building walls facing streets 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;

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

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

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

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

The Town Council finds the proposed subdivision compatible with the existing and permissible zoning and future land use of the adjacent properites because 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.

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 VARIES 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.

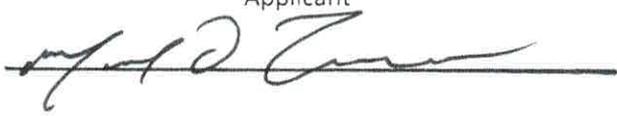
- 1. Adjacent property: _____ Parcel ID #: _____
 Property owner(s): _____
 Mailing address: _____
- 2. Adjacent property: _____ Parcel ID #: _____
 Property owner(s): _____
 Mailing address: _____
- 3. Adjacent property: _____ Parcel ID #: _____
 Property owner(s): _____
 Mailing address: _____
- 4. 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 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 16th day of May, 2021.

Donald A. Calhoun, GENERAL PARTNER
Property Owner

Property Owner
Marcel Gouneau
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, 857108888362, 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:

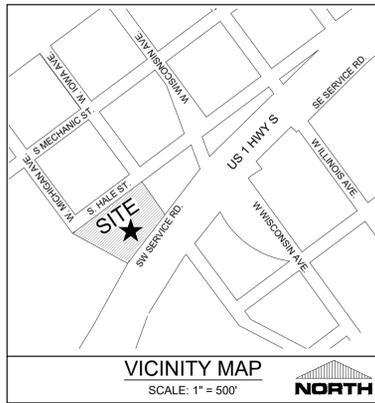
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the issuance of a Conditional 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-HH-W-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
 8126.4 / 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)

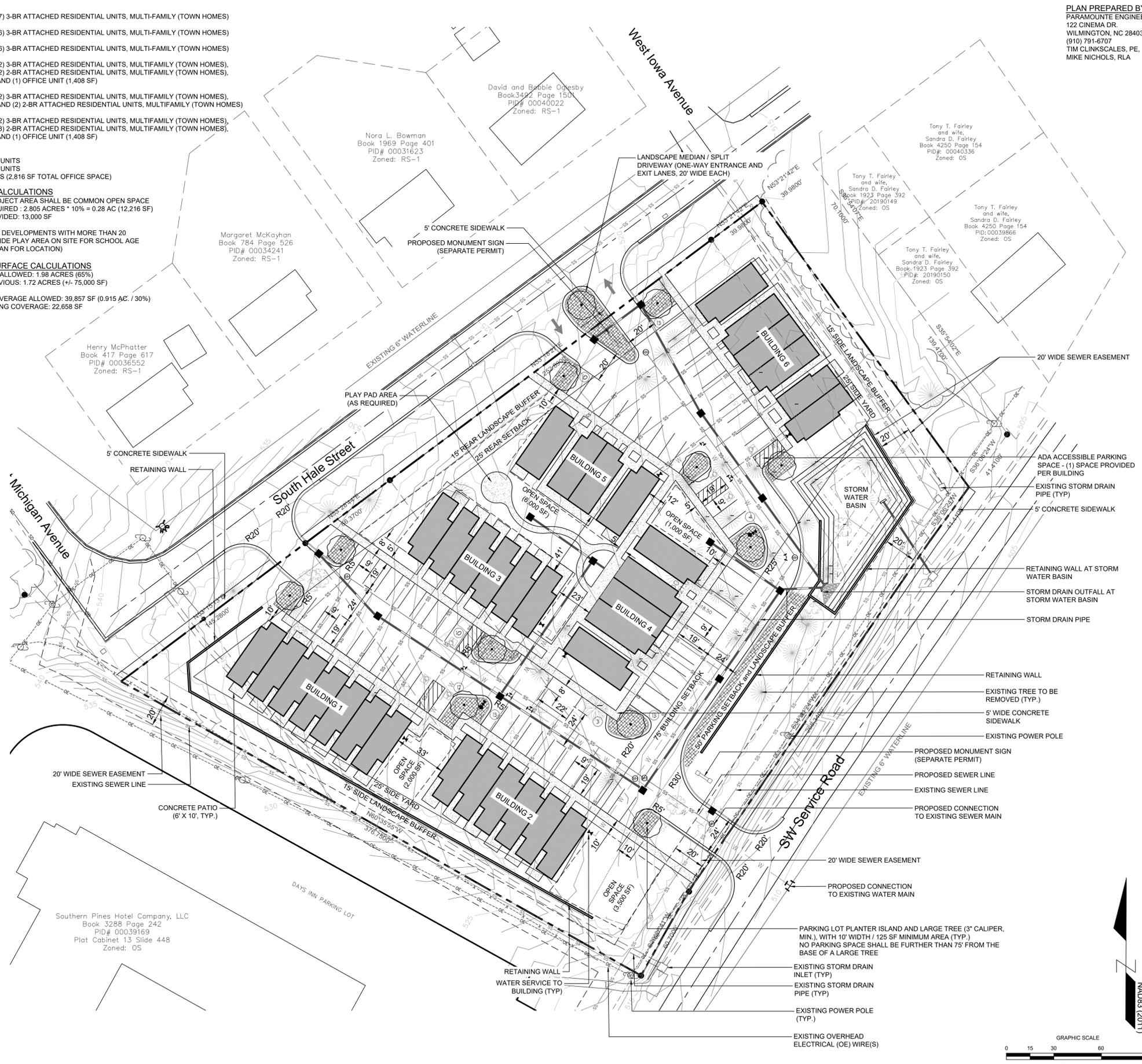
SUMMARY:
 (25) 3-BEDROOM UNITS
 (7) 2-BEDROOM UNITS
 (2) OFFICE UNITS (2,816 SF TOTAL OFFICE SPACE)

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

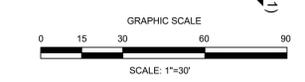
PARAMOUNT ENGINEERING, INC.
 122 Cinema Drive
 Wilmington, North Carolina 28403
 (910) 791-6707 (O) (910) 791-6700 (F)
 NC License #: C-2846

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: Cindy Williams, Planning Technician

Subject: AX-06-21: Investigate the Sufficiency of a Request for Voluntary Annexation of Property Contiguous to the Corporate Limits of the Town of Southern Pines; 8.11 Acres; Petitioners: Bryan J. Murphy and Lisa R. Murphy

Date: September 27, 2021

I. SUMMARY OF APPLICATION REQUEST:

Bryan J. Murphy and Lisa R. Murphy are requesting voluntary annexation of a contiguous parcel that is currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject parcel identified as PIN 858119601836 (PARID 96000262) is owned by Bryan J. Murphy and Lisa R. Murphy.

II. PROJECT INFORMATION:

A. Physical Address:

295 N. Bethesda Road
Southern Pines, NC 28387

B. Property Owners/Applicants:

Bryan and Lisa Murphy
205 Midland Lane
Pinehurst, NC 28374

C. Property Identification & Parcel Identification Number:

PIN 858119601836; PARID 96000262

D. Size of Property:

Total current combined acreage: 8.11 acres

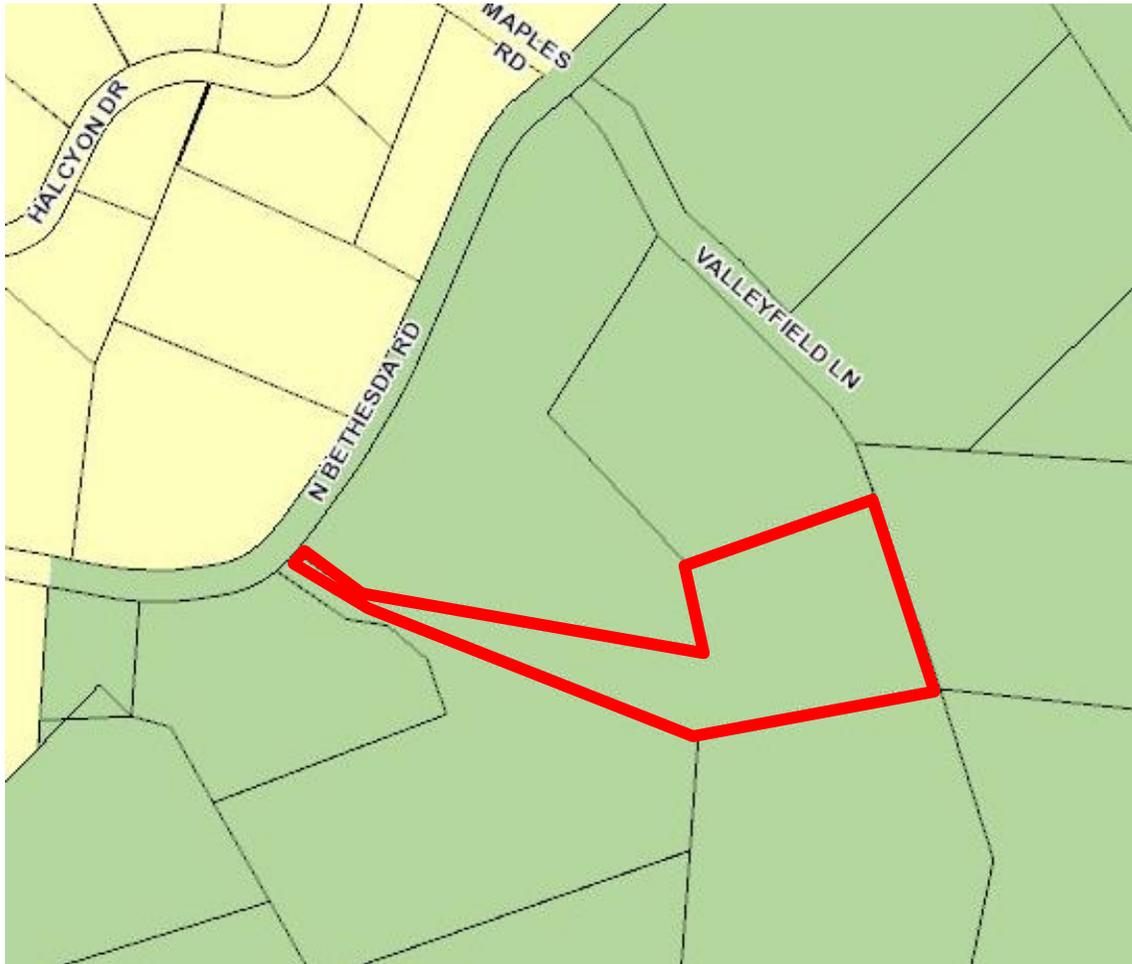
III. STAFF COMMENTS:

- The applicant has submitted an annexation petition accompanied by a map and a written metes and bounds description of the subject property. The applicant is requesting annexation in order to connect to Southern Pines water.
- The request is a voluntary request for contiguous annexation as the adjacent property is within the corporate limits of the Town of Southern Pines (see Figure 1).

- The subject property is presently zoned RE (Rural Estate) and the adjacent properties are presently zoned RE and RS-3 (Residential Single Family).
- The purpose of this agenda item is for the Town Council to first take action at the Work Session to direct the Town Clerk to investigate the sufficiency of the petition for annexation. Following the investigation, if the Town Clerk certifies the sufficiency of the petition, a Resolution to fix a date for a public hearing will be before the Town Council at the October 6, 2021 Agenda Meeting pursuant to N.C.G.S. §160A-31(c).
- **Comprehensive Long Range Plan Analysis:**
 - The subject property is identified as “Residential” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

“This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively development to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks and neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map.”

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)

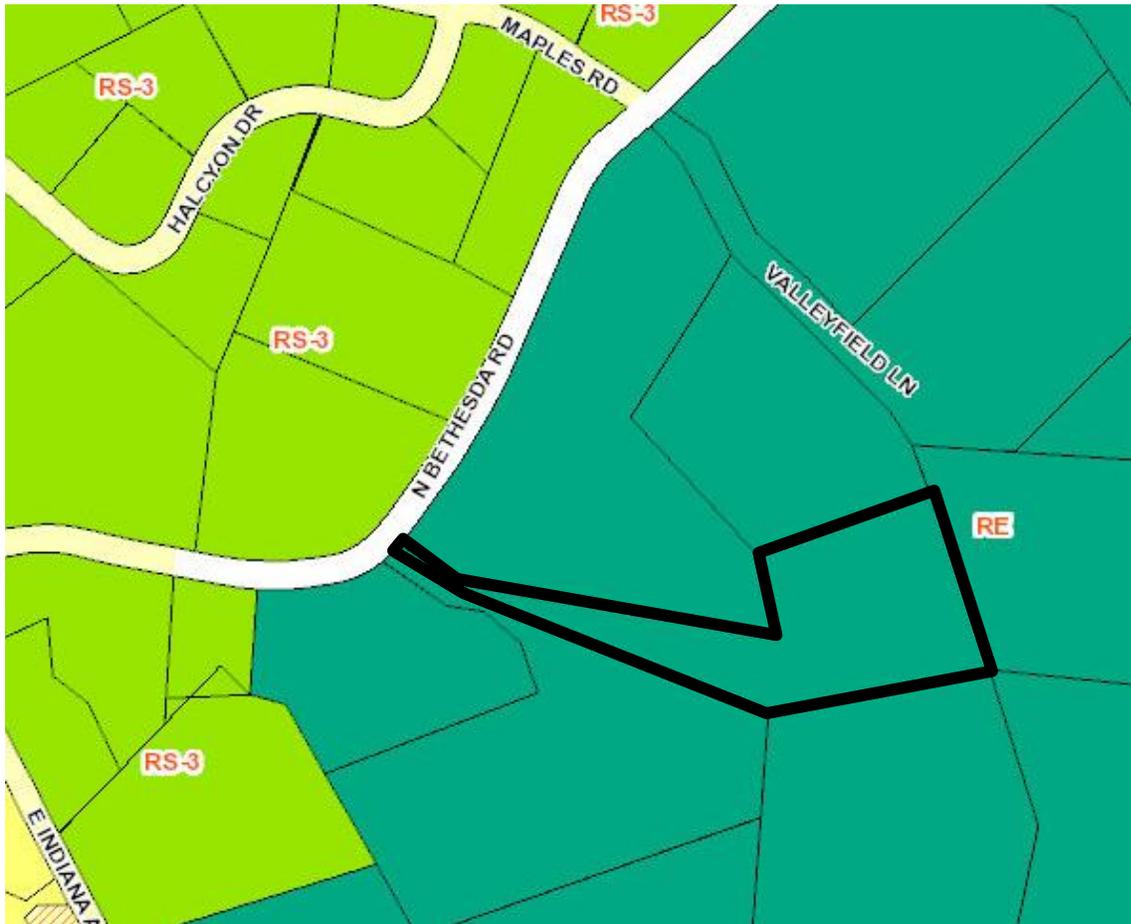
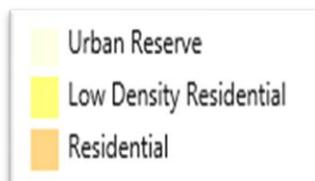
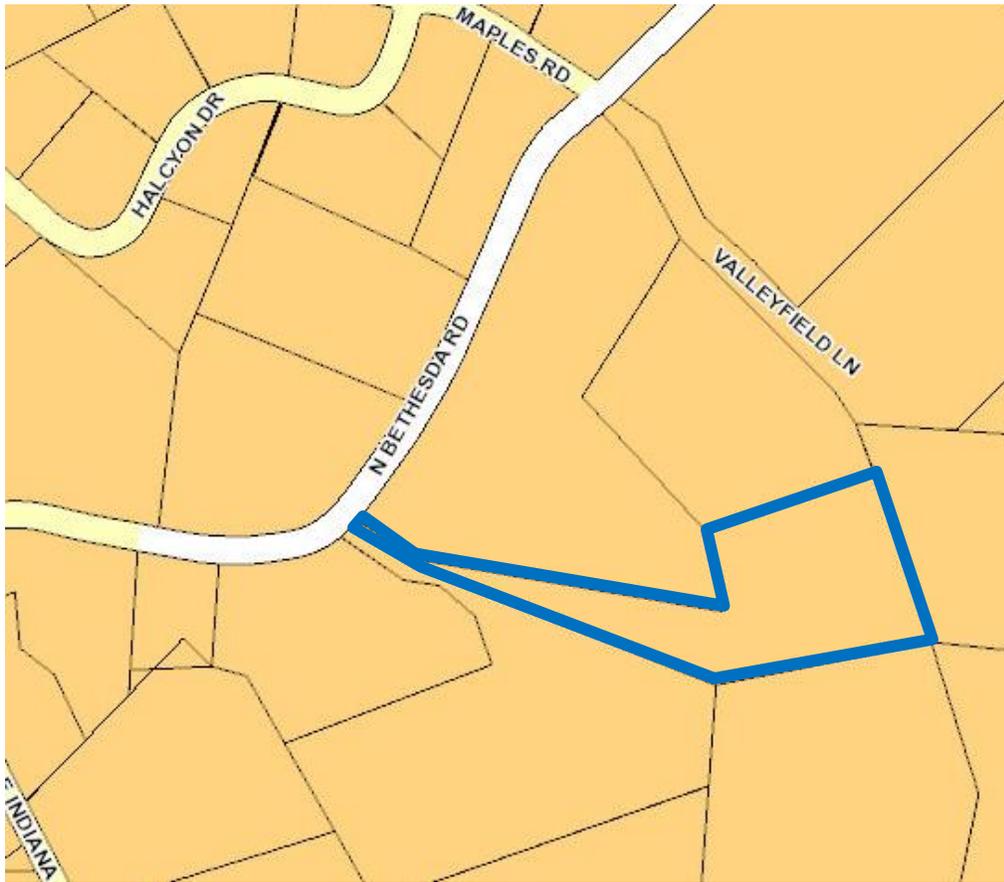


Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Blue)



IV. ATTACHMENTS:

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

V. TOWN COUNCIL ACTION:

Before holding a public hearing and deciding upon a *voluntary annexation* request, the Town Council must first direct the Town Clerk to investigate the request. Upon receiving a Certificate of Sufficiency from the Town Clerk, the Council may then fix a date for the public hearing for the annexation request. The Town Council may choose one of the following motions, or any alternative they wish:

- 1) I move to adopt a Resolution directing the Town Clerk to investigate the petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-06-21.

-or-

- 2) I move to not adopt a Resolution directing the Town Clerk to investigate a petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-06-21.

PETITION FOR VOLUNTARY ANNEXATION



To the Town Council of the Town of Southern Pines, North Carolina:

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is **contiguous** to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
3. The area is identified as PIN: 858119601836 ; PARID: 96000262

Property Owner(s):

Name: Bryan J. Murphy

Signature: [Handwritten Signature]

Address: 205 Midland Lane
Pinehurst, NC 28374

Name: Lisa R. Murphy

Signature: [Handwritten Signature]

Address: 205 Midland Lane
Pinehurst NC 28374

Name: _____

Signature: _____

Address: _____

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

7-28-21

AX-06-21

Metes & Bounds Description of Property Petitioning for Annexation

A certain tract of land in Sandhills Township, Moore County, near Southern Pines, North Carolina, fronting on the southeast side of Bethesda Road (State Road No. 2042) about 200 yards east of Indiana Avenue, bounded on the North by William Gozzi, on the East by Frederick Whaley, on the West by Fleury, Cameron & Sparks and on the South by Sparks, described as follows:

BEGINNING at a concrete monument at the southeast corner of the 13.73 acre tract deeded to Richard J. Reynolds, III, recorded in Deed Book 555, Page 285 in the Moore County Registry; running thence from the beginning as the common line of Sparks and Gozzi, S 69°51'59" W 774.21 feet to an iron stake, a common corner of Sparks and Gozzi; thence N 29°55'00" W 178.86 feet to a concrete monument, a common corner of Sparks, Cameron and Gozzi; thence N 29°55'00" W 220.55 feet to an iron pipe, the south corner of a 4.09 acre tract; thence as the common line of the Fleury 4.09 acre tract and Gozzi, the following calls: N 68°19'14" E 484.25 feet to an iron pipe; thence N 20°08'01" W 113.32 feet to an iron pipe; thence as a curve to the left, having a radius of 100.00 feet; an arc length of 106.24 feet, a chord of N 50°34'00" W 101.31 feet to an iron pipe; thence N 81°00'00" W 80.24 feet to an iron pipe; thence N 56°46'00" W 174.75 feet to an iron pipe in the southeast line of Bethesda Road; thence as the southeast line of Bethesda Road, N 41°17'00" E 29.29 feet to an iron pipe; thence leaving the road, as a new line, S 56°46'00" E 159.91 feet to an iron pipe; thence S 69°24'29" E 724.09 feet to a concrete monument, a common corner of Whaley and Gozzi; thence as the common line of Whaley and Gozzi, S 03°12'00" W 217.76 feet to the beginning, containing 8.11 acres, more or less, and being a portion of the Richard J. Reynolds, III property that is recorded in Deed Book 555, Page 285 in the Moore County Registry.

MEMORANDUM

To: Reagan Parsons, Town Manager
From: Jessica Roth, Assistant Town Manager
Re: Code Amendment re: skateboards and similar
Date: September 21, 2021

Background

Community member Marcel Goneau has submitted a request for the Town Council to consider regarding a possible amendment to the Town's Code of Ordinance relative to skateboards, roller skates, in-line skates, and similar devices. Mr. Goneau supports making the Town's current ordinances less restrictive, stating, "Skateboarders and such commuters are part of our community and as such I would like our local official law makers to consider allowing these citizens more latitude to enjoy our community."

As a starting point for discussion purposes, Mr. Goneau has submitted proposed language for a text amendment. He plans to attend the September 27, 2021 Council work session to answer any questions about his request.

Current Code

[§ 70.07 of the Code of Ordinances](#) addresses skateboards, roller skates, and similar, stating: "No person on roller skates or skateboards or riding in or by means of coaster, toy vehicle, or similar device shall go on any roadway, except while crossing a street at a crosswalk or intersection; except on streets set aside as play streets and except on streets in single family residential areas that are not thoroughfare or collector streets. Additionally, no person shall ride the devices on any sidewalk in any business district in the Town."

Recommendation

If Council is interested in further exploring a text amendment to the current Code, staff proposes the following steps and timeline:

- **September 27, 2021:** Town Council reviews Mr. Goneau's request and provides direction to staff on whether to advance a text amendment, including any policy issues that should be addressed
- **October & November:** Staff researches options for making the current ordinance less restrictive, to include internal conversations regarding enforcement of proposed solutions, implications in the downtown district, ADA concerns, and similar.
- **November 22, 2021:** Staff presents a proposed text amendment at the work session. Based on Council feedback, the amendment can be placed on the December 14th agenda either as presented or with revisions.
- **December 14, 2021:** Council votes on the proposed text amendment.





Post Office Box 4839
Pinehurst, North Carolina 28374
Email: contact@goneauconstruction.com

Phone: 800-695-4317
Fax: 888-836-9001
www.GoneauConstruction.com

Date: September 11, 2021

Request to amend-

**§ 70.07 USE OF ROLLER SKATES, SKATEBOARDS, AND THE LIKE
PROHIBITED FROM ROADWAY.**

No person on roller skates or skateboards or riding in or by means of coaster, toy vehicle, or similar device shall go on any roadway, except while crossing a street at a crosswalk or intersection; except on streets set aside as play streets and except on streets in single family residential areas that are not thoroughfare or collector streets. Additionally, no person shall ride the devices on any sidewalk in any business district in the Town.

(1989 Code, § 70.09) (Am. Ord. 183, passed 9-11-1990; Am. Ord. 724, passed 3-2-1998) Penalty, see § 10.99

Discussion Points-

Skateboarders and such commuters are part of our community and as such I would like our local official law makers to consider allowing these citizens more latitude to enjoy our community. It is my opinion the current ordinance is too restrictive, and the penalty is too harsh. I am proposing in my amendment that consideration be given to allowing these citizens more freedom to use our sidewalks and streets. My amendment does set parameters and consequences while offering more freedom and use of our communal areas which is the reason I labeled the proposed amended ordinance "Reckless operation of..." The "label" implies; IF a person is operating one of these devices recklessly then the consequences are spelled out.

I look forward to having more discussion on this topic in hopes to come to a resolution that shares our public thoroughfares similar our bicycles and pedestrians.

Respectfully,

A handwritten signature in blue ink, appearing to read "Marcel Goneau", written in a cursive style.

Marcel Goneau
360 NE Service Rd
Southern Pines, NC 28287

Southern Pines, NC Code of Ordinances

Subject: Certain devices propelled by means of human foot or leg power

Current Code of Ordinance-

§ 70.07 USE OF ROLLER SKATES, SKATEBOARDS, AND THE LIKE PROHIBITED FROM ROADWAY.

No person on roller skates or skateboards or riding in or by means of coaster, toy vehicle, or similar device shall go on any roadway, except while crossing a street at a crosswalk or intersection; except on streets set aside as play streets and except on streets in single family residential areas that are not thoroughfare or collector streets. Additionally, no person shall ride the devices on any sidewalk in any business district in the Town.

(1989 Code, § 70.09) (Am. Ord. 183, passed 9-11-1990; Am. Ord. 724, passed 3-2-1998) Penalty, see § 10.99

Proposed NEW Code of Ordinance-

Reckless operation of roller skates, in-line skates and skateboards (together identified as devices propelled by means of human foot or leg power)

(1) The term "in-line skate" shall mean a manufactured or assembled device consisting of an upper portion that is intended to be secured to a human foot, with a frame or chassis attached along the length of the bottom of such upper portion, with such frame or chassis holding two or more wheels that are longitudinally aligned and used to skate or glide, by means of human foot and leg power while having such device attached to each such foot or leg.

(2) The term "roller skate" shall mean a manufactured or assemble device consisting of a frame or shoe having clamps or straps or both for fastening, with a pair of small wheels near the toe and another pair at the heel mounted or permanently attached thereto, for skating or gliding by means of human foot and leg power.

(3) The term "skateboard" shall mean a device consisting of a platform usually curved upwards at each end, to which are mounted or permanently attached two swiveling frames, each of which is used to support and guide a pair of small wheels, which device glides or is propelled by means of human foot or leg power.

(4) The term "reckless operation" shall mean operating roller skates in-line skates or a skateboard on a street, roadway, highway, crosswalk or sidewalk in such a manner as to endanger the safety or property of another.

a. No person shall engage in the reckless operation of roller skates, in-line skates or a skateboard.

b. Any person who is found guilty of the reckless operation of roller skates, in-line skates or a skateboard shall be subject to a fine of not less than fifty dollars nor more than one hundred dollars for the first (3) three violations. The next (3) three violations (violations 4, 5 and 6) the fine shall become not less than one hundred dollars and no more than three hundred dollars.

c. If any person who is found guilty of the reckless operation of roller skates, in-line skates or a skateboard up to (6) six violations shall lose the privilege of the use of roller skates, in-line skates or a skateboard within the Town of Southern Pines, NC City Limits for a minimum of 1 calendar year. If any person who is found guilty of the reckless operation of roller skates, in-line skates or a skateboard within (6) six of the privileges being reinstated, the loose of use of roller skates, in-line skates or a skateboard shall become permanent within the Town of Southern Pines, NC City Limits.

i) The Town of Southern Pines, NC shall be defined by the city limits as outlined and illustrated on the Southern Pines, NC Geographic Information System (GIS).

d. The provisions of this section shall be enforced by the Police Officers of the Southern Pines Police Department.

(4) The term "sidewalk" shall mean that portion of the street, whether paved or unpaved, between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians. Where it is not clear which section is intended for the use of pedestrians the sidewalk will be deemed to be that portion of the street between the building line and the curb.

(5) The term "street" shall mean that A *HIGHWAY*, as defined above. The terms *HIGHWAY* and *STREET* and their cognates are synonymous.

(6) The term "roadway" shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes 2 or more separate roadways, the term *ROADWAY* as used herein shall refer to any roadway separately but not to all the roadways collectively.

(7) The term "highway" shall mean the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms *HIGHWAY* and *STREET* and their cognates are synonymous.

(8) The term "crosswalk" shall mean That portion of a roadway which lies between the prolongation of the lateral sidewalk or boundary lines over an intersection, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.