AGENDA

Wednesday, October 6, 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**

2. **TOWN MANAGER'S COMMENTS**

3. **HEARINGS FOR OCTOBER 12 BUSINESS MEETING**
   Action may be taken by Town Council following the close of each hearing.

   a. **PD-04-21: CDP for NC 22 Overseas Shipping Container Self-Storage for 7688 NC 22 Hwy.**
   Dan Pritchard has applied 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. This application was originally on the August 10 agenda and postponed until October 12.

   b. **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. This application was originally on the August 10 agenda and postponed until October 12.

   c. **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. This application was originally on the September 14 agenda and postponed until October 12.

   d. **AX-05-21: Voluntary Annexation Petition for Pavilion Way**
   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.

4. ACTION ITEMS FOR OCTOBER 12 BUSINESS MEETING

a. WP-02-21: Watershed Protection Permit for NC 22 Overseas Shipping Container Self-Storage for 7688 NC 22 Hwy.

Dan Pritchard has applied 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. This application was originally on the August 10 agenda and postponed until October 12.

b. CU-02-21 & S-20-21: Written Decision for Village Walk

Staff has prepared the written decisions for the quasi-judicial hearings that resulted in Council's approval of the Village Walk SUP and Plat on September 27, 2021.

5. CONSENT AGENDA FOR OCTOBER 12 BUSINESS MEETING

a. AX-06-21: Set Public Hearing for November 9, 2021

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. The Town Clerk has submitted a Certificate of Sufficiency and a public hearing on the petition will be scheduled for November 9.

b. Approve Amendments to FY 21-22 Budget

Staff has proposed two amendments on the FY 21-22 budget for Council approval.

c. Approve Minutes

i. April 8, 2020 Council Budget Retreat
ii. September 8, 2021 Council Agenda Meeting
iii. September 14, 2021 Council Business Meeting
iv. September 27, 2021 Council Work Session

6. 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: **PD-04-21: A Planned Development District Conceptual Development Plan to accommodate the development of a self-storage facility and to allow future development of requested general business and office service land uses; 7688 NC 22 HWY; Applicant: Dan Pritchard; Authorized Agent: Bob Koontz, Koontz Jones Design**

Date: **October 12, 2021**

I. SUMMARY OF APPLICATION REQUEST:

Mr. Robert Koontz of Koontz Jones Design, on behalf of the applicant, Mr. Dan Pritchard, has submitted an application for a Planned Development – Conceptual Development Plan pursuant to Section 2.18.4 of the Town of Southern Pines Unified Development Ordinance (UDO). The applicant is proposing to develop a storage facility utilizing shipping container storage and open-air storage located on 8.3 acres of the total existing 10.02 acres. The parcel along Highway 22 would consist of any of the multiple requested land uses from the office service and general business zoning districts on 1.72 acres. Three (3) existing parcels make up the subject property for a total of 10.02 acres and are zoned planned development (PD). The subject property is located on the west side of NC Highway 22 between Waynor Road and Russet Court. Pursuant to the Moore County tax records, the parcels are identified as PIN: 857400926530 (PARID: 00036656) – This land is located in the extraterritorial jurisdiction of the Town, PIN: 857400920451 (PARID: 00036657) – This land is located in the extraterritorial jurisdiction of the Town and PIN: 857404829141 (PARID:95000179); owned by Airport Park of Moore County, LLC

II. TOWN COUNCIL ACTION:

At the August 10, 2021 regular meeting of the Town Council, with all five (5) members in attendance, the applicant requested a continuance to the Regular business meeting on October 12, 2021. The Town Council unanimously voted in favor of the continuance request.

III. PLANNING BOARD ACTION:

At the July 22, 2021 Regular Meeting of the Planning Board, with six members present and Mr. Andy Bleggi absent, the Planning Board held a legislative public hearing for application PD-04-21. 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 for Mr. Koontz.

After closing the public hearing, a motion was made by Mr. Cooper Carter that after considering Criteria A for a zoning map amendment found in UDO §2.17.9 the requested Conceptual Development Plan is found not to be consistent with the Comprehensive Long Range Plan, and the Planning Board adopts the resolution that is included as Attachment A in the staff memorandum for PD-04-21 as revised at the hearing. The Planning Board's revised Attachment A can be found attached to this report. Mr. Ben Green seconded the motion and the motion was approved 5-1. Mr. Cooper Carter then made a motion that after considering criteria B-H for a zoning map amendment found in UDO 2.17.9 the requested Conceptual Development Plan PD-04-21 is found to not comply with Criteria B and C for a zoning map amendment for the CDP as submitted because there could be adverse impacts on neighboring lands and the Board find the parcel suitable as presently zoned. The requested Conceptual Development Plan is found to comply with the criteria D-H for a zoning map amendment for the CDP as submitted. Mr. Lem Dowdy seconded the motion and was approved unanimously. Mr. Cooper Carter moved to recommend denial of PD-04-21 and Mr. Ben Green seconded the motion and the motion was approved 5-1.

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 Revised Attachment A of the Planning Board for PD-04-21 in the attachments.

IV. PROJECT INFORMATION:

A. Property Details:

i. Property Owner and Applicant:
Airport Park of Moore Count, LLC
M Fields
PO Box 206
Pinehurst, NC 28370

ii. Applicant:
Mr. Dan Pritchard
31 Lakeview Drive
Whispering Pines, NC 28327

iii. Authorized Agent:
Koontz Jones Design
Mr. Robert Koontz

150 S Page Street
Southern Pines, NC 28387

B. Property Information:

i. Subject Property Street Address:
7688 NC 22 Highway
Southern Pines, NC 28387

ii. Size of Property:
Total acreage: 10.2 acres

iii. Current Property Zoning Classification:
The subject property is zoned planned development (PD)

iv. Current Location of Subject Property (ETJ and City Limits):
PIN: 857400926530 (PARID: 00036656) – This land is located in the extraterritorial jurisdiction of the Town and will require annexation.
PIN: 857400920451 (PARID: 00036657) – This land is located in the extraterritorial jurisdiction of the Town and will require annexation.
PIN: 857404829141 (PARID:95000179) – This land is located in the Town city limits.
The applicant stated in section 2.1 of the applicant's narrative that the parcels located in the ETJ will be voluntarily annexed into the Town.

v. Current Comprehensive Long-Range Plan (CLRP) and Future Land Use Map Designation (FLUM):
The subject property designated as residential on the Future Land Use Map. 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 developed 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.

vi. Existing Property Description:
The parcel that fronts NC 22 Highway is mostly cleared of vegetation. The other two lots that have land along Waynor Road are wooded. The applicant has provided a letter from Fish and Wildlife Service and Dr. J.H. Carter III and Associates, Inc., (see in attachments). The subject property is located within the WSIII area. The subject property also falls within the Urban Transition Highway Corridor Overlay, UTHCO, and therefore the maximum built upon surface area is limited to 65% and the maximum building footprint allowed is 30%.

vii. Existing Infrastructure:

The subject property has access to existing town water and sewer. (See Figure 2: Existing Public Utilities Map). The applicant will be required to build a private street. The subject property would be accessed with the main access being located on NC 22 HWY, a designated NCDOT road. A second access would be located off of Waynor Road for emergency access only.

viii. Standards within the Unified Development Standards that apply specifically to this property in regards to a Conceptual Development Plan: (*the UDO intends that no development shall occur on any public or private property within the jurisdiction of the Town of Southern Pines until and unless all applicable development approvals for the development have been granted***)**

§2.18	PD - Planned Development
§2.18.4	CDP - Conceptual Development Plan
§3.5.14	PD - Planned Development District
§3.6.5	HCO - Highway Corridor Overlay
	Urban Transition Highway Corridor Overlay
§3.6.8	WPO – Watershed Protection Overlay District
Chapter 4	Development and Design Standards

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

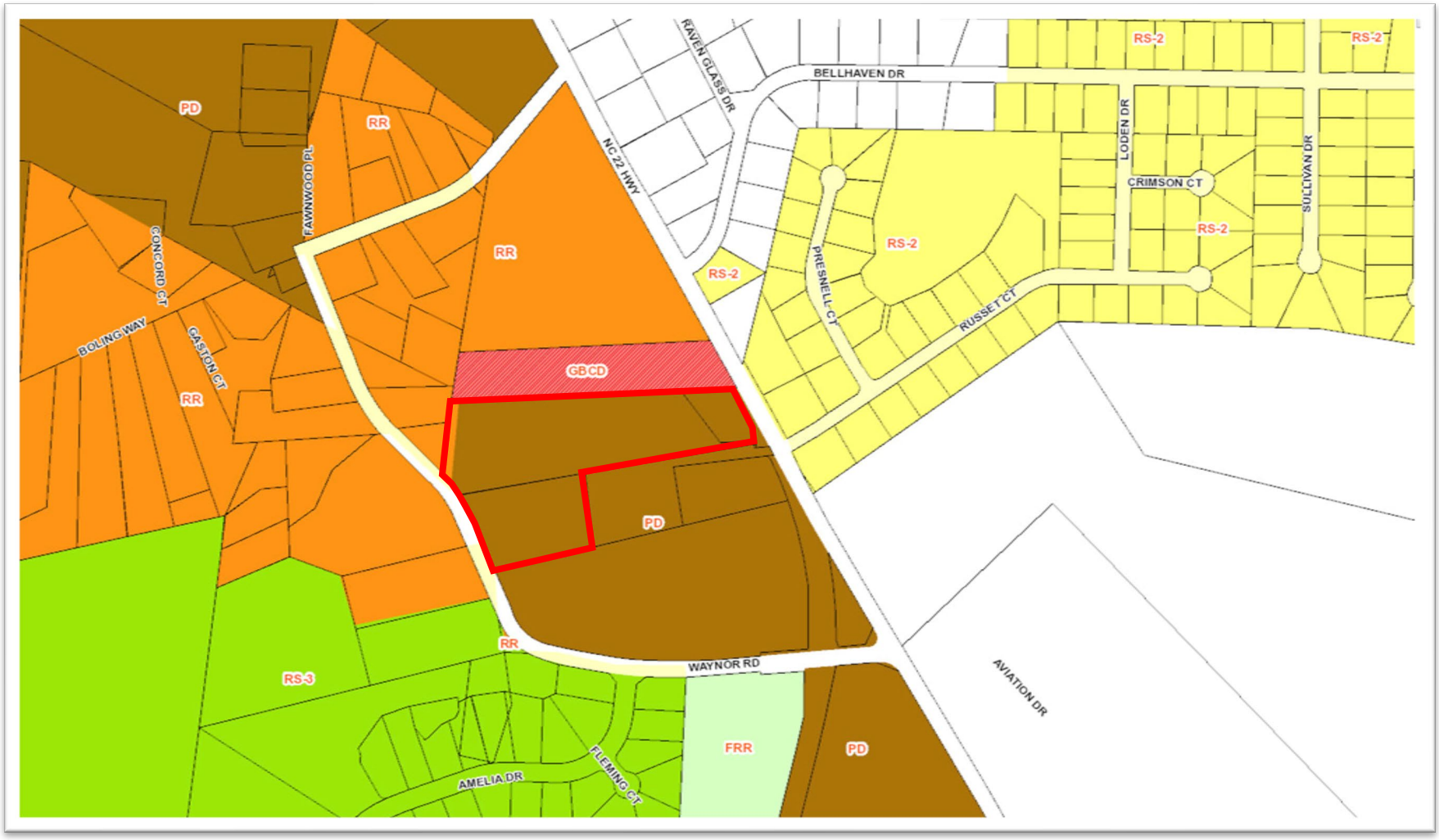


Figure 2: Existing Public Utilities Map (Blue Line = Water / Red Line = Sewer) and City Limit / ETJ:

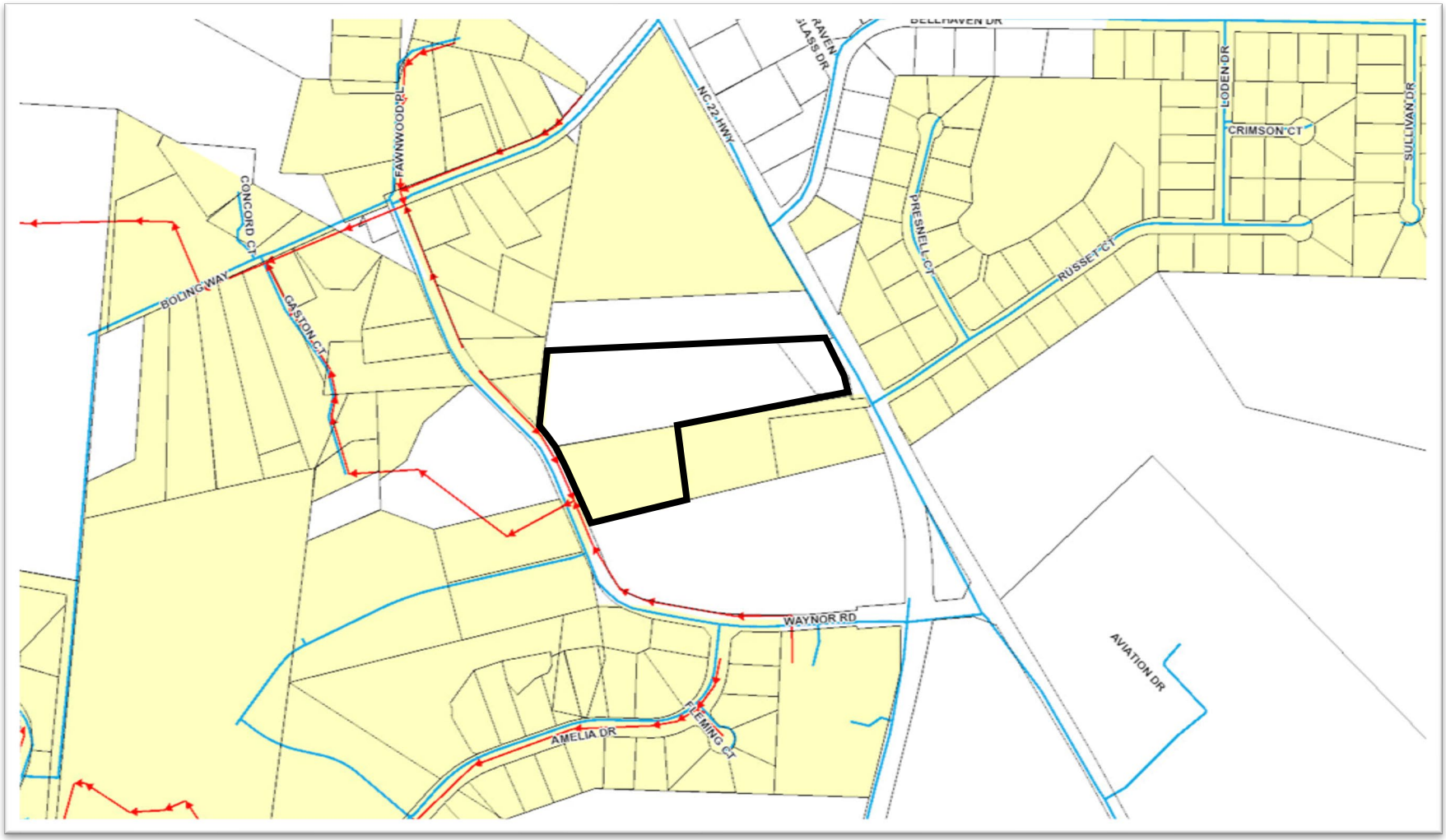
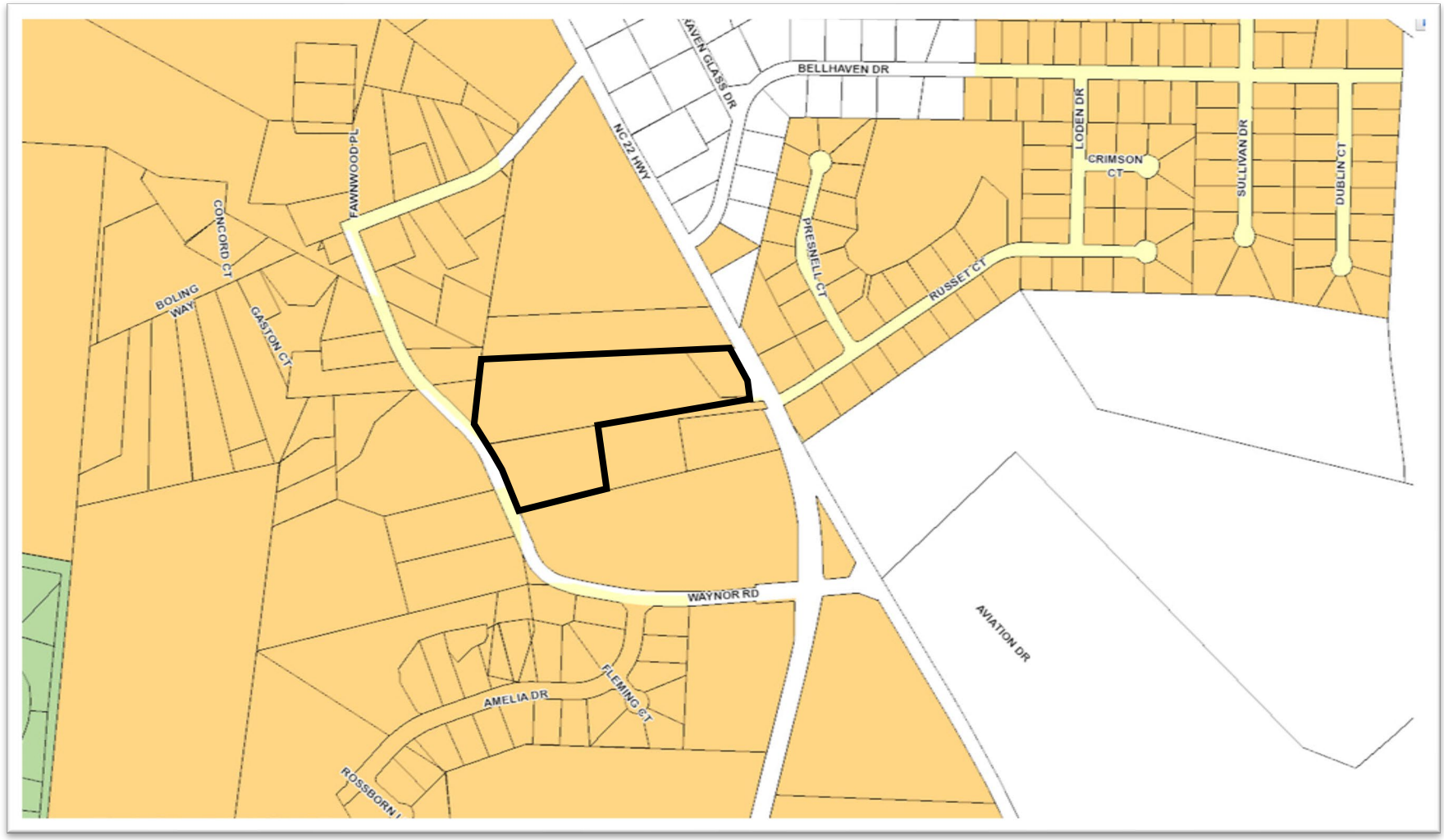


Figure 3: Subject Property Designated Residential on the Future Land Use Map:



C. Project Details:

i. Description of Project:

The proposed Planned Development District (PD) Conceptual Development Plan (CDP) is a mixed land use development with the following proposed general business (GB) and office service (OS) land uses from the Town of Southern Pines UDO Exhibit 3-15 *Table of Authorized Land Uses* as of the date of this report:

1111 1112 1120 S1130 1151 1153	2321 2336	2610 2611 2612 2616 2620 2622 2623 2640 2650 2651	3221	4160 4170	5110 5150 5160	5500	6300	6710	7310 7330 7340 7350 7360 7370 7380
2113b 2117 2121 2127 2141 2142 2144 2152 2153 2154	2411 2412 2413 2414 2415 2416 2417 2418 2421 2422 2423 2424 2425 2430 2440 2454	2710 2720 2721	3430 3440	4210 4211 4212 4221 4222 4223 4233a 4233b 4234 4241 4242 4243	5210 5220	6110 6125 6141 6142 6143 6144 6145 6147	6410 6420 6430	6810 6820 6830	9110
2210 2220 2230 2240	2510 2520 2530 2550 2560 2580		3500	4315 4316 4329 4339 4349	5320 5340 5371 5372	6210	6500 6511 6512 6513 6514 6520 6562 6567	7100	9920 9931 9932 9940 9950

The proposed land uses as listed above that are highlighted in grey are allowed in the rural residential zoning district. The applicant has expressed their stance regarding consistency with the CLRP and this can be found in the applicant's narrative under section 2.3. The applicant has stated that a storage facility, land use

2321, would be developed immediately and is intended as a transitional use. The applicant envisions a residential or commercial development on this portion of the property in the future. The parcel that fronts Highway 22 would consist of a development with land uses as proposed from the list above.

V. 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, Preliminary Development Plan and Final Development Plan. This application is for a Conceptual Development Plan, or Step 1 in the Planned Development District process.

B. Application Review Dates & Associated Postings:

- CDP Application Submitted: June 14, 2021
- Application Complete: June 21, 2021
- Notice of July 22, 2021 Planning Board Public Hearing:
  - Posted On-site: January 25, 2021
  - Mailed: February 01, 2021
  - Publication Dates: February 3, 2021 and February 10, 2021
- Neighborhood Meeting (held by applicant): June 01, 2021
- TRC Pre-application Meeting: July 13, 2021
- Planning Board Regular Meeting: July 22, 2021
- Town Council Agenda Meeting: August 4, 2021
- Town Council Public Hearing: August 10, 2021 CONTINUED
- CONTINUED Town Council Public Hearing: October 12, 2021

C. Criteria for Review:

The criteria for review and approval of a Conceptual Development Plan 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. Staff Comments:

i. General Project Comments:

- The applicant is requesting to develop the self-storage facility in stages allowing for a mixture of open-air storage spaces and re-purposed shipping container units as demand and availability for such units increases for a maximum of 290 storage units. It seems the applicant wises to add storage containers as demand dictates.
- The project will not be developed in phases. The storage facility will be built simultaneously with the private street. The private street will be built to commercial standards and all utilities will be implemented for both parcels A and B.
- At the time a tenant or purchaser is determined for parcel B, the applicant will submit plans for site plan review per UDO §2.48.
- A 10' sidewalk easement is located along Waynor Road.
- If a future residential development is proposed for parcel A, the applicant has stated they will meet the residential mixed housing (RM-1) zoning district development standards. A new PDP to convert to residential development will be required.
- The applicant may obtain shared access with the existing private driveway of the properties that adjoin parcel B. This could cause the proposed private commercial road to shift. The technical review committee (TRC) will determine the layout of the private commercial street at that time.
- A paved drive within the development will be provided as shown on the conceptual master plan and will meet the standards for drive aisles as found in UDO §4.5.
- Gravel drives will be provided as shown on the conceptual master plan and will meet the standards for drive aisles as found in UDO §4.5.

ii. Compliance with a zoning map amendment:

The subject property is currently zoned Planned Development (PD). *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 the UDO.* UDO §2.17 states that a rezoning, or map amendment, is the mechanism for reclassifying a tract, parcel, or land area from one zoning district to another. In this instance, the property is already zoned Planned Development (PD), but has no standards attached to the zoning district and therefore the Town requires the property to be rezoned to a PD with a list of authorized standards. The criteria for zoning map amendments are found in UDO §2.17.9:

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

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.

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

iii. Compliance with the Comprehensive Long-Range Plan (CLRP):

The subject property is designated as residential on the future land use map. 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 developed 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. The subject property is zoned planned development (PD), and the applicant is proposing GB and OS land uses. The applicant has submitted a Conceptual Development Plan Narrative and

Justification that addresses compliance with the CLRP. The applicant's Conceptual Development Plan Narrative and Justification are attached to this memo.

iv. Compliance with the Unified Development Ordinance (UDO):

The purpose of the PD zoning district is to allow a mix of uses and promote creativity and innovation in design. Therefore, an applicant for a PD may propose unique land use and development design standards to achieve the vision of the project while still meeting the needs of the community with regard to access, parking, etc. The standards that must be met by any planned development district (PD) are found in UDO §3.5.14:

- (D) *The type and location of any and all uses within this PD district must be demonstrated to be appropriate for the project area and surrounding area.*
- (F) (2) The land being considered for this planned development is under single ownership.
- (G) (1) Not less than twenty (20) percent of the gross land area of the PD shall be devoted to Open Space with not less than fifty (50) percent of the required Open Space, ten (10) percent, of the gross land area shall be usable open space. The applicant has designated 5 % open space with no usable open space being provided. This request is not consistent with the standards. However, the applicant has provided for a setback for a future sidewalk along Waynor Road if the property converts to a multi-family development.
- The standards for landscaping, screening, buffers and trees included in chapter 4 shall apply to this development along with UDO §4.3 (H) with the following site-specific data:
    - Buffer requirements apply only to the perimeter of the PD and is based on the most intensive use that is adjacent to the property boundary. The most intensive use for the subject property is residential which is allowed in the Office Service (OS) zoning district and the subject property is adjacent to a General Business (GB) zoned property therefore the subject property shall be required to have a 30' buffer width. The buffer shall be planted in accordance with UDO §4.3.4. The applicant has stated they will meet the standards of 4.3 along with the standards in 3.5.14 (H).
- The applicant has stated that all signage will be compliant with UDO §4.6. Per UDO 3.5.14 (I) the applicant may submit a unified sign plan that establishes a more specific design standard and sign locations for the project. If the unified sign plan exceeds the size or number of signs allowed under section 4.6 it must be approved by the Planning Board pursuant to UDO §2.22.
- The applicant has stated they will fully comply with all aspects of applicable local and state standards and regulations for stormwater management and watershed protection. The applicant has submitted a watershed protection permit application at the time of this application submittal. The watershed protection permit would allow the applicant to develop the site with up to

70% impervious surface. However Phase 2 will only be allowed a 65 % maximum built upon surface area per the UTHCO with a maximum building footprint of 30%.

- The applicant is proposing to build a private street to the Town of Southern Pines commercial standards noting the Town Engineer, James Michel, has stated that the private street will be built with an adequate cross section with curb and gutter with sewer located down the middle of the road and water to one side, with landscaping located at least 10' off the water main. A revised cross section is needed for review to determine the final width of the proposed private right-of-way.
    - The applicant has stated that sidewalks will not be provided. The applicant will provide a private commercial street per UDO §4.11. The Town Engineer stated that this was acceptable.
    - The applicant provided a conceptual transportation plan. The applicant has not provided the projected volume of traffic to be carried by the street stated in terms of the number of trips per day. The Town Engineer stated that that he does not anticipate the currently proposed uses will generate significant traffic. It is recommended that the applicant provide an estimate of future traffic projections for planned future uses for review.
    - The applicant is proposing to build a Cul-de-sac and per the UDO that classification is *a street that terminates in a vehicular turn-around that is not longer than 500 feet in length measured from the connection with the intersecting street to furthest paved point of the street turn-around.* The private commercial street shall be constructed with curb and gutter and with a minimum 43' radius cul-de-sac.
    - Per UDO 4.11.10 (D) the Town Council may waive the required sidewalks for this project as it does not abut property to which pedestrian access from the street will be needed. The applicable standard found in UDO 4.11.10 (K) (2), which states if the cul-de-sac is more than 300 feet in length and serves no more than six (6) lots and the planning department in consultation with public works determines that there is no reasonable possibility that the street right-of-way to which the cul-de-sac connects will include a sidewalk, the applicant will not be required to provide sidewalks. This standard was found to be acceptable to the planning department in consultation with public works.
- Per UDO 3.5.14 (M) (4) The applicant shall conform to UDO §4.5 Off-street Parking and Loading along with the site-specific following data:

LBCS CODE	**GFA**	**Parking Requirement**	**Parking Spaces Required**
2321:	Not Provided	1 space per 50 storage units	**6**

Self-storage facility			

- UDO §3.5.14 (M)(4) requires the applicant to comply with off-street loading standards found in Chapter 4 of the UDO for buildings over 10,000 square feet of gross building area. The applicant is compliant with this standard as there are no buildings over 10,000 square feet.
- UDO §3.5.14 (O)(2) states that building heights in all PD districts shall adhere to the limitations set forth in Chapter 4 for the RM-1 district. Exhibit 4-1 states the maximum height in the RM-1 zoning district is 40'. The applicant is not requesting to deviate from this standard.
- All new utilities associated with this PD shall be located underground.
- The subject property falls within the Urban Transition Highway Corridor Overlay, and the portion of the property which falls within the UTHCO will be required to meet the standards found in UDO §3.6.5.

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 24, 2021.
- On June 30, 2021 NCDOT responded: *From our end they will need to submit a driveway permit. At that time one of our technicians will work with them on the connection at NC 22 and Waynor Road..*
- On July 2, 2021 the Town of Southern Pines Engineer commented:
    1. *It appears that an extension of water and sewer mains will be required to serve the full project. Provide a conceptual water and sewer layout for review.*
    2. *The proposed site access road should be a private road.*
- The applicant provided a letter from the Fish and Wildlife Service. This document is located in the attachment section of this report.

VI. ATTACHMENTS:

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

1. Revised Attachment A Planning Board Consistency Statement
2. Applicant's Application
3. Applicants' Deed
4. Applicant's Conceptual Development Plan Narrative and Justification
5. Applicant's Neighborhood Meeting Documentation
6. Applicant's Existing Conditions Plan
7. Applicant's Conceptual Land Use Plan
8. Applicant's Conceptual Development and Transportation Plan
9. Comment from NCDOT

10. Comment from Town Engineer
11. Letter provided from NC Fish and Wildlife Service

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-04-21;

-or-

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-04-21 and as modified by Town Council as follows:

-or

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-04-21 as set forth in the CDP attached to staff report PD-04-21;

-or-

2. Approve PD-04-21 as set forth in the CDP attached to staff report PD-04-21, 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 NC 22 Self-Storage;

1.

-or-

3. Deny PD-04-21;

Revised Attachment "A"

Town of Southern Pines North Carolina — Chartered 1887

PLANNING BOARD
RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-04-21

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

WHEREAS, 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; and

WHEREAS, the Planning Board conducted a public hearing on July 22, 2021 for consideration of Conceptual Development Plan application PD-04-21;

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the Conceptual Development Plan application PD-04-21 is reasonable, not in the public interest and inconsistent with the Town of Southern Pines Comprehensive Long Range Plan (CLRP) because the proposed mixed use development inhibits future residential development as outlined in the CLRP. The CLRP designates the parcel on the FLUM as residential, and the applicant is proposing a public storage facility and not a residential development.

ADOPTED this the 22nd day of July, 2021.

Gary Carroll, Chairman

ATTEST:

Cindy Williams
Secretary to the Planning Board

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

Planned Development District
Conceptual Development Plan Application

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

Project Information:

Project Name: HIGHWAY 22 TRACT

Physical address: 7688 NC 22 HWY SOUTHERN PINES, NC 28387

PIN: 857400926530; 857400920451; 857404829141 Parcel ID: 00036656; 00036657; 95000179

Site Size: ±10.2 AC Zoning: PD - PLANNED DEVELOPMENT

Applicant:

Name(s): DAN PRITCHARD

Email: PRITCH1210@YAHOO.COM Phone: 215-499-6141

Mailing Address: 31 LAKEVIEW DRIVE WHISPERING PINES, NC 28327

Authorized Agent, if different from Applicant:

Name(s): ROBERT KOONTZ

Email: BKOONTZ@KOONTZJONES.COM Phone: 910-684-8487

Mailing Address: 150 S PAGE ST SOUTHERN PINES, NC 28387

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

Name(s): AIRPORT PARK OF MOORE COUNTY, LLC

Email: Mfields@fields-plumbing-heating.com Phone: 910-783-5004

Mailing Address: PO BOX 206 PINEHURST, NC 28370

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 WEST side of NC HWY 22 (St./Ave.), between WAYNOR (St./Ave.) and RUSSET (St./Ave.). The property has a frontage of 230 feet and a depth of 1030 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, OFFICE, AND RESIDENTIAL DEVELOPMENT

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: 5 May 2021

_____
Applicant

1-12-21

APPOINTMENT OF AGENT

The undersigned owner(s), DAN PRITCHA, hereby appoint(s) KOOPER JAMES PESICK 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 5th day of May, 2021.

DANIEL PRITCHARD
Property Owner

Property Owner

Agent

1-12-21

Authentisign ID: 6BE7C58D-6F5E-4C1E-B9DE-80275AAF7D1E

APPOINTMENT OF AGENT

The undersigned owner(s), GEORGE FIELDS, 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 _____ day of 05/10/2021, _____.

Authentisign
george m fields
5/10/2021 6:06:33 PM GMT
Property Owner

Property Owner

Agent

1-12-21

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.

Parcel ID Short	PIN	Deed Book	Deed Page	Owner's Name	Owner's Name 2	Mailing Address	Mailing Address cont.	City	STATE	Zip Code
00036658	857404823112	1712	60	JONES, THOMAS O		296 WAYNOR RD		CARTHAGE	NC	28327
00037357	857400825339	234	139	PATTERSON, CURTIS LEE & GLADYS		325 WAYNOR RD		CARTHAGE	NC	28327-9520
00037358	857404825746	465	527	PATTERSON, CURTIS LEE & GLADYS		325 WAYNOR RD		CARTHAGE	NC	28327-9520
00037375	857400823667	96E	531	PATTERSON, CURTIS L SR		325 WAYNOR RD		CARTHAGE	NC	28327
00037376	857400824573	96E	531	PATTERSON, CURTIS LEE JR &	CONNIE GERALDINE	295 WAYNOR RD		CARTHAGE	NC	28327
00032261	857400814864	2017E	433	CHAVIS, BRENDA (HRS)	& OTHERS	C/O SANDRA FAIRLEY	1092 W NEW HAMPSHIRE AVE	SOUTHERN PINES	NC	28387
00991862	857400914852	4147	589	CHANDLER POND PROPERTIES, LLC		16 LIBERTY OAK LANE		SURFSIDE BEACH	SC	29575
20190631	857400818633	1064	433	MEDLIN, LYNN CLARK &	CLARK, SHIRLEE HELGA	16 LIBERTY OAK LANE		SURFSIDE BEACH	SC	29575
95000179	857404829141	1242	369	AIRPORT PARK OF MOORE COUNTY,	LLC	PO BOX 206		PINEHURST	NC	28370
97000413	857400815634	5050	542	RAVENSBROOK, LLC		PO BOX 1872		SOUTHERN PINES	NC	28388
00034655	857400928713	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
00035084	857404927900	2018E	640	DENIS, ROBERT J		7671 NC HWY 22		CARTHAGE	NC	28327
00035333	857404921656	4489	276	SULLIVAN PROPERTY, LLC		9050 SPANISH WELLS CT		FORT MILL	SC	29708
00036656	857400926530	1242	369	AIRPORT PARK OF MOORE COUNTY,	LLC	PO BOX 206		PINEHURST	NC	28370
00036657	857400920451	1242	369	AIRPORT PARK OF MOORE COUNTY,	LLC	PO BOX 206		PINEHURST	NC	28370
20030571	858417020333	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
20030572	857400929513	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
20050919	857400927368	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
20080689	857400930152	406	507	BIBLE TABERNACLE OF SOUTHERN	PINES, NORTH CAROLINA	PO BOX 685		SOUTHERN PINES	NC	28388-0685
94000780	857400926252	1264	455	NEW SOUTH PROPERTIES		123 JOY STREET		DUNN	NC	28334
95000177	857404923106	1677	417	FIELDS HOLDINGS LLC		212 MCDAIRMID RD		PINEHURST	NC	28374

BOOK PAGE

01242 00369 FEB 7 4 23 PM '97

NORTH CAROLINA GENERAL WARRANTY DEED

MRS. JUDITH M. ADAMS
REGISTER OF DEEDS
MOORE COUNTY, NC

THIS DEED, made this the 28th day of January, 1997, by and between **AIRPORT PARK, LLP, A NORTH CAROLINA LIMITED LIABILITY PARTNERSHIP**, hereinafter referred to as **"Grantor"**; and **AIRPORT PARK OF MOORE COUNTY, LLC**, PO Box 206 Pinehurst, NC 28370, hereinafter referred to as **"Grantee"**;

W I T N E S S E T H

That Grantors, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in McNeill Township, Moore County, North Carolina, and more particularly described as follows:

SEE ATTACHED EXHIBIT A.

THE ABOVE PROPERTY IS SUBJECT TO THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT DATED JUNE 20, 1994 AS SHOWN IN BOOK 1012 AT PAGE 01 OF THE MOORE COUNTY PUBLIC REGISTRY WHICH EASEMENTS RUNS WITH THIS LAND AND IS HEREBY INCORPORATED BY REFERENCE AS IF FULLY SET FORTH HEREIN.

GRANTOR HEREIN RESERVES FOR ITS SELF HEIRS,SUCCESSORS AND ASSIGNS A PERPETUAL NON-EXCLUSIVE EASEMENT ACROSS THE ABOVE DESCRIBE PROPERTY AS SHOWN ON A CERTAIN MAP RECORDED IN PAT CABINET 5, SLIDE 795, MOORE COUNTY REGISTRY.

THIS CONVEYANCE IS ALSO SUBJECT TO THE FOLLOWING EXCEPTIONS: (I) THE LIEN FOR AD VALOREM TAXES FOR THE CURRENT YEAR; (II) UTILITY EASEMENTS OF RECORD AND RESTRICTIVE COVENANTS THAT ARE ENFORCEABLE AGAINST THE PROPERTY.

TO HAVE AND TO HOLD the aforesaid premises with all privileges and appurtenances thereunto belonging to the said Grantee in fee simple, subject, however, to all conditions, reservations and restrictive covenants appearing of public record affecting the title to and the use of said real estate, county and/or municipal laws, ordinances and regulations.

And the Grantors covenant with the Grantee that Grantors are seized of said premises in fee and have the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances; and that Grantors 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.

TRANSFER NO STAMPS

TAX ADDRESS
RECORDING $14.00
STAMP
TOTAL $14.00 pd

EVANS & RIFFLE
LAW OFFICES, PLLC
ONE PINEHURST COMMONS
POST OFFICE BOX 2409
PINEHURST, NORTH CAROLINA
28374

2748A
S. Blevins

228975

Warranty Deed
Airport, LLP\Airport, LLC
Page Two.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals, or if corporate, have caused this instrument to be signed in its corporate name by its duly authorized officer and its seal to be affixed by authority of its Board of Directors, as of the day and year first above written.

AIRPORT PARK, L.L.P.,
A NORTH CAROLINA LIMITED LIABILITY PARTNERSHIP
BY:

_____ **(SEAL)**
George M. Fields, Partner

_____ **(SEAL)**
Katherine D. Fields

_____ **(SEAL)**
Richard L. Roberts, Partner

_____ **(SEAL)**
Linda K. Roberts

_____ **(SEAL)**
McLeod Fowler, Partner

_____ **(SEAL)**
Janet G. Fowler

****
****

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, a Notary Public in and for the aforesaid State and County, do hereby certify that George M. Fields, Partner, George M. Fields and Katherine D. Fields, Husband and Wife personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal, this the 31st day of January, 1997.

EVANS & RIFFLE
LAW OFFICES, PLLC
ONE PINEHURST COMMONS
POST OFFICE BOX 2409
PINEHURST, NORTH CAROLINA
28374

_____ **(SEAL)**
NOTARY PUBLIC

My commission expires: May 8, 1998



Warranty Deed
Airport, LLP\Airport, LLC
Page Three.

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, a Notary Public in and for the aforesaid State and County, do hereby certify that Richard L. Roberts, Partner, Richard L. Roberts and Linda K Roberts, Husband and Wife personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal, this the 30th **day of January, 1997.**

Dianne D. Forsberg
NOTARY PUBLIC

My commission expires: May 8, 1998

(SEAL)

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, a Notary Public in and for the aforesaid State and County, do hereby certify that McLeod Fowler, Partner, McLeod Fowler and Janet G. Fowler, Husband and Wife personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal, this the 31st **day of January, 1997.**

Dianne D. Forsberg
NOTARY PUBLIC

My commission expires: May 8, 1998

(SEAL)

EVANS & RIFFLE
LAW OFFICES, PLLC
ONE PINEHURST COMMONS
POST OFFICE BOX 2409
PINEHURST, NORTH CAROLINA
28374

NORTH CAROLINA--MOORE COUNTY
The foregoing certificate(s) Dianne G. Forsberg
a Notary/Notaries Public
is/are certified to be correct.
This 7th day of February 1997
JUDITH M. ADAMS, REGISTER OF DEEDS
Judy D. Martin ASSISTANT/DEPUTY

EXHIBIT A.

TRACT I.

BEING ALL OF LOT NUMBER 3 AS SHOWN ON A PLAT ENTITLED, "AIRPORT PARK PROPERTY OF AIRPORT PARK LLP", MCNEILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, DATED OCTOBER 12, 1994 DRAWN BY C.H. BLUE AND ASSOCIATES, P.A., SOUTHERN PINES, NORTH CAROLINA AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF MOORE COUNTY, NORTH CAROLINA, IN PLAT CABINET 5, SLIDE 795, TOGETHER WITH ALL EASEMENTS AND PRIVILEGES APPURTENANT TO SAID PROPERTY.

TRACT II.

A CERTAIN TRACT OR PARCEL OF LAND LYING IN McNEILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, LOCATED ABOUT 93-FEET MORE OR LESS NORTHWEST OF THE INTERSECTION OF HIGHWAY NO. 22 AND STATE ROAD NO. 1897, BOUNDED ON THE NORTH BY LAWRENCE LYERLY, JR. ON THE EAST BY J.D. MICHAEL AND HIGHWAY NO.22, ON THE SOUTH BY AIRPORT PARK AND ON THE WEST BY HUBERT PATTERSON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING P.K. NAIL IN THE CENTERLINE OF HIGHWAY NO. 22, SAID CORNER BEING THE NORTHWEST CORNER OF LOT NO. 1 OF THE AIRPORT PARK DIVISION AS RECORDED IN PLAT CABINET 5, AT SLIDE 795; THENCE FROM THE BEGINNING AND AS A COMMON LINE OF GRANTOR AND LOTS NO. 1, 2 AND 3 OF AIRPORT PARK SOUTH 82° 38′ 28" WEST 1276.16 FEET TO AN EXISTING P.K. NAIL IN THE CENTERLINE OF STATE ROAD NO. 1897; THENCE LEAVING SAID CENTERLINE NORTH 04° 01′ 45" WEST 7.67 FEET TO AN EXISTING IRON PIPE ON THE NORTH SIDE OF STATE ROAD NO 1897; THENCE AS A COMMON LINE OF GRANTOR AND HUBERT PATTERSON NORTH 06° 39′ 42" EAST 362.85 FEET, PASSING THROUGH AN EXISTING CONCRETE MONUMENT AT 35.79 FEET, TO AN EXISTING CONCRETE MONUMENT, NORTHERN MOST CONCRETE MONUMENT BEING A COMMON CORNER OF GRANTOR AND PATTERSON; THENCE NORTH 89° 44′ 39" EAST 11.47 FEET TO LYERLY'S SOUTHWEST CORNER; THENCE CONTINUING NORTH 89° 44′ 39" EAST 1066.28 FEET TO A CORNER, SAID CORNER BEING A COMMON CORNER OF GRANTOR AND LYERLY; THENCE SOUTH 34° 56′ 55" EAST 255.48 FEET TO THE BEGINNING, CONTAINING 7.87 ACRES, MORE OR LESS AND BEING A PORTION OF DEED BOOK 551, AT PAGE 26. CONTAINED WITHIN THE BOUNDS OF THE HEREINABOVE DESCRIBED TRACT OF REAL PROPERTY IS THAT CERTAIN 1.00 ACRE TRACT DESCRIBED IN DEED BOOK 420, AT PAGE 241.

EVANS & RIFFLE
LAW OFFICES, PLLC
ONE PINEHURST COMMONS
POST OFFICE BOX 2409
PINEHURST, NORTH CAROLINA
28374

PD DISTRICT CONCEPTUAL DEVELOPMENT PLAN APPLICATION

HIGHWAY 22 TRACT

SOUTHERN PINES, NORTH CAROLINA

PROJECT NARRATIVE AND DESIGN STANDARDS

1.0 PURPOSE

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

- Prepare a Conceptual Development Plan (CDP) for the Highway 22 Tract as required to develop the property located in an established Planned Development (PD) district.
- Establish the permitted uses, density, standards and conditions under which the subject property shall be developed through this narrative and the associated plans being submitted with this application.

The Town's Conceptual Development Plan application form is included in the submitted documents. All 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 request. The Conceptual Development Plan of this property shall include all standards and conditions included in this document and the submitted supporting documents.

2.0 PROJECT OVERVIEW

2.1 Location

The proposed project described in this application is geographically located north of downtown Southern Pines on the west side of NC Highway 22. The property is located off of NC Highway 22 in between Waynor Road and Russet Ct. A site location map showing the site and immediate surroundings is included with this application. The property is comprised of three parcels of land. Two parcels including the property with frontage on NC Highway 22 are within Town of Southern Pines Extra Territorial Jurisdiction (ETJ), while the southern most parcel is fully annexed into the the Town of Southern Pines. The town has zoning jurisdiction over the properties. Prior to any construction on the property, the parcel located within the Town's ETJ will be voluntarily annexed into the Town of Southern Pines. Utilities are available at the site with capacity to accommodate the proposed development.

2.2 Vision

The vision for the project is to develop a self storage facility, consisting of a combination of open air storage spaces and re-purposed shipping container storage units. The storage facility would be located in the rear portion of the site while a ±1.6 acre commercial out parcel would be located along NC Highway 22.

The storge facility is intended to be a transitional use for the property. Utilizing shipping containers and open storage areas will allow for easy relocation or removal of the facility in the future. It is envisioned that the units will ultimately be relocated and replaced by residential or other commercial development in the future. This proposed CDP allows for these uses to occur on the property. If these uses ultimately are developed on the preoprty, they will require a new Preliminary Development Plan (PDP) be approved by the Town Council, however, the uses will be permitted in the zoning of this CDP.

Adjoining properties are zoned for general business, residential, and planned development. Proposed development under this CDP would provide compatible uses with the surrounding properties.

2.3 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. 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 application will apply.

While the proposed PD – CDP and land uses for the Highway 22 Tract development is not consistent with the Town's Comprehensive Long-Range Plan (CLRP), the proposed development does promote its objectives and is consistent with the uses on surrounding and adjoining properties. The CLRP has designated the property as Rural Residential but it is surrounded by commercial and office uses. This CDP provides locations for land uses which may include commercial, residential, retail, or office uses. Adjoining properties include office, contractors offices, residential, and other commercial/office uses.

3.0 EXISTING CONDITIONS

3.1 Existing Natural Features

3.1.1 Prevalent Tree Canopy and Vegetation

An analysis of the tree canopy and vegetation has been provided in the red-cockaded woodpecker survey provided by Dr. Jay H. Carter III & Associates, Inc. and has been included with this application

3.1.2 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.

3.1.3 Streams, Wetlands and Floodplain

No streams or wetlands are located on this property. The proposed development is located within two high-quality watershed areas. The front portion of the property along Highway 22 is located in the Little River (Vass) - WS-III watershed and the rear portion of the preoprty toward Waynor Road is located in the Nick's Creek – WS-III watershed.

3.1.4 Topographic Features

A topographic map with two (2') foot contours is included in the application exhibits on sheet L-1.0 Existing Conditions.

3.1.5 Unique Land Formations, Endangered/Threatened Species

A red-cockaded woodpecker survey has been prepared by Dr. Jay H. Carter III & Associates, Inc. and has been included with this application. Per the survey, no red-cockaded woodpecker or endangered species habitat exists 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 if required for permitting.

3.2 Existing Man-made Features

3.2.1 Streets, Roads, Parking or Other Structures

A paved drive off of NC Highway 22 used to access the two adjacent commercial properties currently exists on property. There are no existing structures located on the property.

3.2.2 Storm Water Facilities and Structures

There are no existing stormwater facilities located on the property.

3.2.3 Utilities

Sewer – A sewer line is currently located adjacent to the property and is available for connection to this development. The lines can accommodate future development. Adequate available service for the proposed development is available from the Town of Southern Pines.

Electric - Electric power is available. All new electric lines will be installed underground. A powerline and associated easement is located on the property and shown of Sheet L-1.0.

Gas – It appears that natural gas is located nearby. The use of natural gas will be evaluated to determine whether gas service is desirable for the development or if a gas extension is feasible during the site permitting process.

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

Water – Public water line connections are located near the site. The lines are adequate to accommodate development as proposed.

3.2.4 Buildings, Structures, Signs and Historical Structures

There are no structures, signs or historical structures on the site.

3.3 Existing Legal Features

3.3.1 Zoning Information - The subject property is currently zoned PD (Planned Development). The property is also indicated as Rural Residential in the Town's CLRP.

3.3.2 Property Lines - see plans and deeds included with this application

3.3.3 Right of Ways - Adjacent rights-of-ways along property edges are NC Highway 22 and Waynor Road are shown on plans included with this application on sheet L-1.0 – Existing Conditions.

3.3.4 Easements - Utility easements are depicted on plans included with this application.

3.3.5 Ownership Information - See existing conditions plan for depictions of the tracts listed in the table below. Copies of the corresponding recorded deeds evidencing ownership are provided as exhibits with this application.

Tract	Owner	Deed Book	Page Number(s)
1	Airport Park of Moore County, LLC	1242	369
2	Airport Park of Moore County, LLC	1242	369
3	Airport Park of Moore County, LLC	1242	369

Property to be rezoned and annexed will be described by using the property descriptions from the attached deeds and by survey.

3.3.6 Adjacent Parcel information - the adjacent parcel owners, zoning, use, PIN numbers and Parcel ID numbers are listed on the Adjacent Property Owners list in the exhibit included in this application.

4.0 DEVELOPMENT CONDITIONS

4.1 Development Program

The development of the +/- 10.2-acre property will include a +/- 1.6-acre commercial/office outparcel along NC Highway 22 and a larger +/- 8.5-acre tract with access to Waynor Roadand the proposed new public street from Highway 22. All development will follow the standards of the Town's UDO for the specific type of development unless specific development standards are included below.

Uses on the property may include items in the General Business (GB) and Office Services (OS) zoning districts. A list of the permitted uses for the property have been included below. 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. Permitted Uses for the property are included by their LBCS code below.

Any future residential development will meet the development requirements of the RM-1 (Residential Mixed Housing) zoning classification as described in Section 3.5.6 of the UDO.

LAND USE	LBCS CODE	DESCRIPTION	AREA 'A'	AREA 'B'
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	
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	
Two-Family (double or Duplex)	1120.00		X	
Accessory Dwelling	S1130		X	
Multi-Family	S1200	Three or more Dwelling Units		
Multi-Family	1151.00	Three or more Dwelling Units	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	
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		
bicycle sales and repair	2113b	New or used bicycles sales or repair	X	X
automotive repair and maintenance	2117.00	Repair garages, body and paint shops, oil change, car wash	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
heating and plumbing equipment	2127.00	heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category	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
art dealer, supplies, sales and service	2142.00	Including frame shops	X	X
mail order or direct selling establishment	2144.00	Retailing other than in stores	X	X
Grocery, food, beverage, dairy	2150.00	Retail food and beverage merchandise from fixed point-of-sale locations		
convenience store	2152.00	Excludes those with fuel pumps	X	X
specialty food store	2153.00	Retail specialty food items such as coffee and gourmet foods	X	X
fruit and vegetable store	2154.00		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
Credit and finance establishment	2220.00	Credit card, sales financing, unsecured consumer lending, real estate credit, international trade financing	X	X
Investment banking, securities, and brokerages	2230.00	Securities underwriting, brokering, exchange services, managing portfolios	X	X
Insurance-related establishment	2240.00	Insurance underwriting, selling insurance	X	X
Real Estate, and Rental and Leasing	2300.00	Rent or lease assets		
Property management services	2320.00	Manage real property for others		

commercial property-related, mini- or self-storage	2321.00	Lease buildings not used as residences; includes mini-warehouses and self-storage Dwelling Units	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		
intellectual property rental	2336.00	Establishments that assign patents, trademarks, brand names, and franchise agreements	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
accounting, tax, bookkeeping, payroll services	2412.00		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
graphic, industrial, interior design services	2414.00	Interior, industrial, and graphic design	X	X
consulting services (management, environmental technical)	2415.00	Advise and assist businesses on management, scientific, and technological issues	X	X
scientific research and Development services	2416.00	Conduct research or analyze in the physical, engineering, cognitive, or life sciences	X	X
advertising, media, and photography services	2417.00	Advertising, public relations, media buying agencies, direct mail advertisers, market research, translation providers	X	X
veterinary services	2418.00	Veterinary medicine, testing services for veterinary practitioners	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 payements,compile credit information, repossesses tangible assests	X	X
Travel arrangement and reservation services	2430.00	Promote or sell travel, includes convention and visitors' bureaus	X	X
Investigation and security services	2440.00	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems	X	X
carpet and upholstery cleaning	2454.00		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
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
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

Mobile food services	2550.00	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	X	X
Caterer	2560.00	Provide single event-based food services, including banquet halls with catering for wedding receptions, etc.	X	X
Vending machine operator	2580.00	Retail merchandise through vending machines that they service	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
dieting and weight reducing	2612.00		X	X
electrolysis, ear piercing, and other personal care services	2616.00		X	X
Dry cleaning and laundry	2620.00			
dry cleaning and laundry	2622.00		X	X
linen and uniform supply	2623.00		X	X
Parking Lot and parking garage	2640.00		X	X
Special Services	2650.00			
massage therapist	2651.00		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
Animal and pet services and kennels	2720.00	Boarding, grooming, sitting, and training (except veterinary and horse boarding)		
animal services	2721.00	grooming and training	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		
Wood, Paper, and Printing Products	3200.00			
printing and related support activities	3221.00	establishments do not maufacture the stock that they print; for publishers and publishers that also print, use publishing information or codes	X	X
Miscellaneous Manufacturing	3400.00	Use for manufacturing establishments not classified elsewhere		
Office supplies, inks, etc.	3430.00	Except paper	X	X
Signs	3440.00		X	X
Wholesale Trade Establishment	3500.00	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses	X	X
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	**4000.00**			
Courier and messenger services	4160.00	Provide air, surface, or combined courier delivery services of Parcels and messages	X	X
Postal services	4170.00	Operate the national postal service, including establishments that sort, route, and deliver on a contract basis	X	X
Communications and Information	4200.00	Produce or distribute information	X	X
Publishing	4210.00	Issue copies of works for which they usually posses copyright		
newspapers, books, periodicals, etc.	4211.00	Publish newspapers, magazines, books, databases, greeting cards, calendars, maps, and similar works	X	X
software publisher	4212.00	Publish and reproduce computer software	X	X

Motion pictures and sound recording	4220.00	Produce and distribute motion pictures and sound recordings		
motion picture and video production, publishing, and distribution	4221.00	Produce or distribute motion pictures, videos, television programs, or commercials	X	X
motion picture viewing and exhibition services	4222.00	Operate movie theaters, drive-ins, film festival exhibitions	X	X
sound recording, production, publishing, and	4223.00	Produce, distribute, or publish music and musical recordings or provide sound recording	X	X
Tele-communications and broadcasting	4230.00	Provide point-to-point communications; if multiple services are shared between the same facilities, use this general category; if separate facilities are maintained for each type of service, then use a specific classification		
towers and antennas 50ft tall or less	4233a		X	X
towers and antennas taller than 50 ft	4233b		X	X
telephone and other wired tele-communications	4234.00	operate telephone networks	X	X
Information services and data processing industries	4240.00	News syndicates and information data processing services		
online information services	4241.00	Internet access and service providers	X	X
library or archive	4242.00	Provide library or archive services	X	X
news syndicate	4243.00	Supply information such as news reports, articles, pictures and features to the news media	X	X
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
electric substations	4316.00		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
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
Sewer, solid waste, and related services	4340.00	Collect, treat, and dispose of waste materials		
wastewater service	4349.00	Provide wastewater service distribution to retail customers (includes collection lines and lift stations)	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
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	X
Historical or acheological institution	5220.00	archeological sites, battlefields	X	X

Amusement, Sports, or Recreation Establishment	5300.00	Operate facilities offering activities and provide services		
Games arcade establishment	5320.00	Operate arcades and parlors, except gambling, billiard, or pool	X	X
Miniature golf establishment	5340.00		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
private facilities	5372.00		X	X
Natural and other Recreational Parks	5500.00	All parks without special economic functions	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
Grade school	6120.00	Comprises all public, private, and specialty schools between the preschool and university level		
special needs education services	6125.00	offer specialized services such as for the physically or mentally disabled	X	X
Technical, trade, or other scpecialty school	6140.00			
beauty schools	6141.00		X	X
business management	6142.00	Offer courses in office procedures, secretarial skills, and basic office skills	X	X
computer training	6143.00	Except computer repair	X	X
driving education	6144.00		X	X
fine and performing arts education	6145.00	Dance, art, drama, and music schools	X	X
sports and recreation education	6147.00	Offer instruction in athletic activities	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
Other Government Functions	6300.00	Use this category for government owned establishments not classified elsewhere such as defense and national guard establishments	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
Police	6420.00	Includes combined police and fire departments	X	X
Emergency response	6430.00	Provide ground or air transportation for medical relief purposes	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
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
blood or organ bank	6514.00		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

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 daycare	6562.00	Provide care for infants and preschool children, offer pre-kindergarten education programs	X	X
veterans affairs	6567.00		X	X
Death Care Services	6700.00	Funeral homes, crematories, cemeteries		
funeral home and services	6710.00	Includes funeral homes combined with crematories	X	X
Associations, Non-Profit Organizations, Clubs	6800.00	Includes grant making, civic, professional, and similar organizations		
Labor or political organization	6810.00	Labor unions, political groups, and political fund-raising groups	X	X
Business association or professional membership	6820.00	Promote the business interests of their members organization or of their profession	X	X
Civic, social, or fraternal organization	6830.00		X	X
CONSTRUCTION-RELATED BUSINESSES	7000.00	Build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services		
Building, developing, and general contracting	7100.00	Custom builders, general contractors, developers, land Applicants, and construction management firms	X	X
Special Trade Contractor	7300.00	Specialize in construction activities such as plumbing, painting, and electrical work		
Carpentry, floor, and tile contractor	7310.00		X	X
electrial contractors	7330.00		X	X
glass and glazing contractor	7340.00	excludes automotive gass establishments	X	X
masory and drywall contractor	7350.00	Includes bricklaying, drywall, and plaster work	X	X

Painting and wall covering	7360.00		X	X
Plumbing, heating and air conditioning	7370.00		X	X
roofing, siding, or sheet metal contractor	7380.00		X	X
Agriculture, forestry, fishing and hunting	9000.00	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries		
Crop Production	9100.00			
Outdoor production	9110.00		X	X
Unclassifiable or No Fuction	9900.00			
Temporary Uses (Ord. # 1601)	9920.00	Temporary uses specifically authorized in applicable zoning districts by section 5.25 or 5.26	X	X
Subdivisions	9930.00			
major	9931.00		X	X
minor	9932.00		X	X
Combination Uses	9940.00		X	X
Home Occupations	9950.00		X	X

4.2 Additional Design Conditions

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

4.2.1 Vehicular & Pedestrian Circulation and Streets

There will be two (2) points of ingress/egress for the property. The main Ingress/egress to the development will be provided from NC Highway 22 on a new private street and a secondary access to the rear parcel will be provided from Waynor Road for emergency access to the property. The new private street will be constructed from Highway 22 and provide access to all parcels created within the development and existing adjacent parcels that are currently accessed by a private driveway. If a shared access can be determined with the adjoining property owner's at a later date, access may be relocated to incorporate the existing access easement.

The private street will be designed per the road cross section included on sheet L-1.2 - Concept, Phasing, and Transportation Plan. The road will be designed to meet the Town of Southern Pines engineering paving standards or additional geotechnical engineering recommendations will be provided as an alternative based on the specific soil conditions on the property. The functional classification of streets is illustrated in the attached Conceptual Transportation Plan as required by the UDO. Roadways adjacent to the community are governed by the NCDOT and therefore the ingress/egress location will require NCDOT approval.

Sidewalks – Sidewalks will not be provided along the proposed street or along NC Highway 22. If residential uses are developed on the property in the future, requiring submission and approval of a new preliminary development plan (PDP) by the Town Council, a sidewalk will be constructed along the preoprty frontage on Waynor Road.

4.2.2 Open Space

5% open space will be provided for the development, which is consistent with the proposed uses. The development pattern is consistent with the adjoining properties that do not provide open space. Additional landscaping has been designated for the Waynor Road frontage in Section 4.2.4 of this document and will provide additional buffering. Based on the size, location and proposed uses for the property, no active open space will be provided.

If residential uses are developed on the property in the future, requiring submission and approval of a new preliminary development plan (PDP) by the Town Council, the 20% open space standard for Planned Development (PD) zoning will be met.

4.2.3 Architectural Standards

All buildings will be required to meet the standards of the commercial building design guidelines described in Section 4.10 of the Town of Southern Pines UDO. Architectural plans must be reviewed and approved by the Town's Architectural Review Board (ARB) prior to building permit authorization.

4.2.4 Landscaping 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. In addition, the landscape buffer along

Waynor Road will be expanded to meet the 40' landscape buffer requirements included in the Highway Corridor Overlay for Highway 22.

4.2.5 Utilities

Electric, water, and sewer utilities are currently available near the property as described in Section 3.2.3 of this document. Any new utility lines will be installed underground in accordance with the policies of the local utility providers and the Town of Southern Pines.

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. 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 the development phases.

Water and sewer utilities will be provided by the Town of Southern Pines, the cost of which will be borne by the developer. Power and electric utility will be provided by Duke Energy.

4.2.6 Lighting

Appropriate lighting for any future commercial/retail development will be provided. Parking area lighting will be designed in conformance with the requirements of Section 4.8 in the Town of Southern Pines UDO. The cost of installation of any lighting shall not be the responsibility of the Town of Southern Pines. Lighting will be provided by Duke Energy Progress or other utility company. Installation of any street lights along the new public street will be completed by the developer and dedicated to the Town of Southern Pines along with the street.

4.2.7 Signage

Signage for the development will be provided along NC Highway 22. These signs may be combined, or individual signs as permitted in the UDO. Signage, internal to the development, may be provided throughout the property for purposes of identification and wayfinding. All signage will be designed in conformance with the requirements of the Town of Southern Pines UDO in Section 4.6.

4.2.8 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. Any temporary uses or special events must obtain the appropriate permits from the Town of Southern Pines.

4.2.9 Storm Water Management and Water Quality Management

The property is located within two (2) state regulated and protected drainage basins. As such stormwater design will fully comply with all aspects of applicable local and state standards and regulations for storm water management and watershed protection, including specific requirements for erosion and sedimentation control. Best management practices at the time of development for each phase shall be utilized in accordance with NCDEQ guidance. Drainage facilities will be located in the general locations as shown on conceptual site plan included in this application. These locations 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, NCDEQ, and any other stormwater regulations.

As permitted by the Town of Southern Pines based on the commercial nature of this project and location within the watersheds, a Watershed Protection Permit has been submitted with this application. This will allow the development to provide up to 70% impervious surface and develop the commercial and office uses.

4.2.10 Setbacks

The setbacks for the property will follow the standards of the UDO for the specific area and uses. A 400' Urban Transition Highway Corridor Overlay is present along NC Highway 22. Setbacks and standards within the first 400' along NC Highway 22 will follow the Highway Corridor Overlay District (HCOD) guidelines. The public street access shall be considered an internal street access for purposes of the HCOD guidelines and permit a 40' building and parking setback from Highway 22. Setbacks along the western side of the property, outside of the Highway Corridor Overlay Districts, will follow the standards of the UDO for the specific area and uses.

5.0 Annexation

Tract 1 as described in Section 3.3.5 is already within the town limits for the Town of Southern Pines. Tract 2 is currently in the Town's ETJ and will be annexed prior to any construction on the property.

6.0 Phasing

This project will not be phased. Thestorage facility and the commercial outparcel will be developed with the private street off of NC Highway 22. Water and sewer for all parcels will be developed with the construction of the private street. The property will be recombined to accommodate the commercial outparcel and the storage facility. No subdivision of land will be necessary. At such time as a tenant/purchaser for the commercial outparcel is determined meeting the use table in Section 4.1, a site plan will be submitted to the Town's Technical Review Committee for review and permitting.

7.0 Conceptual Development Plan UDO Criteria

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 describing how the project demonstrates compliance with each of these criteria.

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

(A) The Conceptual Development Plan conforms to all applicable provisions of this UDO;

The Conceptual Development Plan conforms to all standards of the UDO. The exhibits and narrative included with the application demonstrate the overall compliance with the UDO. The purpose of this PD – Conceptual Development Plan (CDP) application is to provide a development plan and development standards for the proposed development, which includes a commercial/office outparcel and a parcel designated as commercial, office, or residential development. The property is indicated as Rural Residential in the Town's Comprehensive Long-Range Plan (CLRP). This designation does not, however, fit with the properties surroundin parcels, which reflect similar uses to those propersed in the CDP. The proposed CDP sets forth the development standards for the property and complies with the process requirements of the new UDO.

(B) 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 CDP is consistent with the goals and policies of the UDO. The property is zoned PD (Planned Development) on the Town's official zoning maps. The proposed CDP complies with the requirements of the PD district. The proposed PD – CDP and land uses for the property are consistent with the UDO. The Town's Comprehensive Long-Range Plan (CLRP) designates these parcels as Rural Residential, however this designation is not consisten with existing land

uses in the area and on surrounding properties. The proposed uses more consistent to the commercial and office uses located on adjoining properties. The project does promote its objectives of the CLRP. Surrounding properties are zoned for General Business – Conditional District (GB-CD), Planned Development (PD), and Rural Residential (RR). Surrounding properties include commercial, office, and residential uses. This CDP provides for commercial, office, and residential uses. The CDP results in a master planned development, and is consistent with the surrounding land uses.

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

Surrounding development includes commercial, offices, and residential development. The CLRP designates this property as Rural Residential with a PD (Planned Development) zoning classification which allows for mixed-use and a variety of land uses. The CDP application, plans and exhibits provide the development standards necessary to develop a mixed-use community. Proposed standards, densities and residential types are compatible with the surrounding developed properties and adjacent zoning classifications. Section 2.2 of the application describes the overall vision for the property. The existing development is bordered in part on the north by a veterinary clinic, east across Highway 22 by residential development, south by commercial contractors offices, and west by two residential lots. Thus, the proposed CDP is consistent and appropriate for the area of Town in which it is located.

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

As described in Sections 4.2.5 of this narrative, 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.

NEIGHBORHOOD MEETING REPORT

DATE: June 1, 2021

PROJECT: Highway 22 Tract

LOCATION: Koontz Jones Design office, located at 150 S Page St, Southern Pines, NC

SUBMITTED BY: Bob Koontz

ATTENDEES: Bob Koontz, Koontz Jones Design, PLLC
Paul Saathoff, Koontz Jones Design, PLLC
Dan Pritchard, Applicant
George Manly, Representing Property Owner/Applicant
Kelly Curran, Representing Property Owner/Applicant

An informal Neighborhood Meeting was held on Tuesday June 1, 2021, from 4:00pm to 6:00 pm at the Koontz Jones Design office, located at 150 S Page Street, in Southern Pines, NC. This meeting is required by the Town of Southern Pines for PD rezoning and Conceptual Development Plan (CDP) applications. The developer and project team held this meeting with the adjoining property owners to present the project and solicit feedback on the preliminary plans and CDP application for the property. All adjoining parcel owners within 200' of the property 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 site plan and overall land use plan were provided for review by the property owners. Development team members were available to answer questions regarding the proposed project.

None of the adjoining property owners attended the meeting.

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.




HWY 22 STORAGE


HWY 22 STORAGE
Sign-In Sheet

May 21, 2021

Dear adjoining property owner,

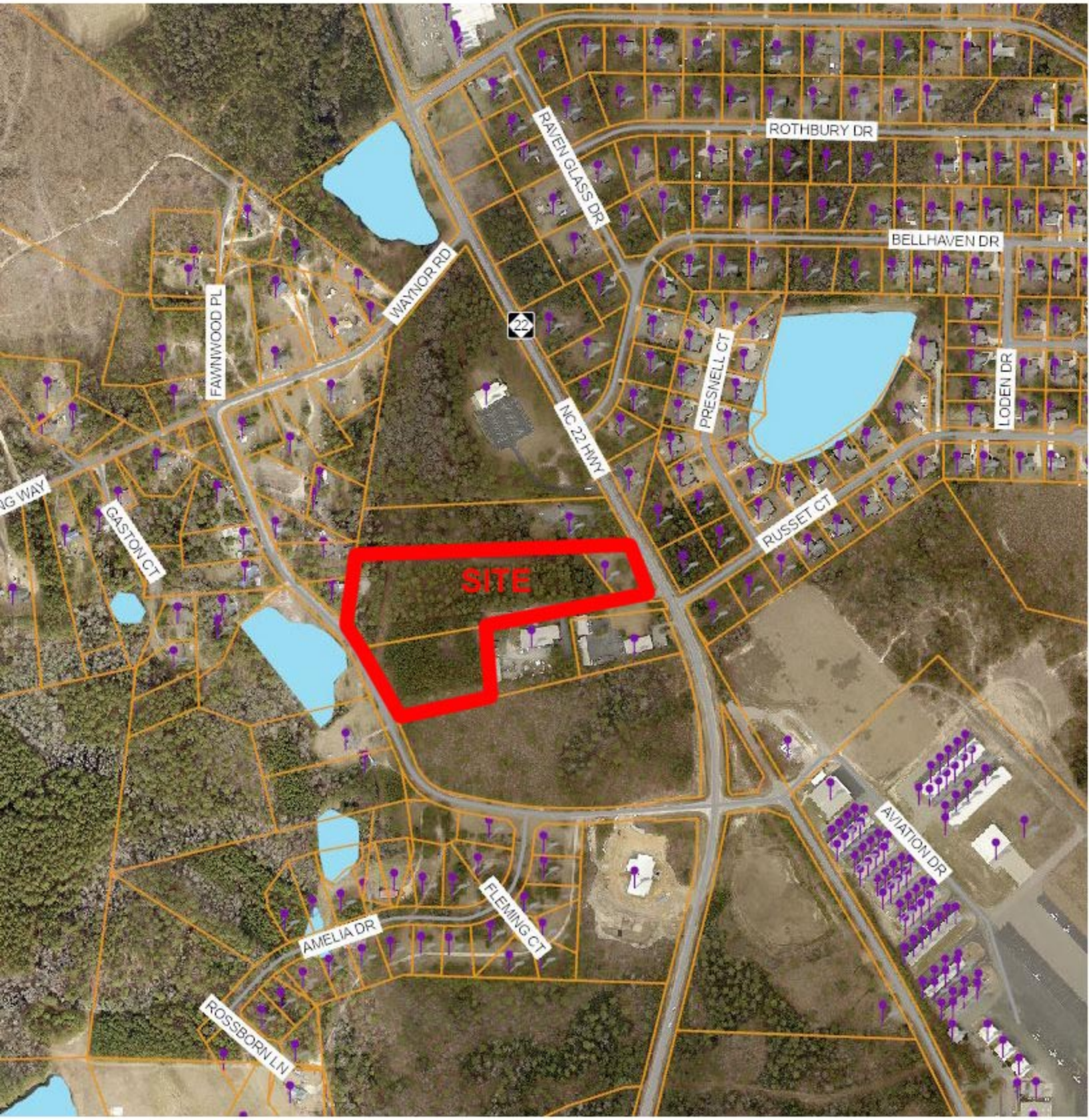
A Neighborhood Meeting will be held to discuss the proposal of a Conceptual Development Plan, and Preliminary Development Plan for a ±10.2 acre property on the west side of NC HWY 22 between Russet Ct and Bellhaven Dr. The property is currently zoned PD (Planned Development). With the proposed Conceptual Development Plan, the applicant is seeking to create a planned development consisting of a ±1.7 acre commercial outparcel along NC HWY 22 and a self-storage facility being proposed for the rear portion of the property.

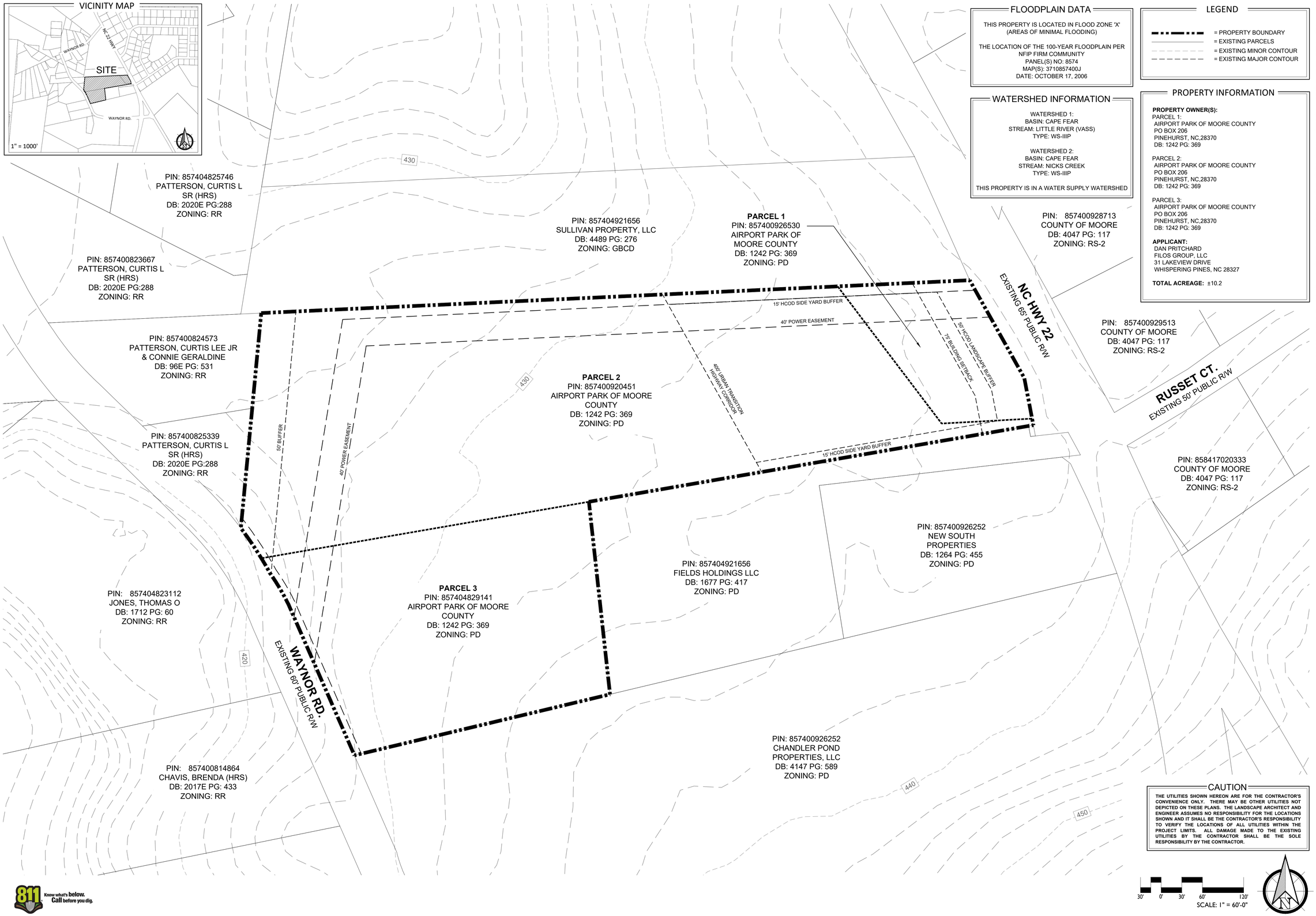
This is not a public hearing. The purpose of this meeting is to inform neighboring property owners of the proposal and to seek comments. The drop-in meeting will be held on June 1st, 2021 between the hours of 4:00 pm and 6:00 pm at the offices of Koontz Jones Design, located at 150 South Page Street in Southern Pines. This meeting will be informal, with no scheduled presentation, so feel free to come by at your convenience during the designated hours. Conceptual plans will be made available for review and discussion with members of the project team. Anyone seeking additional information regarding this project may call (910) 639-4058.

Best Regards,



Robert Koontz, PLA


ROTHBURY DR
RAVEN GLASS DR
BELLHAVEN DR
WAYNOR RD
FAWNWOOD PL
22
PRESNELL CT
LODEN DR
NC 22 HWY
GASTON CT
RUSSET CT
SITE
AVIATION DR
FLEMING CT
AMELIA DR
ROSSBORN LN



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

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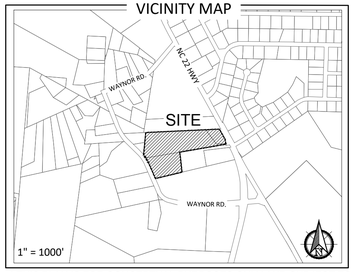
REVISIONS:

HIGHWAY 22 TRACT
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 06-14-2021
DESIGNED BY: PJS
DRAWN BY: PJS
CHECKED BY: PJS
Q.C. BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KDO21002

SHEET NUMBER#:
L-1.0

VICINITY MAP



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

LEGEND

= PROPERTY BOUNDARY
= EXISTING PARCELS
= EXISTING MINOR CONTOUR
= EXISTING MAJOR CONTOUR

NC HWY 22
EXISTING 65' PUBLIC R/W

WAYNOR RD.
EXISTING 60' PUBLIC R/W

RUSSET CT.
EXISTING 50' PUBLIC R/W

AREA 'A'
GENERAL BUSINESS/
OFFICE SERVICES

AREA 'B'
GENERAL BUSINESS/
OFFICE SERVICES

PROPOSED 60' PRIVATE R/W

ACCESS TO EXISTING
BUSINESS / PARKING

ACCESS TO EXISTING
BUSINESS / PARKING

430
420
440
450

CAUTION

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30' 0' 30' 60' 120'
SCALE: 1" = 60'-0"

811 Know what's below. Call before you dig.

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KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8487
W: www.koontzjonesdesign.com

REVISIONS:

HIGHWAY 22 TRACT
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA

CONCEPTUAL LAND USE PLAN

DATE: 06-14-2021
DESIGNED BY: PJS
DRAWN BY: PJS
CHECKED BY: PJS
Q.C. BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KDI21002

SHEET NUMBER#:
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VICINITY MAP

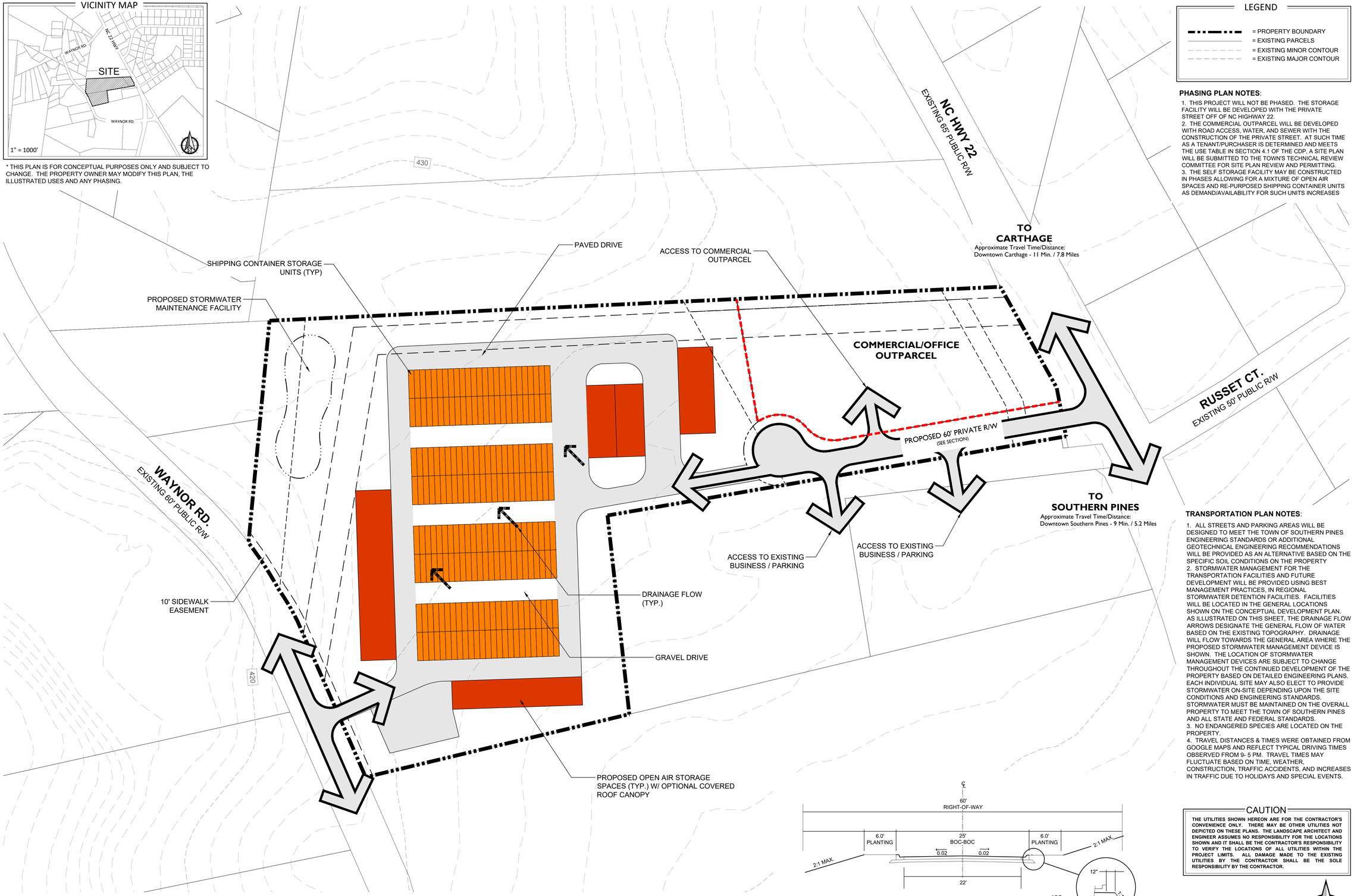
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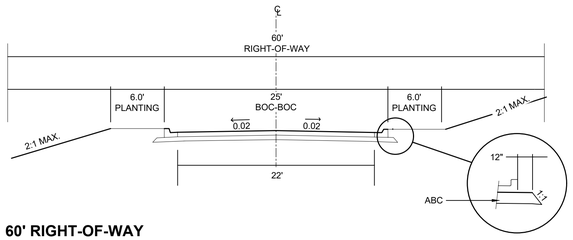
PHASING PLAN NOTES:

1. THIS PROJECT WILL NOT BE PHASED. THE STORAGE FACILITY WILL BE DEVELOPED WITH THE PRIVATE STREET OFF OF NC HIGHWAY 22.
2. THE COMMERCIAL OUTPARCEL WILL BE DEVELOPED WITH ROAD ACCESS, WATER, AND SEWER WITH THE CONSTRUCTION OF THE PRIVATE STREET. AT SUCH TIME AS A TENANT/PURCHASER IS DETERMINED AND MEETS THE USE TABLE IN SECTION 4.1 OF THE CDP, A SITE PLAN WILL BE SUBMITTED TO THE TOWN'S TECHNICAL REVIEW COMMITTEE FOR SITE PLAN REVIEW AND PERMITTING.
3. THE SELF STORAGE FACILITY MAY BE CONSTRUCTED IN PHASES ALLOWING FOR A MIXTURE OF OPEN AIR SPACES AND RE-PURPOSED SHIPPING CONTAINER UNITS AS DEMAND/AVAILABILITY FOR SUCH UNITS INCREASES



TRANSPORTATION PLAN NOTES:

1. ALL STREETS AND PARKING AREAS WILL BE DESIGNED TO MEET THE TOWN OF SOUTHERN PINES ENGINEERING STANDARDS OR ADDITIONAL GEOTECHNICAL ENGINEERING RECOMMENDATIONS WILL BE PROVIDED AS AN ALTERNATIVE BASED ON THE SPECIFIC SOIL CONDITIONS ON THE PROPERTY
2. STORMWATER MANAGEMENT FOR THE TRANSPORTATION FACILITIES AND FUTURE DEVELOPMENT WILL BE PROVIDED USING BEST MANAGEMENT PRACTICES, IN REGIONAL STORMWATER DETENTION FACILITIES. FACILITIES WILL BE LOCATED IN THE GENERAL LOCATIONS SHOWN ON THE CONCEPTUAL DEVELOPMENT PLAN. AS ILLUSTRATED ON THIS SHEET, THE DRAINAGE FLOW ARROWS DESIGNATE THE GENERAL FLOW OF WATER BASED ON THE EXISTING TOPOGRAPHY. DRAINAGE WILL FLOW TOWARDS THE GENERAL AREA WHERE THE PROPOSED STORMWATER MANAGEMENT DEVICE IS SHOWN. THE LOCATION OF STORMWATER MANAGEMENT DEVICES ARE SUBJECT TO CHANGE THROUGHOUT THE CONTINUED DEVELOPMENT OF THE PROPERTY BASED ON DETAILED ENGINEERING PLANS. EACH INDIVIDUAL SITE MAY ALSO ELECT TO PROVIDE STORMWATER ON-SITE DEPENDING UPON THE SITE CONDITIONS AND ENGINEERING STANDARDS. STORMWATER MUST BE MAINTAINED ON THE OVERALL PROPERTY TO MEET THE TOWN OF SOUTHERN PINES AND ALL STATE AND FEDERAL STANDARDS.
3. NO ENDANGERED SPECIES ARE LOCATED ON THE PROPERTY.
4. TRAVEL DISTANCES & TIMES WERE OBTAINED FROM GOOGLE MAPS AND REFLECT TYPICAL DRIVING TIMES OBSERVED FROM 9- 5 PM. TRAVEL TIMES MAY FLUCTUATE BASED ON TIME, WEATHER, CONSTRUCTION, TRAFFIC ACCIDENTS, AND INCREASES IN TRAFFIC DUE TO HOLIDAYS AND SPECIAL EVENTS.



60' RIGHT-OF-WAY
SECTION NTS

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SOUTHERN PINES, NC 28387
P: (910) 684-8487
W: www.koontzjonesdesign.com

REVISIONS:

HIGHWAY 22 TRACT
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
CONCEPTUAL MASTER PLAN / TRANSPORTATION PLAN

DATE: 06-14-2021
DESIGNED BY: PJS
DRAWN BY: PJS
CHECKED BY: PJS
Q.C. BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KDZ1002

SHEET NUMBER#:
L-1.2

From:	Cindy Williams
To:	Suzy Russell
Subject:	FW: [External] PD-04-21 & PD-05-21 Planned Development Applications
Date:	Wednesday, June 30, 2021 12:03:35 PM
Attachments:	image001.png PD-04-21 PHN - agency comment.pdf PD-05-21 PHN - agency comment.pdf

Sincerely,

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

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Sent: Wednesday, June 30, 2021 11:21 AM
To: Cindy Williams <CWilliams@southernpines.net>
Cc: Reddinger, Kevin S <ksreddinger@ncdot.gov>; Mabry, Richard A <ramabry@ncdot.gov>; James, Janet R <jrjames2@ncdot.gov>
Subject: RE: [External] PD-04-21 & PD-05-21 Planned Development Applications

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Dago

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

910-944-7621 Office
djuarezpozos@ncdot.gov

902 North Sandhills Blvd.
Aberdeen, NC 28315

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Cc: Suzy Russell <SuzyRussell@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: [External] PD-04-21 & PD-05-21 Planned Development Applications

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Good afternoon,

Please review the attached Public Hearing Notices and respond with any comments or concerns at your earliest convenience.

Thank you.

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Date: Friday, July 2, 2021 3:35:04 PM

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Let me know if you have any questions.

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Town Engineer/Asst. Public Works Director
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Southern Pines, NC 28387
(910)692-1983

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To: James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>
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If you need further communication on this topic please don't hesitate to call me.

Suzy Russell, **CZO**

Planner II
Town of Southern Pines
180 SW Broad Street
Southern Pines, NC 28387
(910)692-4003
suzyrussell@southernpines.net

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Good morning fellas,

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180 SW Broad Street
Southern Pines, NC 28387

(910)692-4003
suzyrussell@southernpines.net

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sandhills Sub Office
Post Office Box 119
Southern Pines, N. C. 28388

February 10, 2021

Dan Pritchard
Filos Group, LLC
31 Lakeview Drive
Whispering Pines, NC 28387

Re: 11.95-acres on Waynor Road & NC Highway 22 (LRKs: 36656, 36657, 95000179), Whispering Pines, Moore County, North Carolina

Dear Mr. Pritchard:

This is in response to your request for an assessment of any potential impacts to red-cockaded woodpeckers (*Picoides borealis* = *Dryobates borealis*) associated with the construction of a RV and boat storage facility on the subject lots. 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 site visit was conducted by staff of Dr. J.H. Carter III and Associates, Inc. on March 19, 2021.

Based upon the site visit and available data there are no red-cockaded woodpecker cavity trees on these lots which lie outside of any known red-cockaded woodpecker clusters. However, recovery efforts for this species are underway and may result in groups becoming reestablished in areas currently unoccupied by this species. The cumulative loss of foraging and nesting habitat caused by residential and commercial construction is one of the primary threats to the continued existence of the red-cockaded woodpecker in the Whispering Pines/Southern Pines area.

Therefore, as plans are developed for the construction of a RV and boat storage facility on the subject properties, I encourage you to take measures to prevent damage to the bole and root system of any remaining longleaf pines. Landscaping, whenever possible, should use native shrub species that do not exceed seven feet in height, and exotic invasive plants should be avoided.

The results of this survey are valid for a period of one (1) year from the date this letter was issued. However, this determination must be reconsidered if the project design is subsequently modified or if new information becomes available. 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,

Caroline S. Krom

For Pete Benjamin
Project Leader

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)

19 March 2021

TO: Filos Group, LLC
Attn: Mr. Dan Pritchard
31 Lakeview Drive
Whispering Pines, NC 28387

FROM: Kevin O'Day, Wildlife Biologist
Dr. J.H. Carter III & Associates, Inc. (JCA)

SUBJECT: Summary of red-cockaded woodpecker survey for the RV and boat storage facility project in Southern Pines, Moore County, North Carolina.

CC: Caroline Krom
US Fish and Wildlife Service
P.O. Box 119
Southern Pines, NC 28388

Mr. Dan Pritchard plans to construct an RV and boat storage facility on 3 adjacent lots (LRK #s 36656, 36657 and 95000179) near Whispering Pines, Moore County, NC (Figure 1). This memorandum evaluates the impacts of this project on the Federally-endangered red-cockaded woodpecker (*Dryobates borealis*) (RCW) pursuant to Section 9 of the Endangered Species Act (ESA), as amended.

The project site is located between Waynor Road (Rd.) and NC Highway (Hwy.) 22 (Figure 1). The northern lot (LRK #36657) was forested with moderately dense, second-growth loblolly pine (*Pinus taeda*) with a few pockets of second-growth longleaf pine (*P. palustris*), a dense 10-30 foot (ft.) tall midstory dominated by loblolly and longleaf pine regeneration and turkey oak (*Quercus laevis*) and no herbaceous ground cover. The western edge of the lot, adjacent to the neighboring property was dominated by dense loblolly and longleaf pines with a dense midstory of turkey oak, southern magnolia (*Magnolia grandiflora*) and greenbrier (*Smilax rotundifolia*). The eastern edge, adjacent to lot (LRK #36656) was dominated by dense loblolly

regeneration and common wax-myrtle (*Morella cerifera*). A power line runs east-west through this lot.

The northern two-thirds of the southern lot (LRK #95000179) was dominated by dense loblolly and longleaf pine regeneration. The southern third of the lot was dominated by sparse second-growth longleaf pine with sparse turkey oak and longleaf regeneration in the midstory and no herbaceous ground cover.

The eastern lot (LRK #36656) was mostly open field with a few second-growth loblolly pines and one mature longleaf pine in the northeast corner.

The proposed project will encompass approximately 80% of the 3 lots, with a few buildings and an associated access road with parking and storage areas. A strip of trees will be left along the boundary of the project site.

The RV and boat storage project site does not occur within a RCW foraging habitat partition. A wildlife biologist with Dr. J. H. Carter III & Associates, Inc. (JCA) surveyed the project site on 18 March 2021. No new RCW cavity trees were found. The nearest RCW cavity tree (#4586) contains a relic enlarged cavity and is located 144 feet northeast of the project site, east of NC Hwy. 22, in abandoned MOOR Cluster 44. This project will have no effect on the RCW. No habitat for other listed species was detected.

The RCW survey results are valid for a period of **one year** from the date of this letter. A copy of this letter along with a letter from the USFWS will be required when you request a building permit from your local Planning and Zoning office. If a RCW constructs a cavity in a pine tree on the aforementioned lot within the one-year time frame, this letter **does not** allow disturbance (within 50 ft.) or removal of the cavity tree. You must get additional approval from the USFWS for removal or disturbance of a RCW cavity tree.

Sincerely,

Kevin O'Day

Kevin O'Day
Wildlife Biologist

From:	Cindy Williams
To:	Suzy Russell
Subject:	FW: [External] PD-04-21 & PD-05-21 Planned Development Applications
Date:	Wednesday, June 30, 2021 12:03:35 PM
Attachments:	image001.png PD-04-21 PHN - agency comment.pdf PD-05-21 PHN - agency comment.pdf

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Town of Southern Pines
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180 SW Broad Street
Southern Pines, NC 28387

(910)692-4003
suzyrussell@southernpines.net

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Suzy Russell, Planner II**

Subject: **PD-05-21: A Planned Development District Preliminary Development Plan to accommodate the development of a self-storage facility and to allow future development of requested general business and office service land uses; 7688 NC 22 HWY; Applicant: Dan Pritchard; Authorized Agent: Bob Koontz, Koontz Jones Design**

Date: **October 12, 2021**

I. SUMMARY OF APPLICATION REQUEST:

Mr. Robert Koontz of Koontz Jones Design, on behalf of the applicant, Mr. Dan Pritchard, has submitted an application for a Planned Development – Preliminary Development Plan pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO). The three (3) existing parcels that make up the subject property for a total of 10.02 acres will be recombined into two (2) parcels (A and B) and are zoned planned development (PD). The applicant is proposing to develop a storage facility utilizing shipping container storage and open-air storage located on Parcel A, for a maximum of 290 storage units. Parcel B would be developed in the future and will consist of any of the multiple requested land uses from the office service and general business zoning districts as approved in the CDP. The subject property is located on the west side of NC Highway 22 between Waynor Road and Russet Court. Pursuant to the Moore County tax records, the parcels are identified as PIN: 857400926530 (PARID: 00036656) – This land is located in the extraterritorial jurisdiction of the Town, PIN: 857400920451 (PARID: 00036657) – This land is located in the extraterritorial jurisdiction of the Town and PIN: 857404829141 (PARID:95000179); owned by Airport Park of Moore County, LLC

II. TOWN COUNCIL ACTION:

At the August 10, 2021 regular meeting of the Town Council, with all five (5) members in attendance, the applicant requested a continuance to the Regular business meeting on October 12, 2021. The Town Council unanimously voted in favor of the continuance request.

III. PLANNING BOARD ACTION:

At the July 22, 2021 Regular Meeting of the Planning Board, the Planning Board held a public hearing and followed the rules for a legislative public hearing. Planning staff, Ms. Suzy Russell, presented a review of the Preliminary Development Plan application.

Following staff's comments, the applicant's agent, Mr. Bob Koontz presented the case for approval of the Preliminary Development Plan.

After closing the public hearing, a motion was made by Mr. Cooper Carter to recommend denial of the preliminary development plan PD-05-21 because the Planning Board had already recommended denial of the related Conceptual Development Plan PD-04-21. The motion was seconded by Mr. Dowdy and approved 5-1.

Please be reminded per UDO §2.5.2 "*When the Planning Board serves as a recommending body for an action requiring an evidentiary hearing by the Town Council, the Board may follow the rules for a legislative hearing to provide a preliminary forum for review,* ***provided that no part of the forum or recommendation may be used as a basis for a decision by the Town Council****."*

IV. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

i. Property Owners and Applicant:
Airport Park of Moore Count, LLC
M Fields
PO Box 206
Pinehurst, NC 28370Rickhouse Properties, LLC

ii. Applicant:
Mr. Dan Pritchard
31 Lakeview Drive
Whispering Pines, NC 28327

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

B. Property Information:

i. Street Address:
7688 NC 22 Highway
Southern Pines, NC 28387

ii. Size of Property:
Total Project Acreage: 10.2 acres

iii. Existing Infrastructure:

The subject property has access to existing town water and sewer. (See Figure 2: Existing Public Utilities Map). The applicant will be required to build a private street. The subject property would be accessed with the main access being located on NC 22 HWY, a designated NCDOT road. A second access would be located off of Waynor Road for emergency access only.

iv. Current Property Zoning and CLRP Classification:

The subject property is zoned Planned Development (PD) and is designated as residential on the future land use map.

C. Planned Development History & Current Project Description:

i. Planned Development History:

The 10.2 acre Conceptual Development Plan (CDP) is being considered on the same date as this proposed PDP.

ii. Current Project Description:

- The proposed mixed land use development as proposed with the CDP with the following proposed general business (GB) and office service (OS) land uses from the Town of Southern Pines UDO Exhibit 3-15 *Table of Authorized Land Uses* as of the date of this report as listed below:

1111 1112 1120 S1130 1151 1153	2321 2336	2610 2611 2612 2616 2620 2622 2623 2640 2650 2651	3221	4160 4170	5110 5150 5160	5500	6300	6710	7310 7330 7340 7350 7360 7370 7380
2113b 2117 2121 2127 2141 2142 2144 2152 2153 2154	2411 2412 2413 2414 2415 2416 2417 2418 2421 2422 2423 2424 2425	2710 2720 2721	3430 3440	4210 4211 4212 4221 4222 4223 4233a 4233b 4234 4241 4242 4243	5210 5220	6110 6125 6141 6142 6143 6144 6145 6147	6410 6420 6430	6810 6820 6830	9110

	2430 2440 2454								
2210 2220 2230 2240	2510 2520 2530 2550 2560 2580		3500	4315 4316 4329 4339 4349	5320 5340 5371 5372	6210	6500 6511 6512 6513 6514 6520 6562 6567	7100	9920 9931 9932 9940 9950

- The storage facility will be located on the 8.4-acre parcel, Area A, and will consist of a mixture of shipping containers and open storage areas. This is to be developed upon approval. The 1.72 acre outparcel will be developed when sold or leased and requires a separate PDP.

- Each parcel must undergo detailed site plan review with the Technical Review Committee (TRC) for compliance with all Town development standards prior to construction.

- Per UDO §2.8.1. Expiration of Development Approval:
  Unless otherwise identified in this chapter or specified in the approval, approvals shall expire when: (A) There is no substantial construction, erection, alteration, excavation, demolition or similar work authorized by such permits within one (1) year after issuance. (B) Work has commenced, but there is no substantial progress on the project for a period of one (1) year. (C) The project has not been completed within two (2) years of issuance of the permit.

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

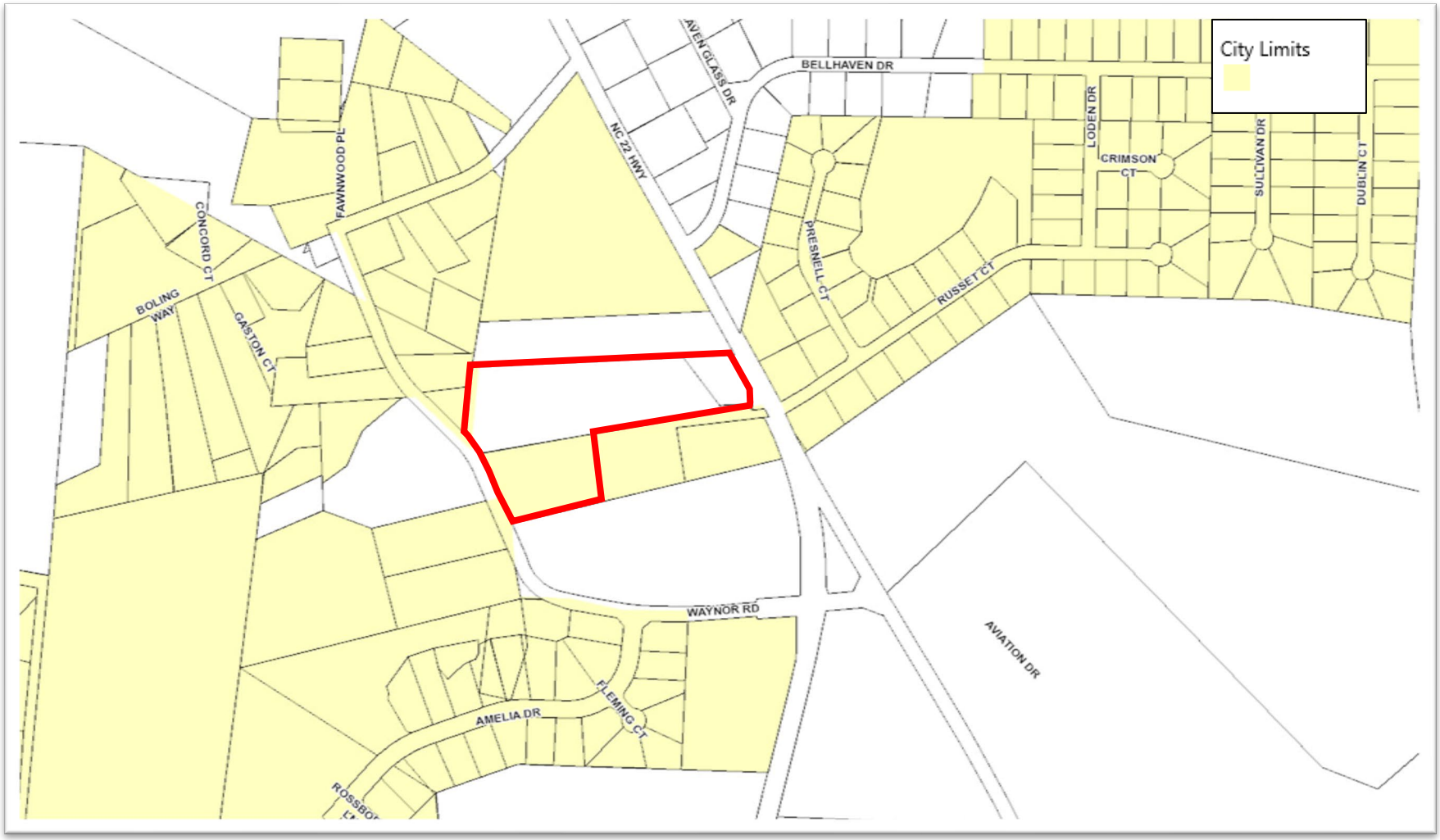
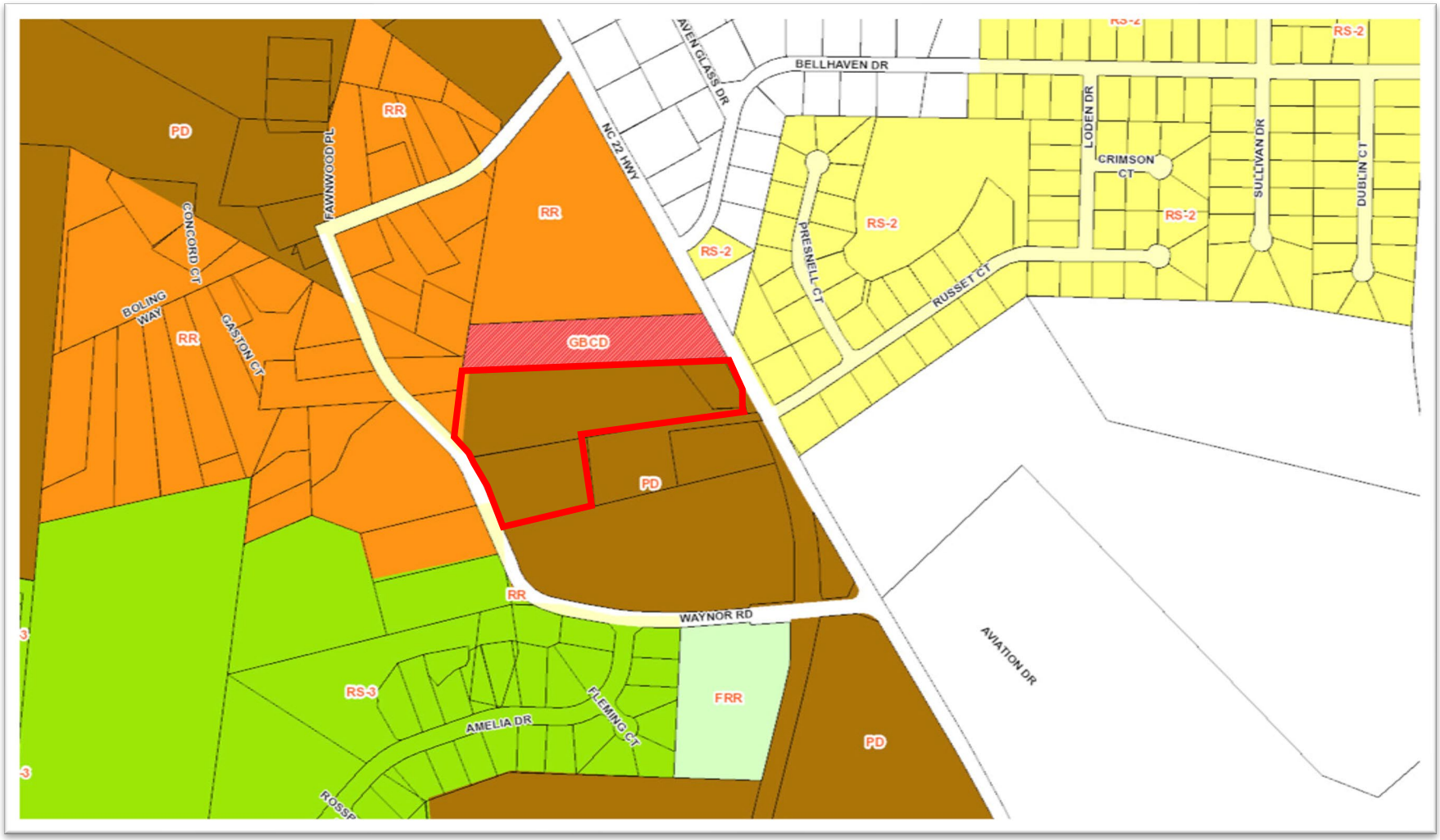


Figure 2: Existing Infrastructure (Subject Property Outlined in Yellow)



Figure 3: Zoning Map: (Subject Property has been rezoned to PD but has not been updated in GIS; Outlined in Red)



V. STAFF REVIEW:

A. Application Review Dates & Associated Postings:

- Preliminary Development Plan Application Submitted: June 14, 2021
- Application Complete: June 21, 2021
- Notice of Planning Board Public Hearing:
  - Posted On-site: July 9, 2021
  - Mailed: June 28, 2021
  - Internet: June 28, 2021
- Planning Board Public Hearing: July 22, 2021
- Town Council Agenda Meeting: August 4, 2021
- Town Council Public Hearing: August 10, 2021 CONTINUED
- CONTINUED Town Council Public Hearing: October 12, 2021

B. Process of Review:

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

C. Criteria for Review:

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

Preliminary Development Plan - UDO §2.18.5(H):

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

PD-Planned Development District – UDO §3.5.14 (A-P).

D. Staff Comments:

i. Consistency evaluation with the Conceptual Development Plan (CDP), PD-04-21:

- The proposed preliminary development plan appears to be generally consistent with the CDP if the CDP is approved as submitted by the applicant.
- Per UDO §2.18.4 (I) (3), *the approval of the Conceptual Development Plan shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the development lags one (1) year behind*

the approved phasing plan, the approval shall expire unless the applicant submits a written request for the extension and continuance of the Conceptual Development Plan. Approval of any such extension request shall be automatic one time only for a period of twelve (12) months. Subsequent extensions to the Conceptual Development Plan shall require approval of the Planning Board.

ii. Consistency evaluation with the Unified Development Ordinance (UDO):

- The applicant is generally consistent with UDO §3.5.14 (D) Land Use Mix.
- The applicant states that they will provide the 5%, .5 acres of the 10.2 acres, open space requirement with no usable open space. This is not consistent with the open space requirements of UDO §3.5.14 (G).
- The applicant is proposing a 6' fence on parcel A. The applicant shall comply with UDO §4.7.
- The applicant shall comply with all applicable standards of chapter 4.
- An Architectural Compliance Permit pursuant to UDO §2.26 will be required.
- Site plan review and approval pursuant to UDO §2.48 will be required prior to the approval of a building permit for the subject property.
- Final Development Plans pursuant to UDO §2.18.7 will be required to demonstrate compliance with the Preliminary Development Plan.

iii. General Comments:

- The public hearing for this request will be evidentiary in format and will follow the procedures set forth in UDO §2.14.
- The applicant is proposing to place 290 storage units on the portion of land that fronts Waynor Road. The applicant will be required to have 6 parking spaces.
- The private commercial street will be built to the Town commercial street standards set forth in the CDP in simultaneously with area A.

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 24, 2021.

VI. ATTACHMENTS:

1. Preliminary Development Plan Application
2. Preliminary Development Plan Justification
3. Preliminary Development Plan Narrative
4. Existing Conditions Plan
5. Preliminary Development Plan

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

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-05-21.

   -or-

2. Adopt Attachment A of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-05-21, 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-05-21;

2. Deny the Preliminary Development Plan for PD-05-21;

3. Approve the Preliminary Development Plan for PD-05-21 with the following additional conditions…

ATTACHMENT "A"
Draft Town Council Findings of Fact
Preliminary Development Plan Application PD-05-21

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 two parcels, a storage facility on the first parcel which fronts Waynor Road and a future commercial development located on the outparcel that fronts Highway 22 is generally consistent with the purposes of the PD-planned development zoning district.

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) because the PDP maintains the mix and intensity of land uses as well as the standards evaluated and approved with the CDP. The applicant requested to deviate from open space requirements for the development of the storage facility, a transitional use, prior to the possible proposed residential use. The applicant provided for a sidewalk and open space requirements within the CDP document, so that if the property develops into a residential community, a sidewalk will be built by the developer and the open space requirement will be met at that time. The Town Council finds that planning for the transition of the property in such a manner is adequate and fulfills the needs of the community at this time with the possibility of enhancing mobility in the future.

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 because the proposed development establishes a compatible development that facilitates growth in a responsible manner. The community character will be maintained as a mix of residential and commercial properties and has the ability to accommodate for possible changing housing demands in the future.

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 this development is served by existing public utilities because both water and sewer are currently located along Waynor Road in front of the subject property.

Authentisign ID: 445A9112-5EDD-4252-859B-83CA3F1B32CD

Town of Southern Pines
Chartered 1887
North Carolina

Planned Development District
Preliminary Development Plan

REQUIRED APPLICATION MATERIALS:

_____ **Application fee** in the amount of **$1,800.00 plus $25.00 per lot.**

_____ **Completed Application** for a Planned Development District - Preliminary Development Plan signed by the applicant.

_____ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.

_____ **Written narrative** describing the application's consistency with the Conceptual Development Plan, the UDO, and any other applicable regulations.

_____ **Neighborhood meeting records** if not provided in conjunction with an application for Conceptual Development Plan approval or if additional meetings have been held.

_____ **Additional documentation:** Additional text and/or maps to demonstrate consistency with **UDO §2.18.5(H) Criteria (1) through (4)**.

_____ **PDD Preliminary Development Plan:** One (1) full-size copy of a preliminary plat or scaled drawings of the entire tract to be subdivided. Please refer to the **UDO Appendices** for plan requirements.

_____ **Drainage concept plan** if applicable.

_____ **Traffic Impact Analysis** 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 hearing**: The applicant is expected to attend a public hearing on the application before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) The Town Council will consider evidence and testimony presented and may approve, conditionally approve or deny the request.
3. **Approval**: Please refer to UDO **§2.18.5(I) Effect of Approval**.

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

Authentisign ID: 445A9112-5EDD-4252-859B-83CA3F1B32CD

Town of Southern Pines
Chartered 1887
North Carolina

Planned Development District
Preliminary Development Plan Application

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

Project Information:

Project Name: HIGHWAY 22 TRACT

Physical Address: 7688 NC 22 HWY SOUTHERN PINES, NC 28387

PIN: 857400926530; 857400920451; 857404829141 Parcel ID: 00036656; 00036657; 95000179

Site Size: ±10.2 AC Zoning: PD - PLANNED DEVELOPMENT

Applicant:

Name(s): DAN PRITCHARD

Email: PRITCH1210@YAHOO.COM Phone: 215-499-6141

Mailing Address: 31 LAKEVIEW DRIVE WHISPERING PINES, NC 28327

Authorized Agent, if different from Applicant:

Name(s): ROBERT KOONTZ

Email: BKOONTZ@KOONTZJONES.COM Phone: 910-684-8487

Mailing Address: 150 S PAGE ST SOUTHERN PINES, NC 28387

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

Name(s): AIRPORT PARK OF MOORE COUNTY, LLC

Email: Mfields@fields-plumbing-heating.com Phone: 910-783-5004

Mailing Address: PO BOX 206 PINEHURST, NC 28370

Authentisign ID: 445A9112-5EDD-4252-859B-83CA3F1B32CD

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 WEST side of NC HWY 22 (St./Ave.), between WAYNOR (St./Ave.) and RUSSET (St./Ave.). The property has a frontage of 230 feet and a depth of 1030 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:
A 1.72 ACERE COMMERCIAL OUTPARCEL AND STORAGE FACILITY

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: _____

APPOINTMENT OF AGENT

The undersigned owner(s), DAN PRITCHARD, GEORGE FIELDS, 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 14 day of JUNE, 2021.

Authentisign
george fields 06/14/2021
6/14/2021 2:19:45 PM GMT
Property Owner

Property Owner

DocuSigned by:
Daniel Pritchard
D4E74B7D525942C...
Agent

Authentisign ID: 445A9112-5EDD-4252-859B-83CA3F1B32CD

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 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.

Parcel ID Short	PIN	Deed Book	Deed Page	Owner's Name	Owner's Name 2	Mailing Address	Mailing Address cont.	City	STATE	Zip Code
00036658	857404823112	1712	60	JONES, THOMAS O		296 WAYNOR RD		CARTHAGE	NC	28327
00037357	857400825339	234	139	PATTERSON, CURTIS LEE & GLADYS		325 WAYNOR RD		CARTHAGE	NC	28327-9520
00037358	857404825746	465	527	PATTERSON, CURTIS LEE & GLADYS		325 WAYNOR RD		CARTHAGE	NC	28327-9520
00037375	857400823667	96E	531	PATTERSON, CURTIS L SR		325 WAYNOR RD		CARTHAGE	NC	28327
00037376	857400824573	96E	531	PATTERSON, CURTIS LEE JR &	CONNIE GERALDINE	295 WAYNOR RD		CARTHAGE	NC	28327
00032261	857400814864	2017E	433	CHAVIS, BRENDA (HRS)	& OTHERS	C/O SANDRA FAIRLEY	1092 W NEW HAMPSHIRE AVE	SOUTHERN PINES	NC	28387
00991862	857400914852	4147	589	CHANDLER POND PROPERTIES, LLC		16 LIBERTY OAK LANE		SURFSIDE BEACH	SC	29575
20190631	857400818633	1064	433	MEDLIN, LYNN CLARK &	CLARK, SHIRLEE HELGA	16 LIBERTY OAK LANE		SURFSIDE BEACH	SC	29575
95000179	857404829141	1242	369	AIRPORT PARK OF MOORE COUNTY,	LLC	PO BOX 206		PINEHURST	NC	28370
97000413	857400815634	5050	542	RAVENSBROOK, LLC		PO BOX 1872		SOUTHERN PINES	NC	28388
00034655	857400928713	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
00035084	857404927900	2018E	640	DENIS, ROBERT J		7671 NC HWY 22		CARTHAGE	NC	28327
00035333	857404921656	4489	276	SULLIVAN PROPERTY, LLC		9050 SPANISH WELLS CT		FORT MILL	SC	29708
00036656	857400926530	1242	369	AIRPORT PARK OF MOORE COUNTY,	LLC	PO BOX 206		PINEHURST	NC	28370
00036657	857400920451	1242	369	AIRPORT PARK OF MOORE COUNTY,	LLC	PO BOX 206		PINEHURST	NC	28370
20030571	858417020333	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
20030572	857400929513	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
20050919	857400927368	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
20080689	857400930152	406	507	BIBLE TABERNACLE OF SOUTHERN	PINES, NORTH CAROLINA	PO BOX 685		SOUTHERN PINES	NC	28388-0685
94000780	857400926252	1264	455	NEW SOUTH PROPERTIES		123 JOY STREET		DUNN	NC	28334
95000177	857404923106	1677	417	FIELDS HOLDINGS LLC		212 MCDAIRMID RD		PINEHURST	NC	28374

Authentisign ID: 445A9112-5EDD-4252-859B-83CA3F1B32CD

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: _____

June 11, 2021 | 7:56 AM PDT

Date: _____

DocuSigned by:
Daniel Pritchard
D4E74B7D525342C...
Applicant

Parcel ID Short	PIN	Deed Book	Deed Page	Owner's Name	Owner's Name 2	Mailing Address	Mailing Address cont.	City	STATE	Zip Code
00036658	857404823112	1712	60	JONES, THOMAS O		296 WAYNOR RD		CARTHAGE	NC	28327
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00991862	857400914852	4147	589	CHANDLER POND PROPERTIES, LLC		16 LIBERTY OAK LANE		SURFSIDE BEACH	SC	29575
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95000179	857404829141	1242	369	AIRPORT PARK OF MOORE COUNTY,	LLC	PO BOX 206		PINEHURST	NC	28370
97000413	857400815634	5050	542	RAVENSBROOK, LLC		PO BOX 1872		SOUTHERN PINES	NC	28388
00034655	857400928713	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
00035084	857404927900	2018E	640	DENIS, ROBERT J		7671 NC HWY 22		CARTHAGE	NC	28327
00035333	857404921656	4489	276	SULLIVAN PROPERTY, LLC		9050 SPANISH WELLS CT		FORT MILL	SC	29708
00036656	857400926530	1242	369	AIRPORT PARK OF MOORE COUNTY,	LLC	PO BOX 206		PINEHURST	NC	28370
00036657	857400920451	1242	369	AIRPORT PARK OF MOORE COUNTY,	LLC	PO BOX 206		PINEHURST	NC	28370
20030571	858417020333	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
20030572	857400929513	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
20050919	857400927368	4047	117	COUNTY OF MOORE		PO BOX 905		CARTHAGE	NC	28327
20080689	857400930152	406	507	BIBLE TABERNACLE OF SOUTHERN	PINES, NORTH CAROLINA	PO BOX 685		SOUTHERN PINES	NC	28388-0685
94000780	857400926252	1264	455	NEW SOUTH PROPERTIES		123 JOY STREET		DUNN	NC	28334
95000177	857404923106	1677	417	FIELDS HOLDINGS LLC		212 MCDAIRMID RD		PINEHURST	NC	28374

Highway 22 Tract
Preliminary Development Plan Justification

Below are listed the six (6) 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 development of a self-storage facility and commercial out parcel is consistent with Section 2.2 of the Project Narrative and Design Standards as part of the CDP. The storage facility and commercial outparcel will follow all standards of the CDP

(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;

The PDP is consistent with the goals and policies of the UDO. The property is zoned PD (Planned Development) on the Town's official zoning maps. The proposed PDP complies with the requirements of the PD district and the CDP. The proposed PDP and land uses for the property are consistent with the UDO. The Town's Comprehensive Long-Range Plan (CLRP) designates these parcels as Rural Residential, however this designation is not consistent with existing land uses in the area and on surrounding properties. The proposed uses are more consistent to the commercial and office uses located on adjoining properties. The project does promote its objectives of the CLRP. Surrounding properties are zoned for General Business – Conditional District (GB-CD), Planned Development (PD), and Rural Residential (RR). Surrounding properties include commercial, office, and residential uses. This CDP provides for commercial, office, and residential uses. The uses as proposed in the PDP are consistent with the surrounding land uses.

Since all utility infrastructure, and roadway improvements will be provided by the developer, there will be no burden on the Capital Improvements Plan.

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

The proposed PDP represents the first phases of development as described in the CDP. All required documents and plans required for the PDP have been provided for review and meet the standards of the approved CDP and UDO satisfying the criteria for a zoning map amendment. The plans are consistent with the purpose and intent of the PD district and are in conformance with the Town's CLRP, UDO and the approved CDP. By adhering to all UDO standards of Section 2.18.5 Preliminary Development Plan, Section 2.18 Planned Development, the approved CDP and the CLRP, the proposed PDP satisfies all criteria for a zoning map amendment to include the proposed self-storage facility and commercial outparcel development

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

Surrounding development includes commercial, offices, and residential development. The CLRP designates this property as Rural Residential with a PD (Planned Development) zoning classification which allows for mixed-use and a variety of land uses. The CDP application for, plans and exhibits provide the development standards necessary to develop a mixed-use community. Proposed standards, densities and residential types are compatible with the surrounding developed properties and adjacent zoning classifications. Section 2.2 of the CDP describes the overall vision for the property. The existing development is bordered in part on the north by a veterinary clinic, east across Highway 22 by residential development, south by commercial contractors offices, and west by two residential lots. Thus, the proposed CDP is consistent and appropriate for the area of Town in which it is located.

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

As described in Section 4.2.5 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.

HIGHWAY 22 TRACT
PRELIMINARY DEVELOPMENT PLAN NARRATIVE

The purpose of this PD – Preliminary Development Plan (PDP) application is to fully describe the proposed phases of development for the Highway 22 Tract that meets all standards of the Highway 22 Tract 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 storage facility development and commercial outparcel of the Highway 22 Tract CDP. This narrative will describe how the PDP meets the criteria set forth in Section 2.18.5(A). The uses are consistent with the PD zoning district and CDP for Highway 22 Tract.

While the proposed PD – PDP and land uses for the Highway 22 Tract development is not consistent with the Town's Comprehensive Long-Range Plan (CLRP), the proposed development does promote its objectives and is consistent with the uses on surrounding and adjoining properties. The CLRP has designated the property as Rural Residential but it is surrounded by commercial and office uses. This CDP provides locations for land uses which may include commercial, residential, retail, or office uses. Adjoining properties include office, contractors offices, residential, and other commercial/office uses.

The storage facility, as described in this PDP application, is intended to include the first phases of development for the property and will consist of a mixture of shipping containers and open storage areas and a 1.72 acre commercial / office outparcel. This development conforms with the Development Program in Section 4.1 of the CDP and all other standards indicated in the CDP for the property. Following is a description of the individual phases and overall design elements of the PDP.

Self-Storage Facility and Commercial Outparcel

Stormwater Management

Stormwater management for the property will be provided per Section 4.2.9 of the CDP. Appropriate state and local stormwater and erosion control permits will be required by the Town prior to any land disturbance activity on the site.

Lighting

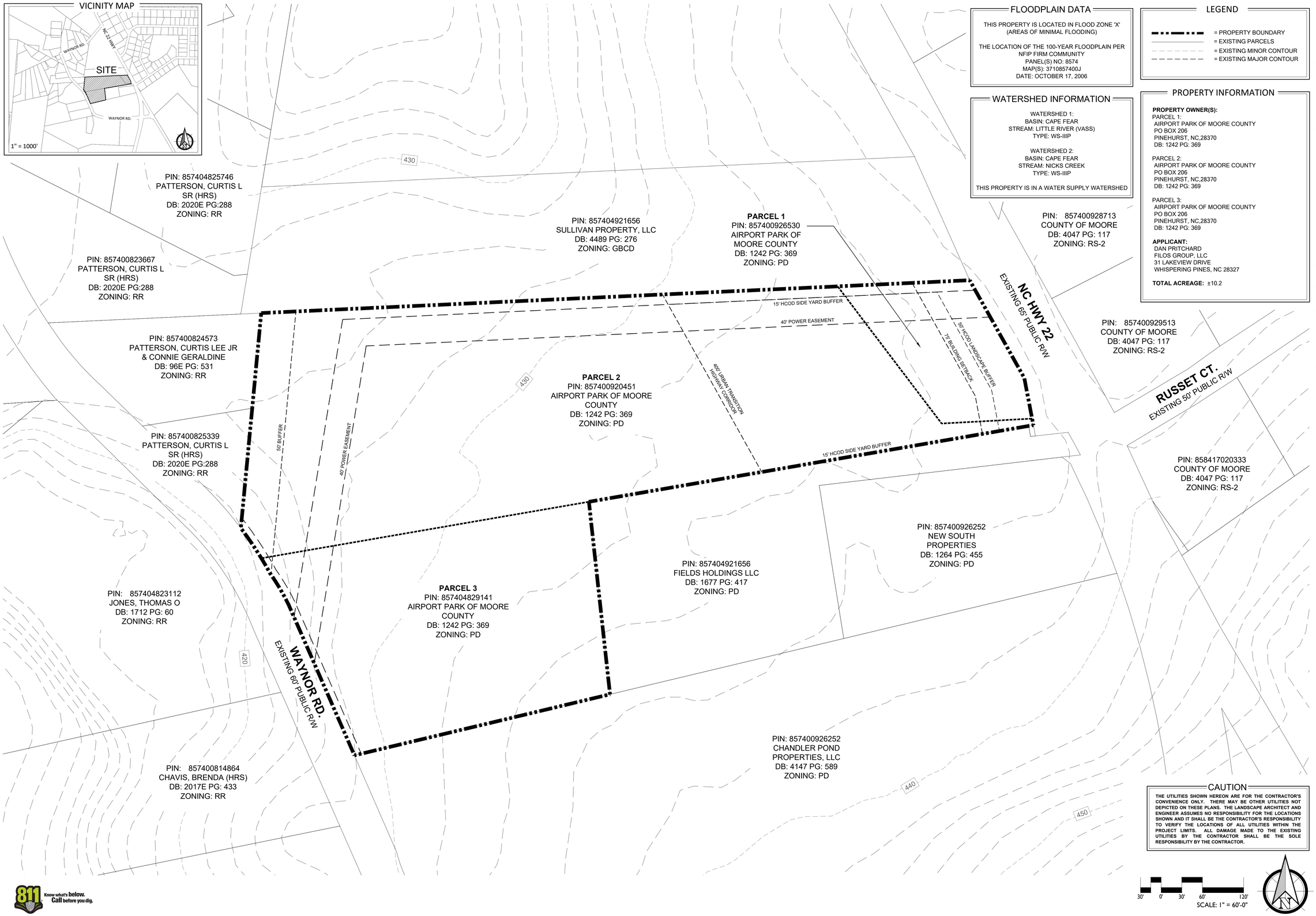
All lighting on the property will follow Section 4.2.6 of the CDP and Section 4.8 of the UDO. Lighting levels in parking areas and throughout the community will be provided to meet the UDO standards for safety. All light will be projected downward in order to limit any light spilling onto adjacent properties.

Utilities
Water and sewer utilities are readily available for the project. The community will connect to readily available water and sewer utilities, the cost of which will be borne by the developer.

Vehicular Circulation

Vehicular circulation will be constructed in accordance with Section 4.2.1 of the CDP document.

In summary, the proposed PD – PDP is consistent with and would provide compatible uses with the surrounding properties. The adjoining properties are zoned for general business, residential, and planned development. This PDP contains a self storage facility and commercial / office outparcel prescribed in the CDP. The proposed site design meets the standards of the CDP. The development as proposed in this PDP is the commencement of the first phases of development for the Highway 22 Tract. The proposed PDP meets the description of the vision described in Section 2.2 of the CDP and will create a new self storage facility and commercial / office outparcel for the property and Southern Pines



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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8487
W: www.koontzjonesdesign.com

REVISIONS:

HIGHWAY 22 TRACT
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 06-14-2021
DESIGNED BY: PJS
DRAWN BY: PJS
CHECKED BY: PJS
Q.C. BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KDO1002

SHEET NUMBER#:
L-1.0

VICINITY MAP

GENERAL NOTES:

1. LANDSCAPE STANDARDS WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO PER SECTION 3.5.14(H).
2. LIGHTING WILL BE PROVIDED PER THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO
3. PROJECT SIGNS WILL MEET ALL REQUIREMENTS PER THE TOWN OF SOUTHERN PINES UDO STANDARDS
4. STORMWATER MANAGEMENT DEVICES TO FOLLOW THE TOWN OF SOUTHERN PINE'S STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
5. DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES.



LEGEND

- = PROPERTY BOUNDARY
- = EXISTING PARCELS
- = EXISTING MINOR CONTOUR
- = EXISTING MAJOR CONTOUR

PROPERTY INFORMATION

PROPERTY OWNER(S):
PARCEL 1:
AIRPORT PARK OF MOORE COUNTY
PO BOX 206
PINEHURST, NC,28370
DB: 1242 PG: 369

PARCEL 2:
AIRPORT PARK OF MOORE COUNTY
PO BOX 206
PINEHURST, NC,28370
DB: 1242 PG: 369

PARCEL 3:
AIRPORT PARK OF MOORE COUNTY
PO BOX 206
PINEHURST, NC,28370
DB: 1242 PG: 369

APPLICANT:
DAN PRITCHARD
FILOS GROUP, LLC
31 LAKEVIEW DRIVE
WHISPERING PINES, NC 28327

TOTAL ACREAGE: ±10.2

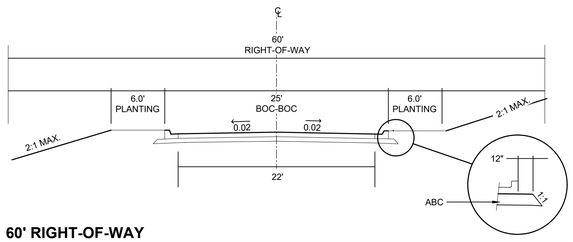
STORAGE UNITS (8'x20'): 290

REQUIRED PARKING:
STORAGE UNITS (290)
1 SPACE/50 UNITS = 6 SPACES REQUIRED

PROVIDED PARKING:
6 TOTAL SPACES

TOTAL OPEN SPACE REQUIRED: ±0.51 AC (5%)

OPEN SPACE PROVIDED: ±0.51 AC



60' RIGHT-OF-WAY
SECTION NTS

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.

811 Know what's below. Call before you dig.

30' 0' 30' 60' 120'
SCALE: 1" = 60'-0"

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

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REVISIONS:

HIGHWAY 22 TRACT
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA

PRELIMINARY DEVELOPMENT PLAN

DATE: 06-14-2021
DESIGNED BY: PJS
DRAWN BY: PJS
CHECKED BY: PJS
Q.C. BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KJD21002

SHEET NUMBER#:
L-1.1

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: **October 12th, 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. TOWN COUNCIL ACTION:

On September 14th, 2021 the Town Council met at their regular meeting to consider both the Morganton Park South CDP and the Morganton Park South Phase 1 PDP. Following approval of the Morganton Park South CDP, planning staff recommended that the public hearing for Morganton Park South Phase 1 PDP be opened and immediately continued to the October 12th, 2021 Town Council Regular Meeting. The applicant verbally agreed to this continuance, which is reflected in the minutes of the proceedings. The purpose of the continuance was to allow planning staff and the applicant time to work on some challenging project design elements that had come to light just prior to the meeting, some of which were related to conditions of approval of the CDP that had taken place just minutes before the request for continuance of the PDP. These issues included:

1. The lack of reference to, and the intended design of the driveway intersection for, properties owned by Lane Dental, Duke Energy and R&T Properties located on the west side of Morganton Park South Phase 1.
2. The lack of a request for deviation from the CDP for, and the design of, two driveway intersections located on either side of the future intersection with Southern Road in light of revisions to Section 5.5.1 of the CDP regarding access off the Parkway Connector road.
3. The design of the intersection with Southern Road and the Parkway Connector Road.
4. The lack of clear understanding amongst all parties regarding NCDOT’s comments on required improvements to the intersection of the Parkway Connector road and W. Morganton Road.

The Town Council unanimously approved the request for a continuance to the October 12th, 2021 Regular Meeting.

IV. 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
5. PIN 857100359844 (PARID 20070557) owned by R&T Properties of North Carolina, LLC.

A map depicting both the 99.1-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
Cincinati, 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.



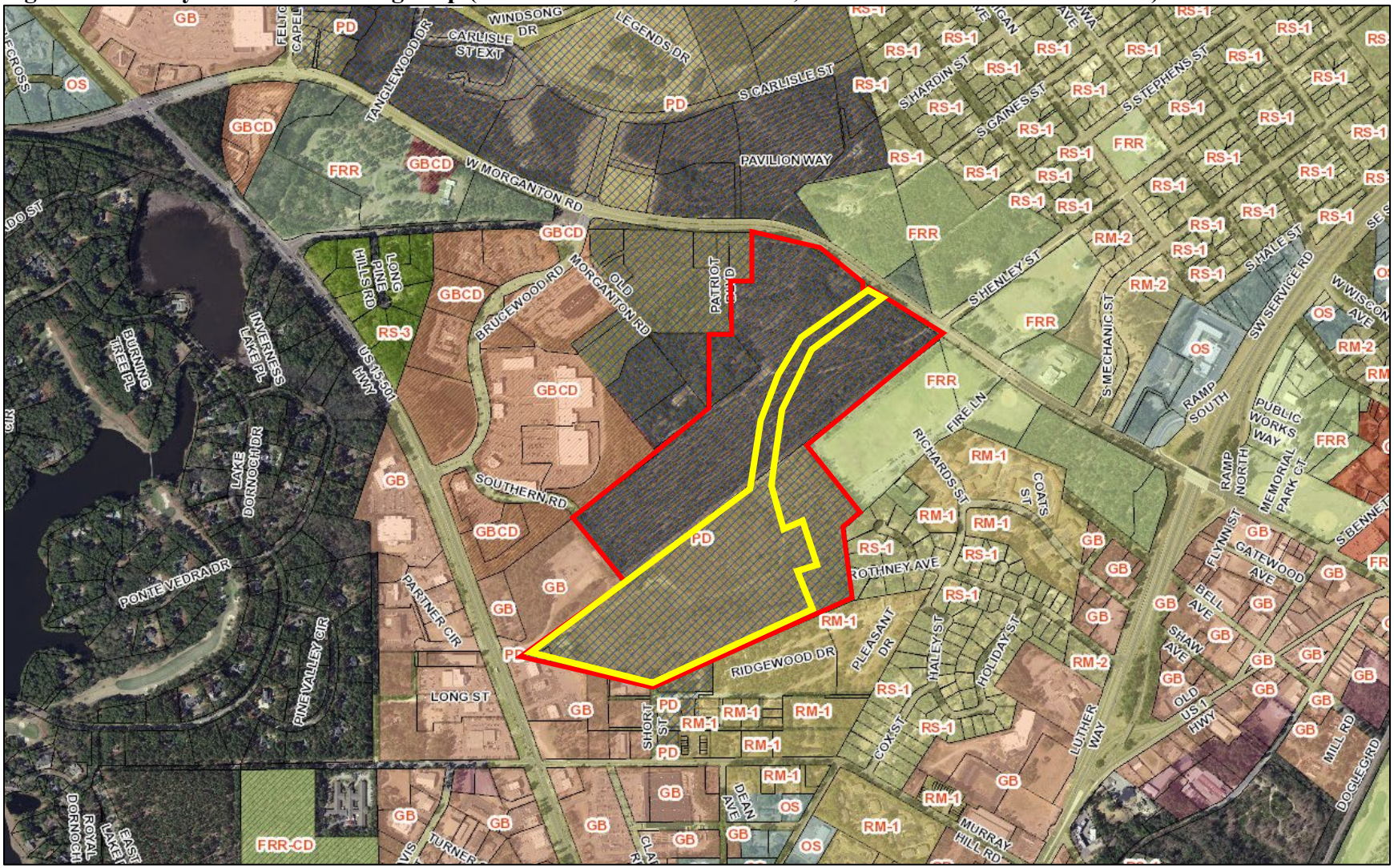
E. Jurisdiction:

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. The Morganton Park South CDP was approved by the Town of Southern Pines on September 14, 2021.

Figure 2: Vicinity & Current Zoning Map (Overall CDP outlined in Red, Phase 1 PDP outlined in Yellow):



V. 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 for470 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 1, 2021 and September 8, 2021
- Town Council Agenda Meeting: September 8, 2021
- Town Council Regular Meeting: September 14, 2021 (continued)
- Town Council Agenda Meeting: October 6, 2021
- Town Council Regular Meeting: October 12, 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:

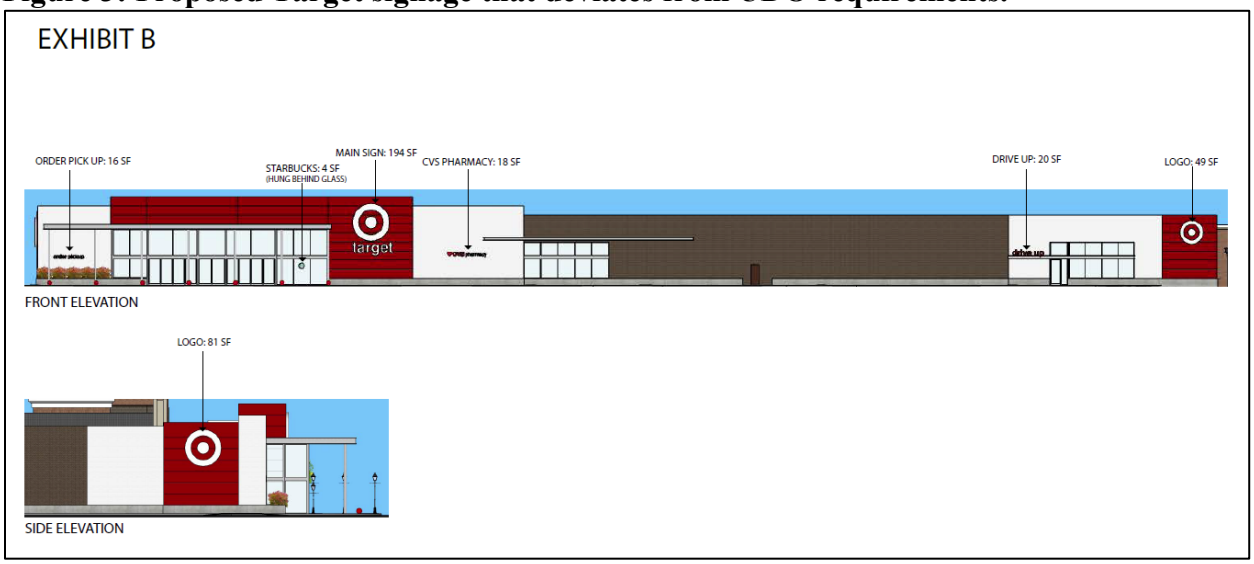
The criteria against which a PDP shall be reviewed are found in UDO §2.18.5(H). The applicants have provided a narrative addressing the criteria for a PDP per UDO §2.18.5(H). A copy of the applicant's narrative containing their assessment of how the Morganton Park South Phase 1 project meets applicable PDP review criteria is attached to this staff report.

iii. Deviations from the Approved CDP:

The applicant provided a narrative with the original PDP application (which was submitted at the same time as the CDP application) describing features of the proposed Morganton Park South Phase 1 PDP. This narrative that was submitted with the original PDP application also contains descriptions of four (4) deviations from the requested CDP:

1. A request for additional building mounted signage for one tenant, Target Corporation, in Phase 1. A depiction of the proposed signage for Target is attached to the applicant's narrative as Exhibit B and included below as Figure 3. Section 5.5.7 of the CDP states that large retail anchor stores may request additional building mounted wall signage. The applicant's request for Target deviates from the UDO because Exhibit B depicts three more wall signs (one CVS logo and two additional Target bullseye logos) than would normally be allowed in a shopping center, per UDO §4.6.13.

Figure 3: Proposed Target signage that deviates from UDO requirements.



Town staff recommends against approving this deviation from the CDP. UDO §4.6.13 allows one wall sign per separate business in a shopping center, at a size of 1 square foot of signage for each linear foot of building frontage (to a maximum of 200 square feet). The "Main Sign" Target bullseye shown on Exhibit B is 194 square feet and is compliant. There is no doubt to staff that those wishing to shop at Target will be able to find Target without needing to grant additional signage beyond what is allowed in the UDO. Staff's daily experience is that nearly every retailer, large and small, throughout Southern Pines' jurisdiction would prefer far more signage than allowed under the UDO. However, the UDO restrictions on signage quantity, location, size, height and lighting are a significant contribution to preserving the character of the Southern Pines community. Granting one retailer in one development a deviation to the community's signage restrictions would establish a challenging precedent and make the daily work of planning staff on the matter of signage restriction even more difficult.

2. A request to waive the 80' linear park requirement found in Section 5.5.2 of the CDP at the US 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 4 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 4: 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 found in Section 5.5.2 of the CDP 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. 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 are able to meet the minimum requirement of 20 feet of linear park between the edge of the Parkway Connector right of way and the parking area for Phase 1 but they are not able to provide the other 60' on the other side of the Parkway Connector because they do not control the property at this time. However, 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 that the applicants do not control and that is part of Morganton Park South Phase 5 in the CDP. Staff recommends against approval of this deviation, however, it is staff's understanding following the Planning Board Preliminary Forum that the applicants are no longer requesting this deviation.

Following approval of the CDP on September 14, 2021, the applicants submitted a revised project narrative that includes an additional request for the following deviation:

5. A request to allow full-movement driveway intersections at locations labelled #1, #2 and #3 in Figure 5 below. The CDP, as approved September 14, 2021, limits driveways intersections on the Parkway Connector road to right-in, right-out only (Section 5.5.1). The CDP allows for different designs to be reviewed and approved on a case-by-case basis during the PDP process.

Figure 5: Location of proposed full-movement driveway intersections:



Multiple town staff have been working with representatives of the developer to identify a workable alternative to granting a deviation to the CDP for full movement driveway intersections at locations #1, #2 and #3 in Figure 5 above. Town staff have concerns with multiple left-turn movements along the Parkway Connector Road creating a mobility challenge similar to some areas of Brucewood Road. Furthermore, reducing left-turns along a collector roadway reduces potential conflict points. Discussion between the Town Engineer, the applicant's consulting transportation and site design engineers, and the developer are ongoing as of the deadline for this staff report (September 29th, 2021). A full review of final agreed-upon design for driveway intersections will be presented to the Town Council at the October 12th, 2021 public hearing

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 Connector 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 too 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.

VI. 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 reviewed the Traffic Impact Analysis submittal, and Matt Kitchen, District 8 Engineer, provided comments to the Town of Southern Pines on September 13, 2021. A copy of these comments is attached. Extensive discussion between the Town Engineer, the applicant's consulting transportation engineer, and NCDOT regarding NCDOT's comments took place following the September 14th, 2021

continuance of the PDP public hearing. As of the date of completion of this staff report (September 29th, 2021), all parties agree that NCDOT's comments will be followed, with two modifications:

1. The intersection of W. Morganton Road and S. Henley Street will NOT be modified to a right-in, right-out arrangement until such time as S. Stephens Street connects to W. Morganton Road. See attached email from Matt Kitchen dated September 29, 2021.
2. Additional right turn lanes along the Parkway Connector roadway that have been recommended by NCDOT are not required by the Town Engineer.

- Vagn Hansen with RLUAC provided written comments on August 5, 2021. A copy of RLUAC's comments are attached to this staff report.

VII. 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. ORIGINAL narrative addressing PDP design and deviations from CDP, with Exhibit B depicting proposed signage.
    c. REVISED narrative with addition of deviation request for full movement driveway intersections (submitted September 29, 2021).
3. Preliminary Development Plan (Sheets L-1.0 through L-1.3)
4. Kimley Horn's "Pine Ridge Commercial" Traffic Impact Analysis Executive Summary
5. NCDOT's "Pine Ridge Commercial" Traffic Impact Analysis Review Comments
6. NCDOT's email re: S. Henley St. Intersection.
7. RLUAC Comment

VIII. 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…

   1.

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 Morganton Park South 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 will be reviewed for compliance with the applicable sections of the UDO at site plan review.

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

4-12-21

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

4-12-21

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 A. Cook, member/manager
Property Owner

Property Owner

Agent

4-12-21

APPOINTMENT OF AGENT

The undersigned owner(s), Moorington 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.

Thomas Van (Mgr)

Property Owner

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

150 PAGE STREET
SOUTHERN PINES, NC 28387
P: 910.684-8487

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 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 are 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

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 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.

Section 5.5.1 Vehicular Circulation, Street Cross Sections, and Parking - Ingress/Egress of the CDP specifies that the default design of all access points to the parkway collector road will be right-in, right-out intersections and can be reviewed at the time of PDP. The applicant would request, based on the Traffic Impact Analysis included in the PDP submission package, that all intersections along the Connector Parkway within the proposed Phase 1 development be permitted as full motion intersections, with both left and right turns.

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.

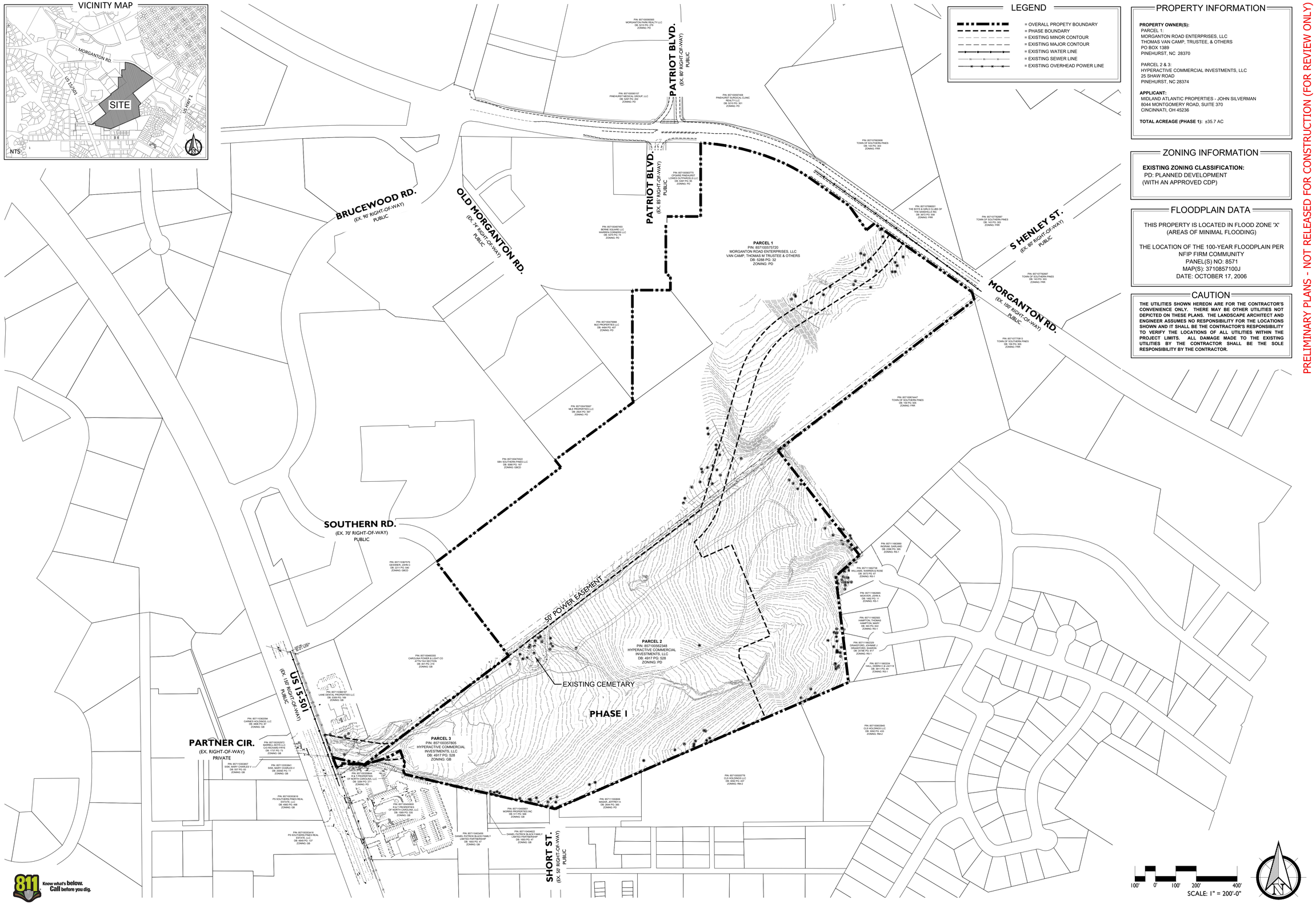
A request for modified building mounted signage as permitted in Section 5.5.7 of the CDP is included as Exhibit B in this application. The large retail store depicted in the exhibit will be more than 45,000 sf. This building will have multiple access points for customers and separate customer pick-up 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 are 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.



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SOUTHERN PINES, NC 28387
P: (910) 684-8487
W: www.koontzjonesdesign.com

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
Q.C. BY: REK
SCALE: 1" = 200'-0"
PROJECT #: KDD2169

SHEET NUMBER#:
L-1.0

VICINITY MAP

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 PROPETY 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

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.



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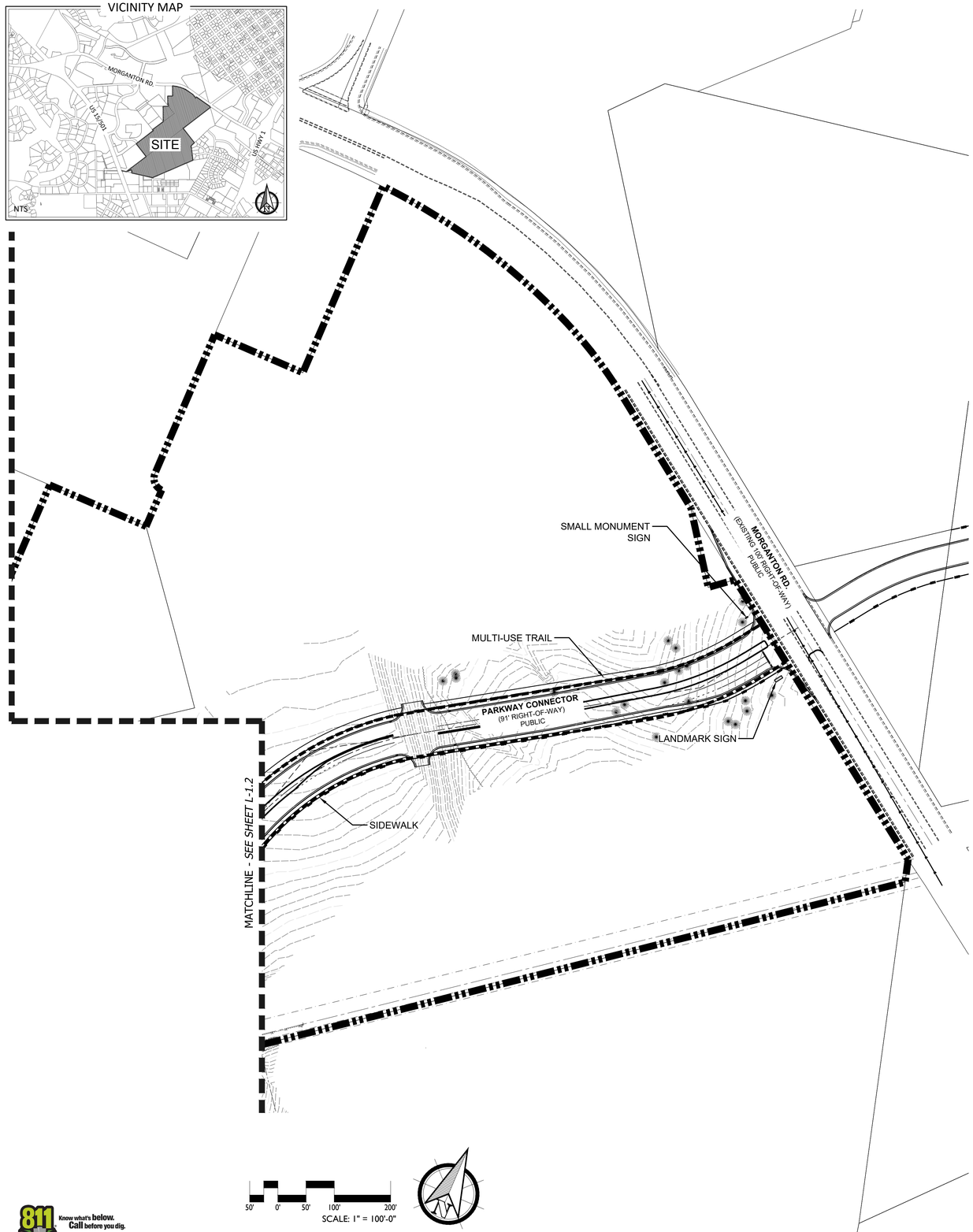
REVISIONS:

MORGANTON PARK SOUTH
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA

PRELIMINARY DEVELOPMENT PLAN - PHASE 1

DATE: 08-09-2021
DESIGN BY: ZAK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 100'-0"
PROJECT #: KDZ1069

SHEET NUMBER#:
L-1.1



LEGEND

- = OVERALL PROPETY 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

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THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY
PANEL(S) NO: 8571
MAP(S): 3710857100J
DATE: OCTOBER 17, 2006

CAUTION

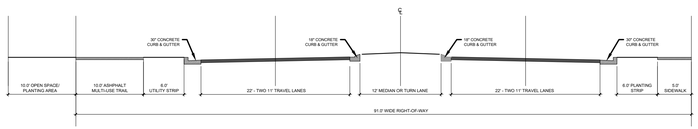
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OPEN SPACE SUMMARY

(PER SECTION 5.0 OF THE CONCEPTUAL DEVELOPMENT PLAN)

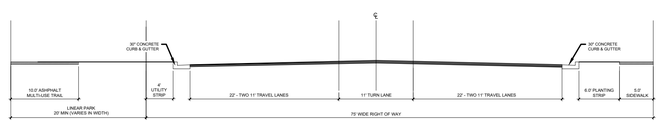
PHASE	OVERALL OPEN SPACE (PROVIDED)		USEABLE OPEN SPACE (PROVIDED)	
1	6.01	acres	6.01	acres
TOTAL PROVIDED	6.01	acres	6.01	acres
REQUIRED OPEN SPACE (20%/10%)	19.8	acres	9.90	acres
TOTAL REMAINING TO PROVIDE	**13.79**	acres	**3.89**	acres

ROADWAY CROSS SECTIONS



91' RIGHT-OF-WAY (PARKWAY COLLECTOR)

SECTION (NOT TO SCALE)



75' RIGHT-OF-WAY (PARKWAY COLLECTOR)

SECTION (NOT TO SCALE)

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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
Q.C. BY: REK
SCALE: 1" = 100'-0"
PROJECT #: KD21069

SHEET NUMBER#:
L-1.2

VICINITY MAP

LEGEND

= OVERALL PROPETY 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

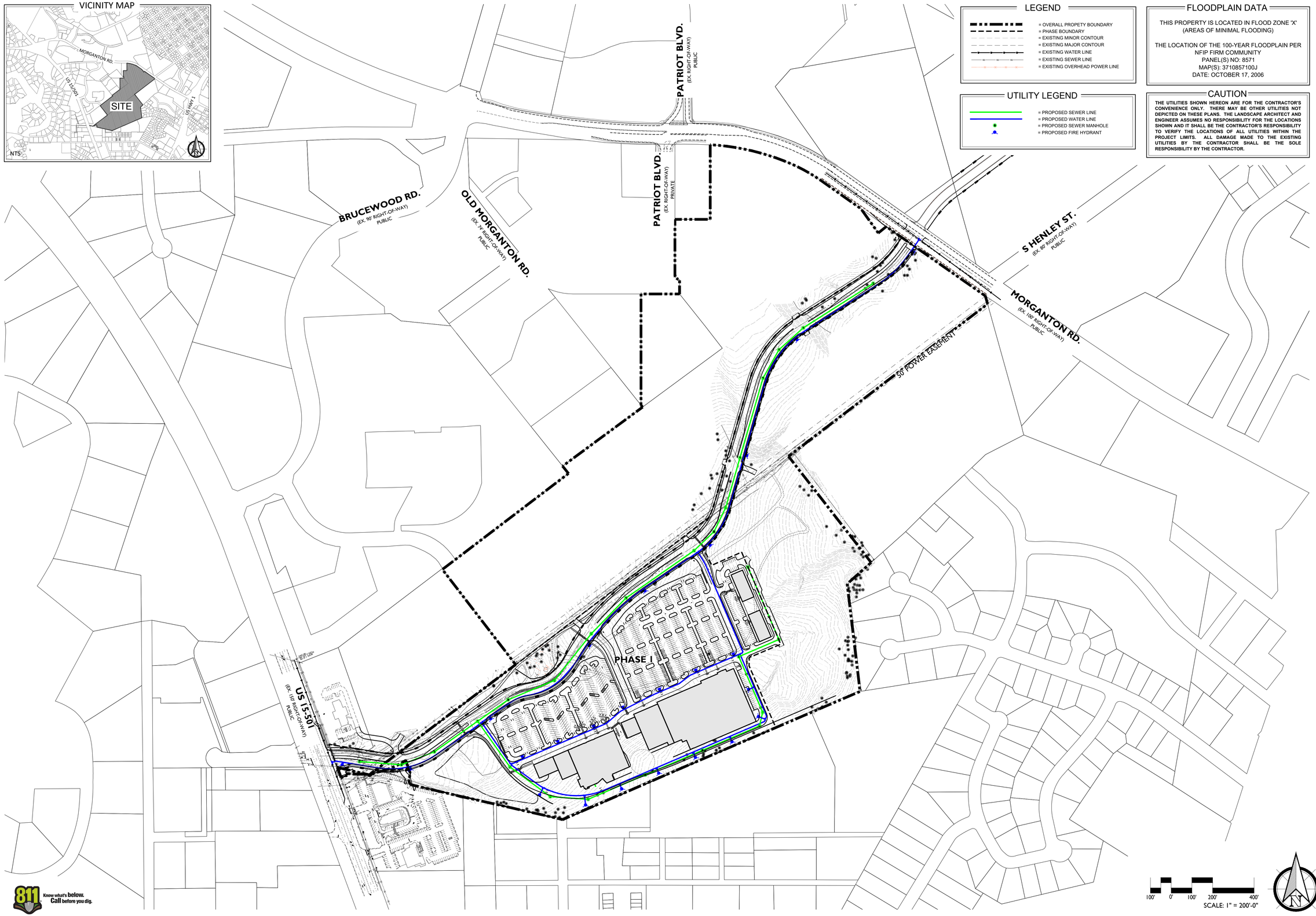
FLOODPLAIN DATA

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
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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
Q.C. BY: REK
SCALE: 1" = 200'-0"
PROJECT #: KJD21069

SHEET NUMBER#:
L-1.3

Traffic Impact Analysis

Pine Ridge Commercial

Southern Pines, NC

Prepared for:

LKC Engineering, PLLC

Kimley»Horn

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Traffic Impact Analysis for

Pine Ridge Commercial

Southern Pines, North Carolina

Prepared for:

LKC Engineering

Aberdeen, NC

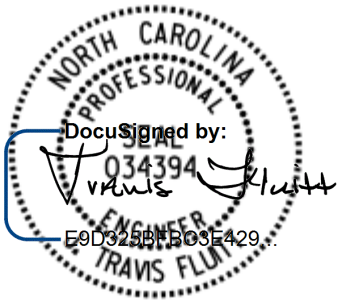
Prepared by:

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
Internal Capture Reduction				*784*	*6*	*6*	*56*	*56*
Pass-By Reduction				*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 – *Unsignalized, Full Movement*	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 – *Unsignalized, Full Movement*	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 – *Signalized, Full Movement*	A (7.4)	B (12.5)
Background (2031) Traffic – *Signalized, Superstreet*	NB Side - A (7.2) SB Side - B (10.7)	NB Side - A (9.8) SB Side - B (16.3)
Build-Out (2031) Traffic – *Signalized, Superstreet*	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 - *Superstreet*	NB Side - B (15.9) SB Side - B (11.4)	NB Side - C (32.2) SB Side - D (37.3)
Build-Out (2031) Traffic - *Superstreet*	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 – *Unsignalized*	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 – *Signalized*	A (5.8)	A (9.0)
Background (2031) Traffic – *Signalized*	A (7.2)	B (11.0)
Build-Out (2031) Traffic – *Signalized*	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) WBL – A (7.4)	NB – B (10.9) WBL – A (7.8)
Background (2031) Traffic	NB – B (13.5) SB – B (10.9) EBL – A (7.8) WBL – A (7.9)	NB – C (15.9) SB – B (12.9) EBL – A (8.2) WBL – A (7.9)
Build-Out (2031) Traffic	NB – B (16.5) SB – B (12.0) EBL – A (8.0) WBL – A (8.1)	NB – D (33.1) SB – C (18.8) EBL – A (8.9) WBL – A (8.6)
Pine Ridge Parkway at Old Morganton Road Extension		
Background (2031) Traffic	EB – B (11.0) WB – B (11.7) NBL – A (7.7) SBL – A (7.6)	EB – B (12.4) WB – B (10.8) NBL – A (7.8) SBL – A (7.7)
Build-Out (2031) Traffic	EB – B (12.0) WB – B (13.2) NBL – A (8.0) SBL – A (7.8)	EB – C (18.4) WB – B (14.4) NBL – A (8.4) 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**.

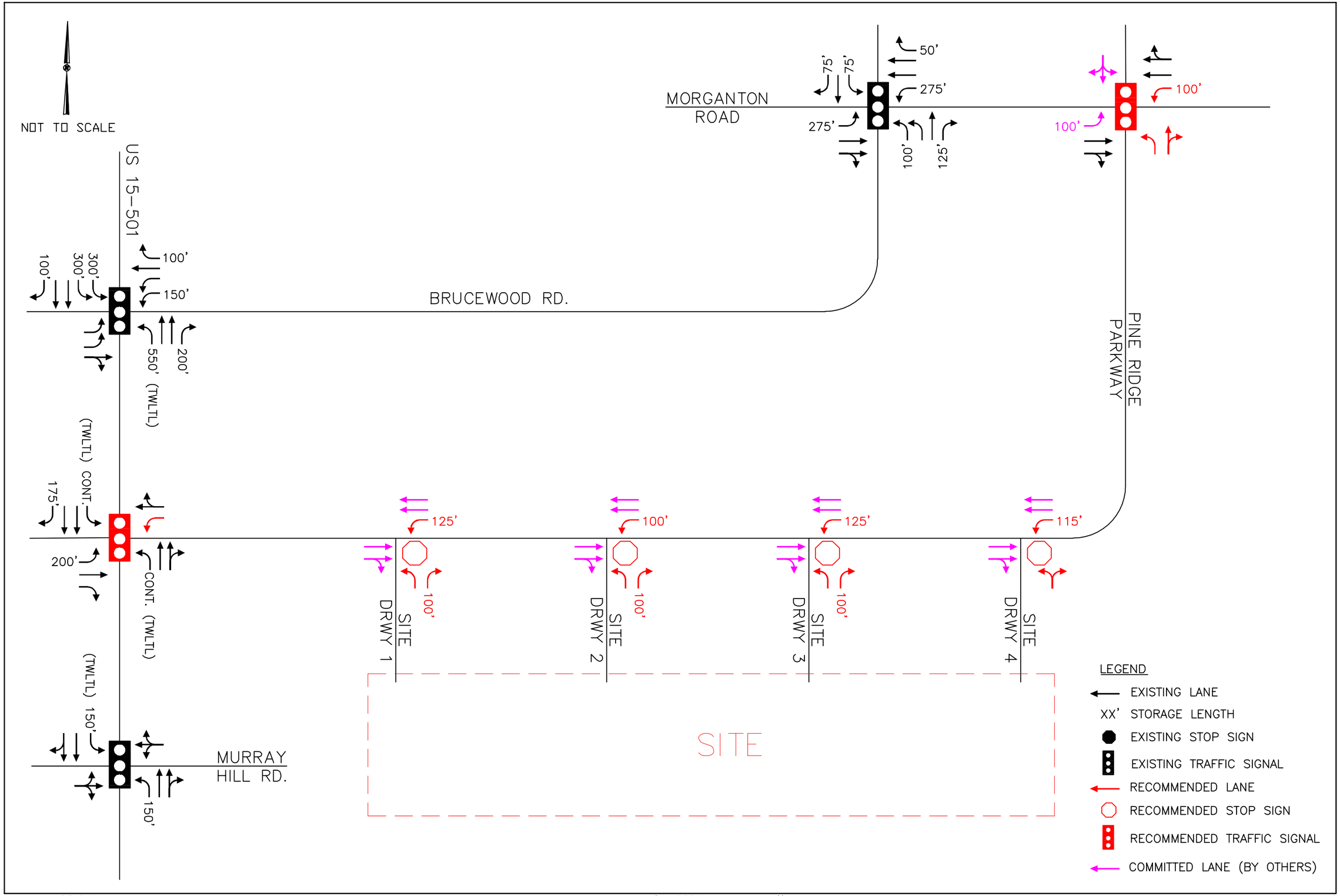


FIGURE ES-1

COMMITTED AND RECOMMENDED ROADWAY LANEAGE – 2024 BUILD-OUT YEAR

PINE RIDGE COMMERCIAL
SOUTHERN PINES, NC
TRAFFIC IMPACT ANALYSIS

Kimley»Horn

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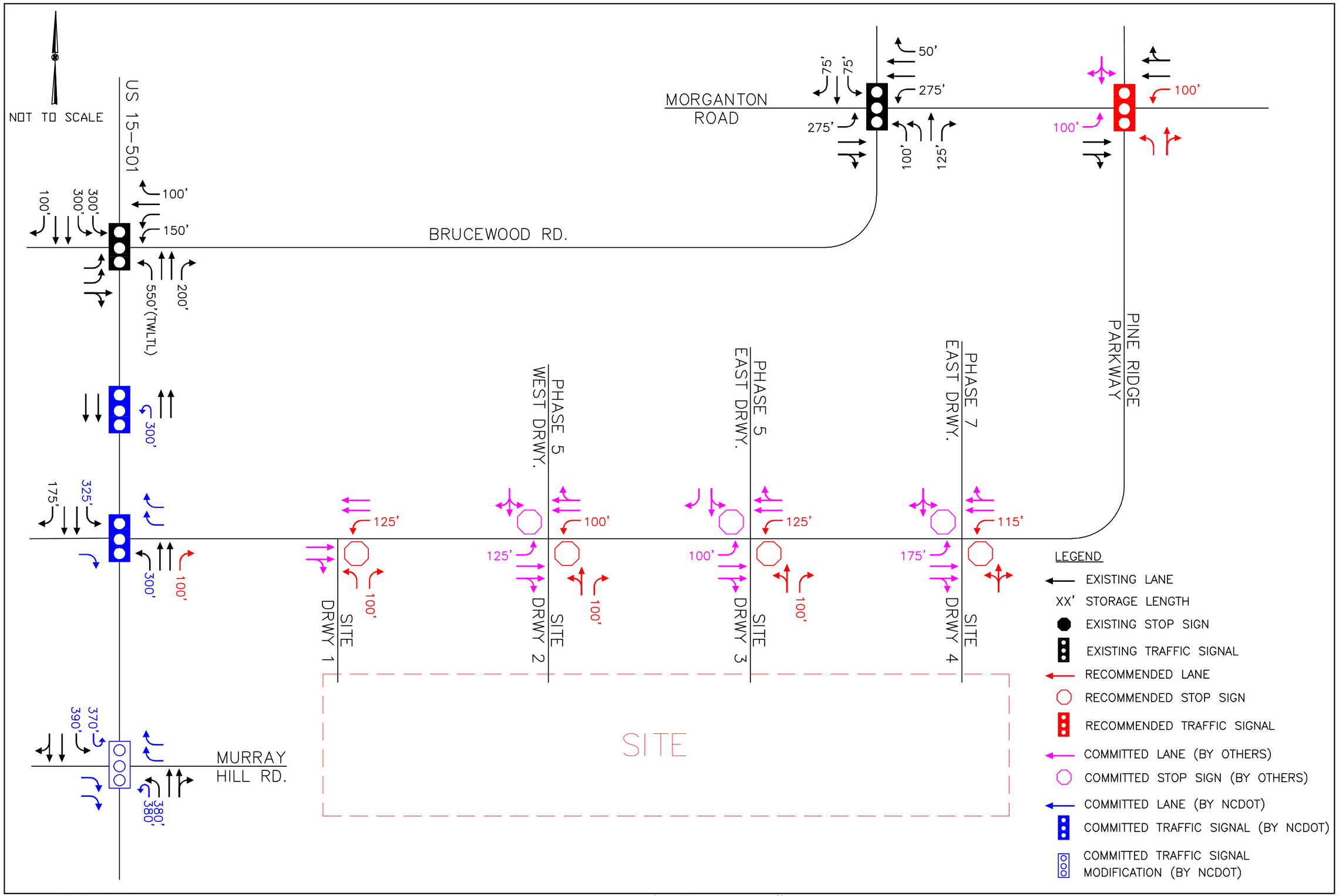


FIGURE ES-2

COMMITTED AND RECOMMENDED ROADWAY LANEAGE – 2031 HORIZON YEAR

PINE RIDGE COMMERCIAL
SOUTHERN PINES, NC
TRAFFIC IMPACT ANALYSIS

Kimley»Horn

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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

September 13, 2021

Travis Fluitt, PE
Kimley-Horn
421 Fayetteville Street, Suite 600
Raleigh, NC 27601

SUBJECT: Pine Ridge Commercial
Traffic Impact Analysis

Dear Mr. Fluitt:

Thank you for submitting the updated Traffic Impact Analysis for the subject development. The preliminary site plan and traffic impact analysis have been reviewed by District Staff, Division Staff, and Congestion Management in accordance with the Policy on Street and Driveway Access to North Carolina Highways. Based upon our review we offer the following comments for the subject access as it relates to access to NCDOT maintained roadways:

US 15/501 at Partner Circle / Pine Ridge Parkway

- We agree with the TIA recommendation to provide a temporary signal and coordination with the existing signal network.
- Provide an exclusive left-turn lane and a shared through/right lane on westbound Pine Ridge Parkway.
- Provide an exclusive right-turn lane on northbound US 15/501 with 150 feet of storage and appropriate taper.

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 to accommodate 200 feet of storage and appropriate taper by converting the existing intersection of Morganton Road at S. Henley Street to right in-right out only (needed to utilize existing left-turn lane space for new opposite direction left-turn lane)
- Insall a traffic signal and coordination with the existing signal network.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DISTRICT 2, DIVISION 8
902 NORTH SANDHILLS BLVD.
ABERDEEN, NC 28315

Telephone: (910) 944-7621
Fax: (910) 944-5623
Customer Service: 1-877-368-4968

Location:
902 NORTH SANDHILLS BLVD.
ABERDEEN, NC 28315

Website: www.ncdot.gov

Pine Ridge Parkway and Site Drives 1-4

Our review recommends the following for the proposed four lane Pine Ridge Parkway based on the initial 2024 Phase. However, we will defer to the Town of Southern Pines regarding any comments at these locations since this road is to be maintained by the town:

- All site drives should provide a 100 feet internal protected stem.
- Provide a 100 feet right-turn lane and 125 left-turn lane off Pine Ridge Parkway at Site Drive 1.
- Provide a 100 feet right-turn lane and 100 feet left turn lane off Pine Ridge Parkway at Site Drive 2.
- Provide a 125 feet left-turn lane off Pine Ridge Parkway at Site Drive 3.
- Provide a 115 feet left-turn lane off Pine Ridge Parkway at Site Drive 4.

Please incorporate the above comments into your planning. When the above comments have been addressed, please submit a driveway permit along with any necessary encroachment agreements to this office for review. Also, please be aware that future site expansion may result in further roadway improvements being required by the Department. If further information is needed, please advise.

Sincerely,

Matthew W. Kitchen, PE
District Engineer

CC: Patrick Norman, PE
B.J. Grieve, Town of Southern Pines
John Grant, PE
David Willett
Josh Brooks, PE
File

BJ Grieve

From: Kitchen, Matthew W <mwkitchen@ncdot.gov>
Sent: Wednesday, September 29, 2021 11:00 AM
To: Fluitt, Travis
Cc: Norman, Patrick A; Grant, John H; Willett, David B; Brooks, Joshua S; BJ Grieve; James Michel
Subject: RE: [External] Pine Ridge Commercial - Henley Street Access

Travis,

Per our discussion I am in agreement with maintaining Henley Street access as is until such time a Stephen Street is extended. Let me discuss with our folks internally to determine if we would be best to just leave as a two way left turn lane for the full length or if we want to proceed with the islands to keep seperation.

Thanks,
Matt

Matthew W. Kitchen, PE
District Engineer
Division 8 - District 2

910-944-7621
mwkitchen@ncdot.gov

902 N. Sandhills Blvd.
Aberdeen, NC 28315

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

From: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>
Sent: Wednesday, September 29, 2021 10:48 AM
To: Kitchen, Matthew W <mwkitchen@ncdot.gov>
Cc: Norman, Patrick A <pnorman@ncdot.gov>; Grant, John H <jhgrant@ncdot.gov>; Willett, David B <dbwillett@ncdot.gov>; Brooks, Joshua S <jsbrooks1@ncdot.gov>; BJ Grieve <BJGrieve@southernpines.net>; James Michel <JMichel@southernpines.net>
Subject: [External] Pine Ridge Commercial - Henley Street Access

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Matt,

Based on discussions with the Town of Southern Pines, they are not in support of restricting the intersection of S Henley Street at Morganton Road to RIRO until S Stephens Street is extended to Morganton Road as it will negatively impact the residents of the West Southern Pines neighborhood. BJ and James are copied on this email and can confirm that position. To that end and in coordination with Town staff, we have developed a solution that allows Henley Street to remain open at least through the build-out of Phases 1 and 2 of the Pine Ridge development (i.e. the 2024 build-out from the TIA).

As shown on the attached exhibit, there should be enough room between Henley Street and Pine Ridge Parkway that we can provide a 150' left-turn lane at Pine Ridge Parkway, a 100' bay taper, and a 100' left-turn lane at Henley Street. We have run an analysis of the intersection of Morganton Road at Pine Ridge Parkway at build-out of Phases 1 and 2 (the 240,000 SF shopping center + 260 apartments) without the Stephens Street Extension. The attached Synchro and SimTraffic reports confirm that with a signal at Pine Ridge Parkway, the westbound left-turn queues are not expected to exceed the available storage (max queue = 131'). Additional analyses will be required to determine if any additional development beyond Phase 2 can be accommodated, but it is our opinion that this configuration will operate acceptably with the initial phases of development until the Stephens Street Extension can be provided.

Please let us know if this temporary solution is acceptable to NCDOT. This item goes back to Town council on October 12. If you can let us know before then, it would be most appreciated.

Thank you,

Travis Fluitt, P.E.
Kimley-Horn | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601
Direct: 919-653-2948 | Mobile: 919-649-0759 | Main: 919-677-2000

From: Kitchen, Matthew W <mwkitchen@ncdot.gov>
Sent: Monday, September 13, 2021 10:23 AM
To: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>
Cc: Norman, Patrick A <pnorman@ncdot.gov>; Grant, John H <jhgrant@ncdot.gov>; Willett, David B <dbwillett@ncdot.gov>; Brooks, Joshua S <jsbrooks1@ncdot.gov>; BJ Grieve <BJGrieve@southernpines.net>
Subject: Pine Ridge Commercial TIA Review

Travis,

Good morning. Please see attached TIA Review for Pine Ridge Commercial in Southern Pines. Please feel free to contact me if you have any questions.

Thanks.
Matt

Matthew W. Kitchen, PE
District Engineer
Division 8 - District 2

910-944-7621
mwkitchen@ncdot.gov

902 N. Sandhills Blvd.

Aberdeen, NC 28315

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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

* 6250 Raeford Road * Fayetteville * NC * 28304 * Office: (910) 398-3743 * director@rlluac.com *

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: **October 12, 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*.

During the September 8, 2021 Town Council Agenda 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:

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.

- At the September 8, 2021 Town Council Agenda Meeting, the Town Clerk certified the sufficiency of the petition for annexation and the Town Council approved a date for the 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 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)



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

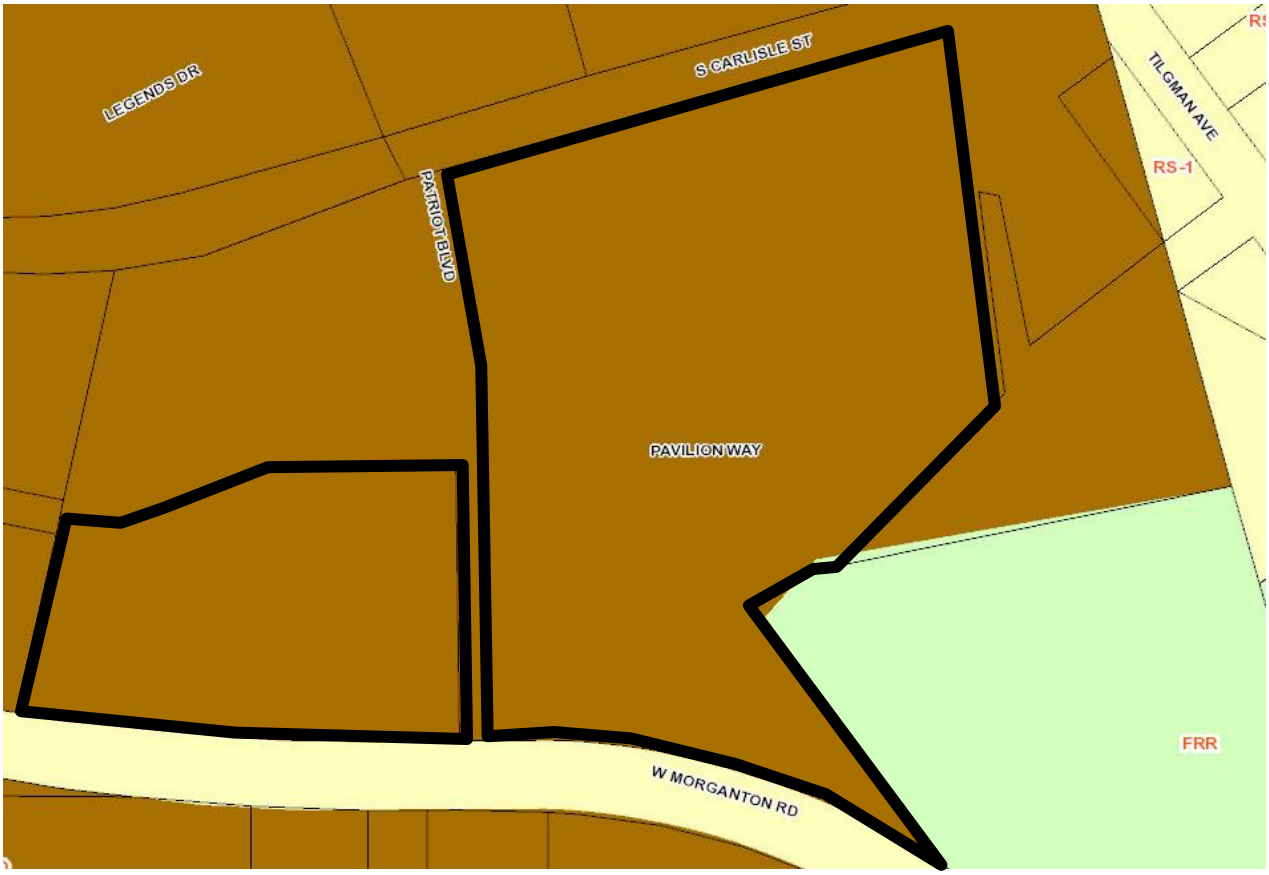
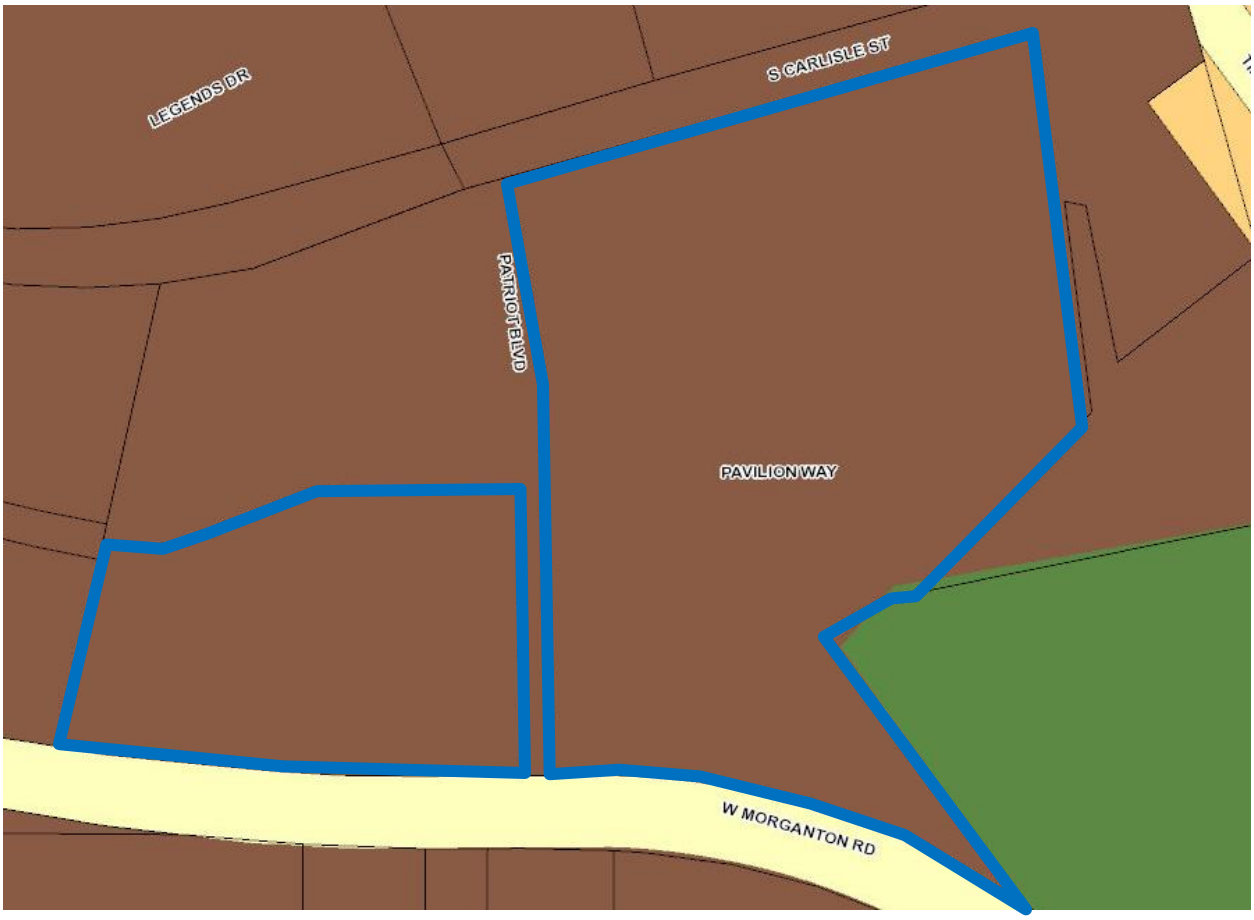


Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Blue)



V. ATTACHMENTS:

1. Petitions
2. Written metes and bounds descriptions
3. Surveys of subject properties

VI. TOWN COUNCIL ACTION:

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-05-21 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-05-21 for the property as defined in the submitted metes and bounds description.

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	Address of Owner
Eric Farrell	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	Address of Owner
Charles Greggs	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

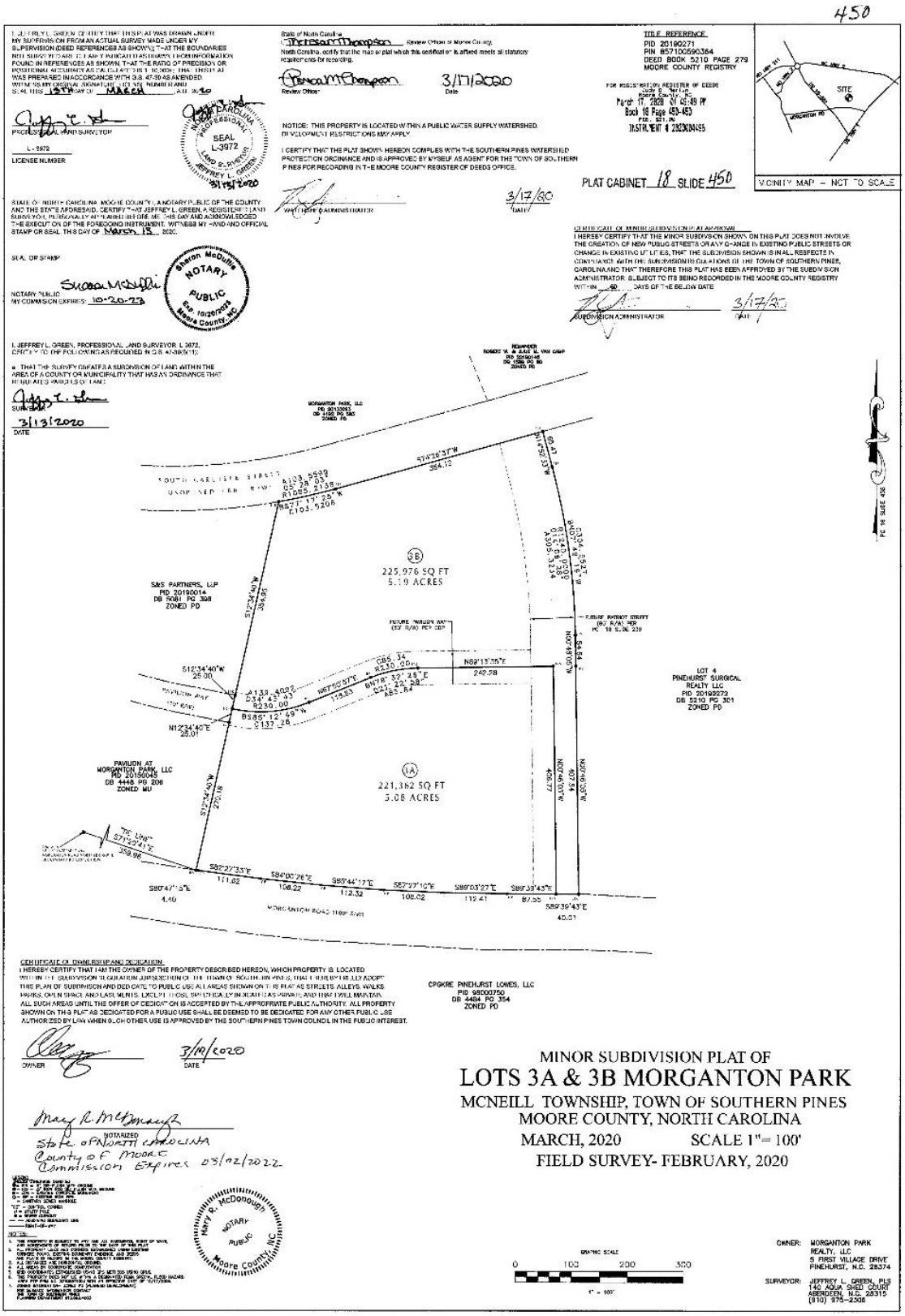
BEING LOCATED ON A PORTION OF THE PINEHURST MEDICAL GROUP, LLC TRACT (PID-20200203) LOT 3A DESCRIBED IN DEED BOOK 5297 PAGE 202 IN THE MOORE COUNTY REGISTRY, MCNEILL TOWNSHIP, SOUTHERN PINES; BOUNDED ON THE NORTH & EAST BY THE MORGANTON PARK REALTY, LLC, THE SOUTH BY MORGANTON ROAD, ON THE WEST BY PAVILION AT MORGANTON PARK, LLC AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

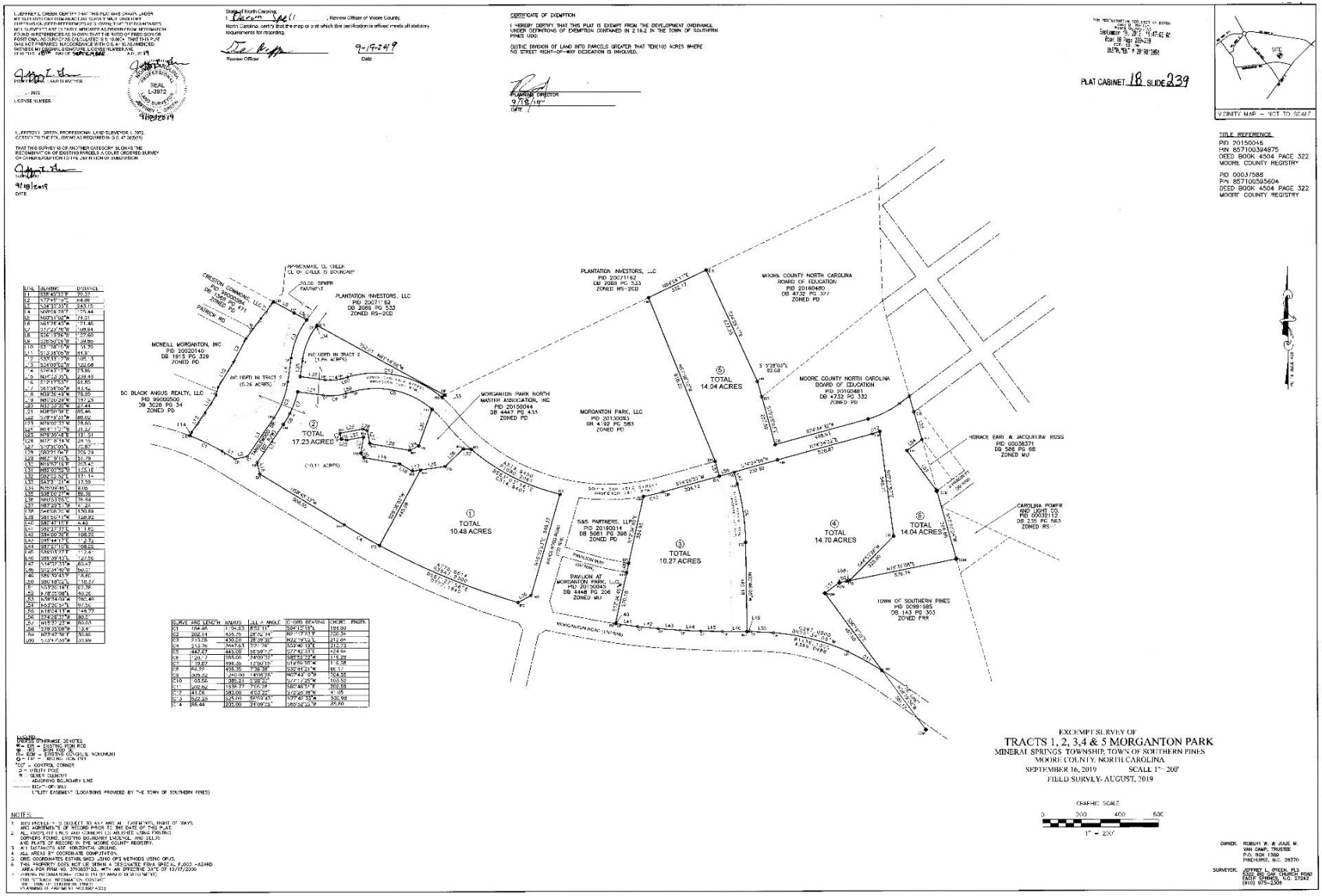
BEGINNING AT AN IRON ROD SET IN MORGANTON ROAD NORTHERN RIGHT-OF-WAY (100'), SAID IRON ROD ALSO BEING THE SOUTHEAST CORNER OF THE PAVILION AT MORGANTON PARK, LLC LOT 1 DESCRIBED IN DEED BOOK 4448 PAGE 206 AND SHOWN ON PLAT CABINET 16 SLIDE 458 IN THE MOORE COUNTY REGISTRY ; THENCE N 12°34'40" E A DISTANCE 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" EXISITING IRON ROD IN THE MORGANTON ROAD NORHTERN 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 WITHT 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.


450
I, JEFFREY L. GREEN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED REFERENCES AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCES AS SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 13TH DAY OF MARCH, A.D. 2020
PROFESSIONAL LAND SURVEYOR
L-3972
LICENSE NUMBER
SEAL L-3972
NORTH CAROLINA PROFESSIONAL LAND SURVEYOR JEFFREY L. GREEN
3/13/2020
STATE OF NORTH CAROLINA, MOORE COUNTY: I, A NOTARY PUBLIC OF THE COUNTY AND THE STATE AFORESAID, CERTIFY THAT JEFFREY L. GREEN, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS DAY OF MARCH 13, 2020.
SEAL OR STAMP
Sharon McDuffie NOTARY PUBLIC Exp. 10/20/2023 Moore County, NC
NOTARY PUBLIC
MY COMMISSION EXPIRES: 10-20-23
I, JEFFREY L. GREEN, PROFESSIONAL LAND SURVEYOR L-3972, CERTIFY TO (THE FOLLOWING AS REQUIRED IN G.S. 47-30(f)(11)):
a. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
SURVEYOR
3/13/2020
DATE
State of North Carolina
I, Theresa M Thompson, Review Officer of Moore County,
North Carolina, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.
Review Officer
3/17/2020
Date
NOTICE: THIS PROPERTY IS LOCATED WITHIN A PUBLIC WATER SUPPLY WATERSHED. DEVELOPMENT RESTRICTIONS MAY APPLY.
I CERTIFY THAT THE PLAT SHOWN HEREON COMPLIES WITH THE SOUTHERN PINES WATERSHED PROTECTION ORDINANCE AND IS APPROVED BY MYSELF AS AGENT FOR THE TOWN OF SOUTHERN PINES FOR RECORDING IN THE MOORE COUNTY REGISTER OF DEEDS OFFICE.
SUBDIVISION ADMINISTRATOR
3/17/20
DATE
TITLE REFERENCE
PID 20190271
PIN 857100590364
DEED BOOK 5210 PAGE 279
MOORE COUNTY REGISTRY
FOR REGISTRATION, REGISTER OF DEEDS
Mar 17, 2020 AT 03:49 PM
Book 10 Page 450-450
FEE: $21.00
INSTRUMENT # 202000004495
PLAT CABINET 18 SLIDE 450
VICINITY MAP - NOT TO SCALE
SITE
CERTIFICATE OF MINOR SUBDIVISION PLAT APPROVAL
I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS OR CHANGE IN EXISTING LOT LINES, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF THE TOWN OF SOUTHERN PINES, CAROLINA AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE SUBDIVISION ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE MOORE COUNTY REGISTRY WITHIN 60 DAYS OF THE BELOW DATE
SUBDIVISION ADMINISTRATOR
3/17/20
DATE
REMAINDER ROBERT W. & JULIE M. VAN CAMP PID 20190146 DB 1588 PG 80 ZONED PD
MORGANTON PARK, LLC PID 20130083 DB 4160 PG 585 ZONED PD
SOUTH CAROLINA STREET (UNOPENED) (60' R/W)
S74°28'37"W 354.12
N15°34'40"E 69.43
C103 5208 R1085.2198 A103.5939 CB S77°17'02"W
C104 R1124.2198 A305.3234 CB N07°48'10"E
C304 R1124.2198 A305.3234 CB N23°57'57"W
SB 225,976 SQ FT 5.19 ACRES
SMS PARTNERS, LLP PID 20190014 DB 5081 PG 398 ZONED PD
S12°34'40"W 354.65
FUTURE "MAYLON AVE" (63' R/W) PER DEP
FUTURE PATRIOT STREET (60' R/W) PER PC 18 SLIDE 239
N89°13'35"E 242.58
N00°46'25"W 526.84
C85 34 R230.00 CB N67°50'57"E 119.83
C134 43 43 R230.00 A134.4022 CB S67°28'32"E 132.28
S85°12'49"W 0.137.26
N12°34'40"E 25.01
S12°34'40"W 25.00
PAVILION PLAT (70' R/W)
LOT 4 PINEHURST SURGICAL REALTY LLC PID 20190272 DB 5210 PG 301 ZONED PD
PAVILION AT MORGANTON PARK, LLC PID 20150049 DB 4448 PG 206 ZONED MU
S12°34'40"W 270.18
3A 221,362 SQ FT 5.08 ACRES
N00°46'25"W 407.54
N00°46'25"W 407.77
TIE LINE S71°20'41"E 359.96
S82°27'33"E 111.02
S84°00'26"E 108.22
S85°44'17"E 112.32
S87°27'10"E 108.02
S89°03'27"E 115.41
S89°39'43"E 87.55
S80°47'13"E 4.40
S89°39'43"E 40.01
MORGANTON ROAD (100' R/W)
CPGKRE PINEHURST LOWES, LLC PID 98000750 DB 4484 PG 354 ZONED PD
PC 18 SLIDE 405
CERTIFICATE OF OWNERSHIP AND DEDICATION:
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF SOUTHERN PINES, THAT I HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON IT AS PLAT AS STREETS ALLEYS, WALKS PARKS, OPEN SPACE, AND EASEMENTS, EXCEPT SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR A PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH OTHER USE IS APPROVED BY THE SOUTHERN PINES TOWN COUNCIL IN THE PUBLIC INTEREST.
OWNER
3/10/2020
DATE
NOTARIZED
State of North Carolina
County of Moore
Commission Expires 03/02/2022
Mary R. McDonough NOTARY PUBLIC Moore County, NC
MINOR SUBDIVISION PLAT OF
LOTS 3A & 3B MORGANTON PARK
MCNEILL TOWNSHIP, TOWN OF SOUTHERN PINES
MOORE COUNTY, NORTH CAROLINA
MARCH, 2020 SCALE 1"= 100'
FIELD SURVEY- FEBRUARY, 2020
GRAPHIC SCALE
0 100 200 300
1" = 100'
OWNER: MORGANTON PARK REALTY, LLC 5 FIRST VILLAGE DRIVE PINEHURST, N.C. 28374
SURVEYOR: JEFFREY L. GREEN, PLS 140 AQUA SHED COURT ABERDEEN, N.C. 28315 (910) 975-2308


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
GRAPHIC SCALE
1" = 200'
PLAT CABINET 18 SLIDE 239
VICINITY MAP - NOT TO SCALE
TITLE REFERENCE
PID 70150045
PIN 857100394875
DEED BOOK 4504 PAGE 322
MOORE COUNTY REGISTRY
PID 00037588
PIN 857100585604
DEED BOOK 4504 PAGE 322
MOORE COUNTY REGISTRY
OWNER: ROBERT W. & JOLIE M. VAN DAM, TRUSTEE
P.O. BOX 1360
PINEHURST, N.C. 28370
SURVEYOR: JEFFREY L. GREEN, PLS
P.O. BOX 1360 (1745 E. ROSE ROAD)
PINE STRAW, N.C. 27247
(910) 975-2309
TOTAL 10.48 ACRES
TOTAL 17.23 ACRES
TOTAL 10.27 ACRES
TOTAL 14.70 ACRES
TOTAL 14.04 ACRES
TOTAL 14.04 ACRES
MORGANTON ROAD (NC HWY 5)
MCNEILL MORGANTON, INC
PID 20020140
DB 1915 PG 329
ZONED PD
SC BLACK ANGUS REALTY, LLC
PID 99000500
DB 3028 PG 34
ZONED PD
PLANTATION INVESTORS, LLC
PID 20071162
DB 2089 PG 533
ZONED RS-20D
MOORE COUNTY NORTH CAROLINA BOARD OF EDUCATION
PID 20160480
DB 4732 PG 377
ZONED PD
MORGANTON PARK NORTH MASTER ASSOCIATION, INC
PID 20150044
DB 4447 PG 433
ZONED PD
MORGANTON PARK, LLC
PID 20150083
DB 4192 PG 583
ZONED PD
MOORE COUNTY NORTH CAROLINA BOARD OF EDUCATION
PID 20120081
DB 4732 PG 332
ZONED PD
HORACE EARL & JACQUILINE ROSS
PID 00038371
DB 586 PG 68
ZONED MU
CAROLINA POWER AND LIGHT CO.
PID 00032112
DB 235 PG 563
ZONED RS
S&S PARTNERS, LLP
PID 20190014
DB 5081 PG 396
ZONED PD
PAVILION AT MORGANTON PARK, LLC
PID 20150045
DB 4448 PG 206
ZONED MU
TOWN OF SOUTHERN PINES
PID 00061585
DB 143 PG 353
ZONED PRF
OREGON COMMERCIAL, LLC
PID 20071162
DB 2089 PG 571
ZONED PD
PATRICK RD
NC HWY 5
NOTES:
1. MID MCNEILL, LLC IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAYS, AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THIS PLAT.
2. ALL PROPERTY LINES ARE COMPUTED USING FIELDED CONTROL POINTS, EXISTING BOUNDARY EVIDENCE, AND DEEDS AND PLATS OF RECORD IN THE MOORE COUNTY REGISTRY.
3. ALL DISTANCES ARE HORIZONTAL GROUND.
4. ALL AREAS BY COORDINATE COMPUTATION.
5. ORC COORDINATES ESTABLISHED USING OPUS METHODS USING OPUS.
6. THIS PROPERTY DOES NOT LIE WITHIN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA PER FIRM NO. 3710659700J, WITH AN EFFECTIVE DATE OF 10/17/2006
THE "C" BLACK RECTANGLE ON CENTRAL PORTION OF THE PROPERTY IS AN AREA OF APPROXIMATELY 1.40 ACRES.
LEGEND
UNLESS OTHERWISE DENOTED
EIR = EXISTING IRON ROD
IR = IRON ROD SET
ECM = EXISTING CONCRETE MONUMENT
C1 - C17 = CONTROL CORNERS
"CC" = CONTROL CORNER
PP = UTILITY POLE
W = WATER CURRENTLY
ADJOINING BOUNDARY LINE
RIGHT-OF-WAY
UTILITY EASEMENT (LOCATIONS PROVIDED BY THE TOWN OF SOUTHERN PINES)
CERTIFICATE OF EXEMPTION
I HEREBY CERTIFY THAT THIS PLAT IS EXEMPT FROM THE DEVELOPMENT ORDINANCE UNDER DEFINITIONS OF EXEMPTION CONTAINED IN 2.19.2 IN THE TOWN OF SOUTHERN PINES UDO.
DIVISION OF LAND INTO PARCELS GREATER THAT TEN(10) ACRES WHERE NO STREET RIGHT-OF-WAY DEDICATION IS INVOLVED.
PLANNING DIRECTOR
DATE
I, JEFFREY L. GREEN CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 4504, PAGE 322 ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN REFERENCED MAPS; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 18TH DAY OF SEPTEMBER, A.D., 2019
SEAL L-3972 LAND SURVEYOR
PRINT NAME
L-3972
LICENSE NUMBER
9/18/2019
I, JEFFREY L. GREEN, PROFESSIONAL LAND SURVEYOR, L-3972, CERTIFY TO THE FOLLOWING AS REQUIRED IN G.S. 47-30(f)(11):
THAT THIS SURVEY IS OF ANOTHER CATEGORY AS NOTED THEREON OR OF EXISTING PARCEL(S) OF LAND OR GROUND SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION
SIGNATURE
9/18/2019
DATE
State of North Carolina
I, Review Officer of Moore County,
North Carolina, certify that the map or plat which the certification is affixed meets all statutory requirements for recording.
Review Officer
9-19-2019
Date

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Cindy Williams, Planning Technician**

Subject: **WP-02-21: Watershed Protection Permit Request; 5/70 Allocation for an Office, Commercial and Residential Development; Petitioner: Dan Pritchard by Robert Koontz, Authorized Agent**

Date: **October 12, 2021**

I. SUMMARY OF APPLICATION REQUEST:

Mr. Robert Koontz has submitted an application for a Watershed Protection Permit requesting ±10.2 acres of 5/70 exemption allocation to develop a storage facility and commercial/office and residential units. Per the Moore County tax records, the total calculated acreage is 10.58 acres. The subject properties are within the Little River (Vass) Watershed within the Cape Fear River Basin. Should the Town Council wish to grant the 5/70 exemption for these properties under Watershed Protection Permit WP-02-21, the Town shall deduct a total of 10.58 acres from the Little River (Vass) Watershed tally sheet. The subject parcels are currently zoned Planned Development (PD) and are identified by the following: PIN 857400926530 (PARID 00036656); PIN 857400920451 (PARID 00036657); and PIN 857404829141 (PARID 95000179). Per the Moore County tax records, the property owner is listed as Airport Park of Moore County, LLC.

II. PROJECT INFORMATION:

A. Property Owner & Petitioner Information:

i. Current Property Owner:
Airport Park of Moore County, LLC
P.O. Box 206
Pinehurst, NC 28370

ii. Petitioner:
Dan Pritchard
31 Lakeview Drive
Whispering Pines, NC 28327

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

iv. Property Information:

a. Street Address:
7688 NC Highway 22
Southern Pines, NC 28387

b. Property Identification Numbers:
PIN 857400926530 (PARID 00036656)
PIN 857400920451 (PARID 00036657)
PIN 857404829141 (PARID 95000179)

c. Size of Property:
Total Current Acreage: 10.58

v. Description of Proposed Development:
Mr. Dan Pritchard plans to construct a combination of office, commercial and residential units on approximately 10.58 acres on NC Highway 22 (see Figure 1) which will result in a total of 7.14 acres (70%) of impervious surface.

B. Property Zoning Classification:
The subject property is zoned Planned Development (PD).

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



Figure 2: Zoning Map (Subject Property Outlined in Blue)



C. Staff Comments:

- The entirety of the property is within the Little River (Vass) Watershed and is therefore subject to the Watershed Protection Overlay District and the standards set forth in UDO §3.6.8.
    - The subject property lies within the Little River (Vass) Watershed.
    - The proposed development is required to obtain the 5/70 exemption allocation because the proposed new development will exceed the maximum of 24% built upon area.
        - The development is proposing 7.41 acres of built-upon land area, or 70% of the subject property.
    - Should the Town Council wish to grant the 5/70 exemption, the entirety of the project acreage (10.58 acres) will be deducted from the 5/70 tally sheet for the Little River (Vass) Watershed.
    - The Watershed Protection Permit, if approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% built-upon land area.
- The 5/70 exemption for the Town of Southern Pines went into effect in 1993 and allows the Town to develop 5% of our watershed to a 70% impervious level.
- All development in the Town's watershed constructed prior to 1993 is statutorily defined as pre-existing development and considered to be exempt from the requirement to obtain the 5/70 exemption. All new development within a watershed shall be subject to the current watershed standards and eligible projects may pursue the 5/70 exemption.
- The UDO defines the Protected Area as "The area adjoining and upstream of the Watershed Critical Area in which protection measures are required. Unless otherwise modified by the Town, this area corresponds with the state's High Quality Water (HQW) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles."
- Per UDO Exhibit 3-14, the 5/70 Exemption standards dictate the following for the Rest of Watershed (WS-III):

- New Development shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon area. If the new development exceeds either of these thresholds the project may apply for the 5/70 exemption.

- All allocations shall be deducted from the five percent (5%) total area allocation and shall be monitored by the Planning Department.

- If this exemption is granted, a state stormwater permit shall not be required.

III. ATTACHMENTS:

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

1. Watershed Protection Permit Application
2. Petitioner's Narrative
3. Proposed Site Plan
4. UDO Exhibit 3-14
5. 5/70 Tally Sheet Excerpt

IV. TOWN COUNCIL ACTION:

To either approve or deny the Watershed Protection Permit for the subject property, the Town Council may choose one of the following motions or any alternative they wish:

I move to:

1) Approve WP-02-21, and deduct the project acreage from the Town's official 5/70 watershed tally.

-or-

2) Deny WP-02-21.

Watershed Protection Permit Application

Date Received: _____ Case No.: WP-_____-_____

I, the undersigned, do hereby make application to the Town of Southern Pines Town Council for a Watershed Protection Permit for the property described below.

Project Information:

Project Name: HIGHWAY 22 TRACT Zoning District: PD Total Property Acreage: 10.2 AC

PIN: 857400926530; 857400920451; 857404829141 Parcel ID: 00036656; 00036657; 95000179 Watershed: NICKS CREEK; LITTLE RIVER

Type of Development: OFFICE, COMMERCIAL, RESIDENTIAL Total Built-Upon Area*: 7.14 AC

% of Total Property Acreage Proposed to be Built-Upon Area*: 70

Applicant:

Name(s): DAN PRITCHARD Email: PRITCH1210@YAHOO.COM

Mailing Address: 31 LAKEVIEW DRIVE WHISPERING PINES, NC 28327 Phone: 215-499-6141

Authorized Agent, if different from Applicant:

Name(s): ROBERT KOONTZ

Email: BKOONTZ@KOONTZJONES.COM Phone: 910-684-8487

Mailing Address: 150 S PAGE ST SOUTHERN PINES, NC 28387

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

Name(s): AIRPORT PARK OF MOORE COUNTY, LLC

Email: Mfields@fields-plumbing-heating.com Phone: 910-783-5004

Mailing Address: PO BOX 206 PINEHURST, NC 28370

Signature of Applicant

*Definition of Built-Upon Area May be Found in Chapter 9 of the Unified Development Ordinance.

Please review **UDO §3.6.8 Watershed Protection Overlay District** in its entirety.

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

APPOINTMENT OF AGENT

The undersigned owner(s), DAN PRITCHA, hereby appoint(s) KAMPA JAMES PESIGA 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 5th day of May, 2021.

DANIEL PRITCHARD
Property Owner

Property Owner

Agent

1-12-21

Authentisign ID: 6BE7C58D-6F5E-4C1E-B9DE-80275AAF7D1E

APPOINTMENT OF AGENT

The undersigned owner(s), GEORGE FIELDS, 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 _____ day of 05/10/2021, _____.

Authentisign
george m fields
5/10/2021 6:06:33 PM GMT
Property Owner

Property Owner

Agent

1-12-21

Watershed Protection Permit Narrative

Below are listed the criteria required to approve a Watershed Protection Permit application as described in Exhibit 3-14, Table Note 3, of the Town of Southern Pines UDO. Following the individual criteria is an explanation describing how the project demonstrates compliance with each of these criteria.

(A) The use and location of the use are consistent with the Comprehensive Plan;

The property is zoned PD (Planned Development) on the Town's official zoning maps. The proposed CDP and PDP complies with the requirements of the PD district. The proposed PD – CDP and land uses for the property are consistent with the UDO. The Town's Comprehensive Long-Range Plan (CLRP) designates these parcels as Rural Residential, however this designation is not consistent with existing land uses in the area and on surrounding properties. The proposed uses are more consistent to the commercial and office uses located on adjoining properties. The project does promote the objectives of the CLRP. Surrounding properties are zoned for General Business – Conditional District (GB-CD), Planned Development (PD), and Rural Residential (RR). Surrounding properties include commercial, office, and residential uses. This CDP provides for commercial, office, and residential uses. The CDP results in a master planned development, and is consistent with the surrounding land uses.

(B) The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;

The design of the project and it's proposed uses are consistent with the area and surrounding properties. The proposed uses are consistent with the Planned Development (PD) zoning district and are compatible with the commercial, office, and residential uses of the surrounding properties. Adjoining properties include office, contractors offices, residential, and other commercial/office uses. The project is appropriate for the area in which it is located.

(C) The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the neighborhood and the Town as a whole;

The allocation is minimum necessary to develop the property with the proposed uses as described in the proposed CDP. The proposed scale and uses are consistent with the adjoining properties and reflect those of the established businesses and properties in the area.

(D) The allocation will not detract from the viability of similar uses in the area or other parts of the Town

Allocation for this project with not detract from the viability of similar uses in the area or other parts of town. The project will be consistent with the existing land uses in the area and on surrounding properties and not be a burden to existing businesses in the area or Town.

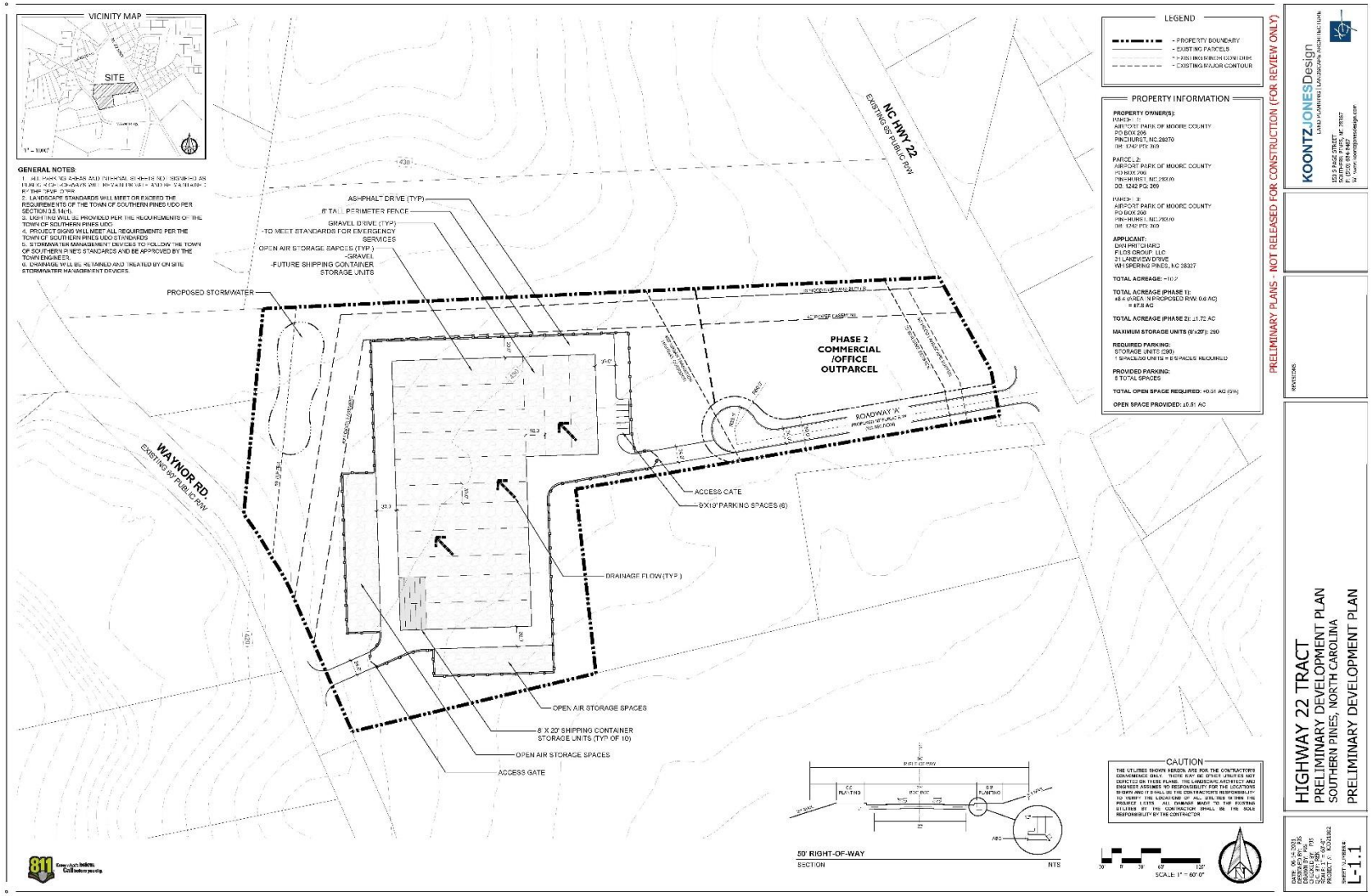

VICINITY MAP
SITE
GENERAL NOTES:
1. ALL PARKING AREAS AND THEIR SETBACKS SHALL BE AS SHOWN ON THIS PLAN. PARKING AREA AND PARKING LOT PAVING TYPE TBD.
2. LANDSCAPE STANDARDS WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO PER SECTION 6.5.14(B).
3. LIGHTING WILL BE PROVIDED PER THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO.
4. PROJECT SIGNS WILL MEET ALL REQUIREMENTS PER THE TOWN OF SOUTHERN PINES UDO STANDARDS
5. STORMWATER MANAGEMENT DEVICES TO FOLLOW THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
6. DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES.
NC HWY 22
EXISTING 60' PUBLIC R/W
ASPHALT DRIVE (TYP)
6' TALL PERIMETER FENCE
GRAVEL DRIVE (TYP)
-TO MEET STANDARDS FOR EMERGENCY SERVICES
OPEN AIR STORAGE SPACES (TYP.)
-GRAVEL
-FUTURE SHIPPING CONTAINER STORAGE UNITS
PROPOSED STORMWATER
PHASE 2
COMMERCIAL
/OFFICE
OUTPARCEL
ROADWAY 'A'
WAYNOR RD.
EXISTING 60' PUBLIC R/W
ACCESS GATE
9'X19' PARKING SPACES (6)
DRAINAGE FLOW (TYP.)
OPEN AIR STORAGE SPACES
8' X 20' SHIPPING CONTAINER STORAGE UNITS (TYP. OF 10)
OPEN AIR STORAGE SPACES
ACCESS GATE
50' RIGHT-OF-WAY
SECTION
NTS
LEGEND
- PROPERTY BOUNDARY
- EXISTING PARCELS
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
PROPERTY INFORMATION
PROPERTY OWNER(S):
PARCEL 1:
AIRPORT PARK OF MOORE COUNTY
PO BOX 206
PINEHURST, NC 28370
DB: 1242 PG: 369
PARCEL 2:
AIRPORT PARK OF MOORE COUNTY
PO BOX 206
PINEHURST, NC 28370
DB: 1242 PG: 369
PARCEL 3:
AIRPORT PARK OF MOORE COUNTY
PO BOX 206
PINEHURST, NC 28370
DB: 1242 PG: 369
APPLICANT:
DAN PRITCHARD
FLOS GROUP, LLC
31 LAKEVIEW DRIVE
WHISPERING PINES, NC 28327
TOTAL ACREAGE: ~10.7
TOTAL ACREAGE (PHASE 1):
±8.4 (INCL. ±1 PROPOSED R/W, 0.6 AC)
± 47.8 AC
TOTAL ACREAGE (PHASE 2): ±1.72 AC
MAXIMUM STORAGE UNITS (9'x20'): 280
REQUIRED PARKING:
STORAGE UNITS (280)
1 SPACE/50 UNITS = 6 SPACES REQUIRED
PROVIDED PARKING:
6 TOTAL SPACES
TOTAL OPEN SPACE REQUIRED: ±0.51 AC (5%)
OPEN SPACE PROVIDED: ±0.51 AC
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 MUST TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR
SCALE: 1" = 60' 0"
PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
153 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 693-4447
W: www.koontzjonesdesign.com
REVISIONS
HIGHWAY 22 TRACT
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
PRELIMINARY DEVELOPMENT PLAN
DATE: 09.14.2021
PROJECT #: 20-015
DRAWN BY: AS
CHECKED BY: RS
SCALE: 1" = 60'-0"
PROJECT #: KJ20182
SHEET NUMBER
L-1.1

Exhibit 3-14: WPO District Development Density and Intensity Requirements

Location	Maximum Density or Intensity
Critical Area	New Development shall be limited to either one (1) Dwelling Unit per acre or twelve (12) percent built upon land area.
High Quality Water (HQW) / Protected Area	New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area. • For Commercial Projects: New Development requires a state Stormwater Permit if the development disturbance area exceeds one (1) acre. If the new development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*. • For Residential Projects: New Development requires a state Stormwater Permit if the development disturbance area exceeds one (1) acre. If the new development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*.
Rest of Watershed (WS-III)	New Development shall be limited to two (2 Dwelling Units per acre or twenty-four (24) percent built-upon area. If the new development exceeds either of these thresholds the project may apply for the 5/70 exemption*.

Table Notes:

*** 5/70 Exemption Allocation for Non-Residential and High- Density Attached Residential Development:** New Development may be developed at up to seventy (70) percent built-upon land area as follows:

1. The total area subject to this provision shall not to exceed five (5) percent of Southern Pines' jurisdiction as of July 1, 1993 within the Watershed and outside of the Critical Area.
2. Development in the **CB** district shall qualify for this allocation on a first come, first serve basis until the five (5) percent is exhausted.
3. Development outside of the **CB** district requiring an allocation of Built-Upon Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:
    a. The use and location of the use are consistent with the Comprehensive Plan;
    b. The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;
    c. The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the neighborhood and the Town as a whole; and
    d. The allocation will not detract from the viability of similar uses in the area or other parts of the Town.
4. All allocations shall be deducted from the five (5) percent total area allocation and shall be monitored by the Planning Director.
5. If this exemption is granted, a State stormwater permit shall not be required.

Exemptions: Those areas bounded by a pre- existing natural or permanent obstruction which prevents surface storm water runoff from reaching any designated water supply as determined in writing by the North Carolina Division of Water Quality, and the exception would have only an insignificant impact on the available allocation as determined by the Town Council.

Current 5/70 Watershed Tally Sheet:				
Watershed	**Gross Acreage (2012)**	**5% of Watershed**	**Total Existing Project Acreage Deductions with Post-1993 Built-Upon Area Exceeding 24%**	**Acreage Left Available since 1993 Allotment of 5%**
Little River (Vass)	622.33	31.12	4.38	26.74
Proposed Project: WP-02-21				
Total Project Acreage	**Total Permitted Amount of Built-Upon Area for Project in Acres (70%)**	**Proposed Amount of Built-Upon Area for Project**	**Total Acreage to be Deducted from 5/70 Tally**	**Acreage Left Available if Request is Approved**
10.58	7.41	70%	10.58	16.16

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: **October 12, 2021**

I. PURPOSE:

Per UDO §2.14.6(F)(11), "A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the planning director or town attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda."

Staff has prepared a draft of the written decision of the board document for the application CU-02-21 that was heard by the Town Council at the Regular Meeting on September 14, 2021 and at the Work Session meeting on September 27, 2021 and that the Town Council may now wish to adopt. If the Town Council approves the written decision of the board document, the Mayor will sign the document. The original signed version will be delivered to the petitioner, along with the conditional use permit with staff maintaining copies of the signed document in the file.

II. 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 as well as condominiums and five (5) 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.

III. TOWN COUNCIL PUBLIC HEARING AND ACTION:

The continued public hearing, from the regular meeting of the Town Council held on September 14, 2021, for this request was held at the September 27, 2021 Work Session meeting of the Town Council.

Mr. Nick Robinson, attorney for the applicant, presented closing remarks. Mr. Saulnier gave record of ex-parte' communication from Peggy Audwin and email received from Jennifer Williams. Mr. Saulnier stated that he gave that information to the clerk of the Board. The Mayor stated that the Council has not discussed this file. Afterward, Ms. Nora Bowman presented closing remarks.

There was no further testimony from the general public and the Town Council closed the public hearing. Mr. Bill Pate moved to adopt attachment "A" of the staff report as the Findings of Fact regarding the proposed CUP CU-02-21, Mr. Mike Saulnier seconded the motion with three votes in favor and Mr. Paul Murphy voting against. Mr. Mike Saulnier moved to approve the CUP CU-02-21, Mr. Bill Pate seconded the motion with three votes in favor and Mr. Paul Murphy voting against. Mr. Bill Pate moved to adopt Attachment "B" of the staff report as Findings of Fact regarding the proposed Preliminary Plat S-20-21, Mr. Mike Saulnier seconded the motion with three votes in favor and Mr. Paul Murphy voting against. Mr. Bill Pate moved to approve the Preliminary Plat S-20-21, Mr. Mike Saulnier seconded the motion with three votes in favor and Mr. Paul Murphy voting against.

IV. ATTACHMENTS:

1. Written Decision for CU-02-21 and S-20-21 (DRAFT)

V. TOWN COUNCIL ACTION:

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

1. No action;
2. Accept and approve the Written Decision for CU-02-21 and S-20-21 as prepared by the Town staff;
3. An action listed above with the following conditions…
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR MEETING OF THE TOWN COUCIL
October 12, 2021
6:00 pm
Douglass Community Center
1185 W. Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: CU-02-21
S-20-21

A public hearing regarding the proposed Conditional Use Permit and Major Subdivision Preliminary Plat was held on September 14, 2021. The meeting was called to order with all four (4) members present and the Mayor declared a quorum. The oath was administered to all witnesses choosing to speak. Ms. Suzy Russell, Planner II for the Town of Southern Pines, presented the staff report. Mr. Nick Robinson, attorney for applicant Goneau Construction, presented and established the expert witnesses.

Matter at Issue:

CU-02-21 Conditional Use Permit and S-20-21 Major Subdivision Preliminary Plat for the new construction of a mixed-use residential and office development ; Applicant: Goneau Construction

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.

Ms. Suzy Russell presented the Town of Southern Pines staff report (Exhibit A) and reviewed compliance with the applicable sections of the Unified Development Ordinance. Ms. Russell received documentation from Ms. Nora Bowman that she requested be ready for her at the hearing that was entered into the record as exhibit B.

Mr. Nick Robinson, attorney representing the applicant, presented the case for the approval of Conditional Use Permit application CU-02-21 and Major Subdivision Preliminary Platt application S-20-21 (Exhibit C). Mr. Robinson established Mr. Mike Nichols with Paramounte Engineering as an expert witness. Mr. Nichols provided testimony as a land planner and landscape architect. Mr. Robinson established Mr. Travis Fluitt with Kimley Horn as an expert witness. The traffic design analysis was entered into the record as Exhibit D. Mr. Fluitt provided testimony as a traffic engineer. Mr. Robinson established Ms. Giri with Village Appraisers as an expert witness. The property value presentation was entered as Exhibit E. Ms. Giri provided testimony as a real estate appraiser.

Ms. Nora Bowman presented as a resident in opposition of CU-02-21, who lives at 740 S Hale Street and this presentation was entered as Exhibit F. Ms. Bowman entered into the record as Exhibit G, an email requesting continuance of CU-02-21 in regards to the "Town of Southern Pines Advisory Board"

Citizens who then had public comment for the Council were:

Rose Page of 520 S Hale Street
Betty Campbell of 510 S Hale Street
Angela McNeil of 510 S Hale Street
Nora Bowman of 740 S Hale Street
Arthur Mason of 795 W New Hampshire Avenue
Felicia Winfield of 1760 W New York Avenue
Ariadne DeGarr of 23 Holly Pine Lane (Pinehurst)
Dot Brower of 102 Eastman Road
Mary Rocca of 751 W Pennsylvania Avenue
Oliver Hines of 635 W Michigan Avenue
Kim Collins Cottey of 560 S Valley Road

After hearing from the public, the Town Council unanimously voted in favor of continuing the public hearing to the worksession meeting of the Town Council held on September 27, 2021. At the worksession, Mr. Nick Robinson presented closing remarks as did Ms. Nora Bowman. Mr. Mike Saulnier stated that the Town Council received two (2) separate forms of ex-parte communication that he submitted to the clerk of the Council.

Town Council Action on CU-02-21:

Therefore, having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing,

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO §2.21.7 and as presented in Attachment A in staff report CU-02-21:

Finding of Fact #1: By a vote of 3-1, Mr. Murphy dissenting, 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 have met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2: By a vote of 3-1, Mr. Murphy dissenting, the Town Council finds that the application complies with UDO §2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that:

A. **The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;**
The Town Council finds that the application CU-01-21 does not deviate from any applicable standards summarized in §3.5.11 *Office Service Zoning District Standards* of the Unified Development Ordinance and the applicable supplemental use regulations 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;**
The Town Council finds that the mixed-use residential and professional office development offers a transition from the RS-1 neighborhood to the highway and would not injure the use and enjoyment of property in the immediate vicinity. This type of growth and change does not degrade the quality of the existing neighborhood and maintains compatible scale and intensity of development.

C. **Adequate public facilities shall be provided as set forth herein;**
The Town Council finds the existing Duke Energy substation is located within the Southern Pines extraterritorial jurisdiction and is not served by TOSP 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;**
The Town Council finds that that the proposed development is consistent with the existing zoning standards. 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.

E. **The establishment, maintenance or operation for the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and**
The Town Council finds that the development will be required to adhere to all site development standards and building standards, including, but not limited to compliance with the building and fire code. The applicants will be required to meet all conditions imposed as well as meet all regulatory measures.

F. **The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;**
The Town Council finds that the proposed development complies with applicable standards and regulations found within the Town of Southern Pines UDO that are based on the public interest and welfare. The mixed-use residential and professional office development benefit the surrounding neighborhood more so than other land uses that are allowed in the current Office Service zoning district.

Decision of the Council:

By a vote of 3-1, Mr. Murphy dissenting, the Town Council then voted to approve the Conditional Use Permit Application CU-02-21 as requested by the applicant.

Town Council Action on S-20-21:

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO §2.20.5(G) and as presented in Attachment B in staff report S-20-21 Decision of the Council:

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 exisiting 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**
   The Town Council finds that the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties because the land use is

compatible with existing and allowable uses on adjacent properties per the zoning map and the development is consistent with the CLRP.

6. **The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development;**
   The Town Council finds that public water and sewer utilities are available to serve the project. Adequate stormwater facilities will be verified prior to approval of site plans for any of the individual phases of the proposed subdivision.

Decision of the Council:

By a vote of 3-1, Mr. Murphy dissenting, the Town Council then voted to approve the Major Subdivision Preliminary Plat Application S-20-21 as requested by the applicant.

This is the 12th day of October, 2021.

FOR THE TOWN COUNCIL:

_____
Carol Haney, Mayor

Cc: Marcel Goneau, Goneau Construction marcel@goneauconstruction.com
Mike Nichols, Paramounte Engineering mnichols@paramounte-eng.com
Tams Properties LLC ncalfee@nc.rr.com

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Cindy Williams, Planning Technician**

Subject: **AX-06-21: Set a Public Hearing 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: **October 12, 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. PRIOR TOWN COUNCIL ACTION:

During the September 27, 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 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

IV. STAFF COMMENTS:

- The applicants have 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 contiguous annexation as the adjacent properties are 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).

- At the September 27, 2021 Town Council Work Session, the Town Clerk was directed to investigate the sufficiency of the petition for voluntary annexation of the subject property.

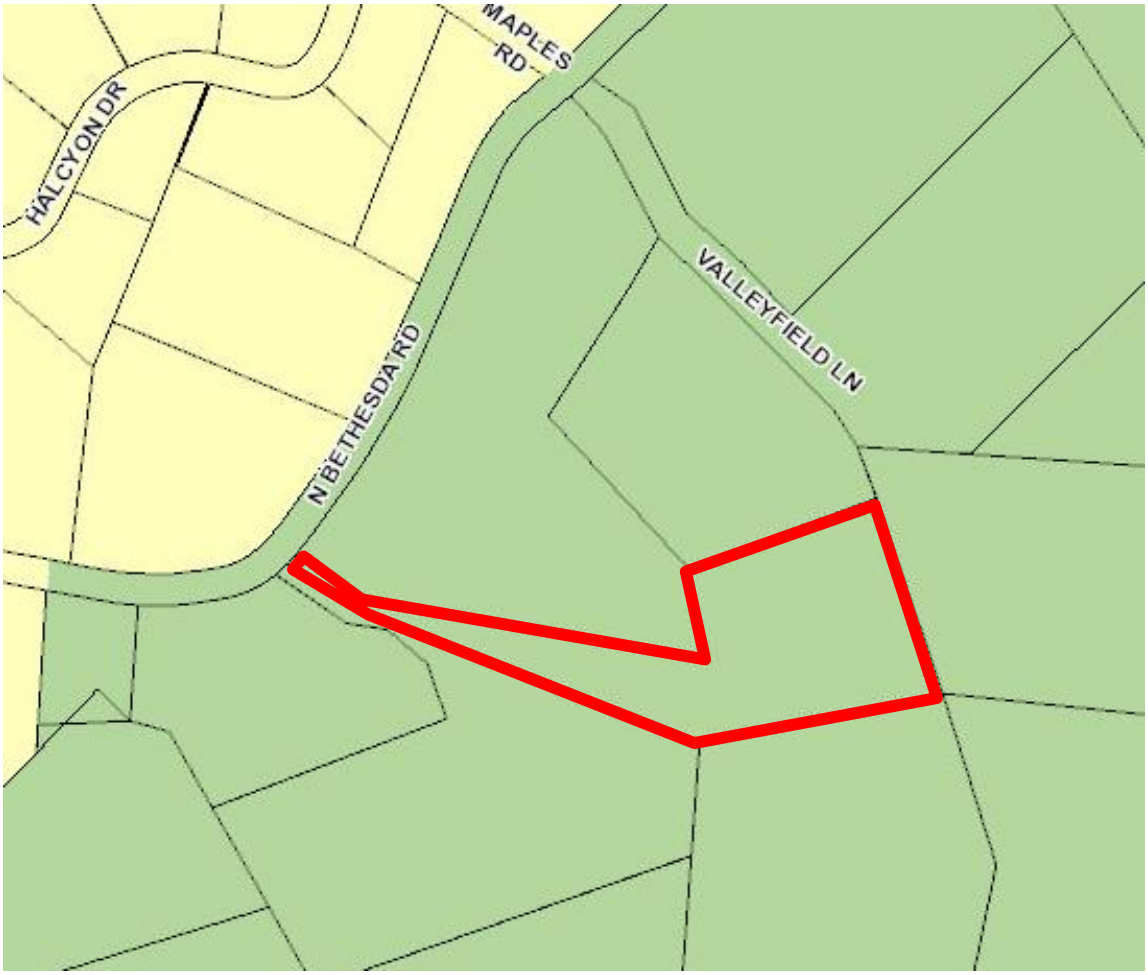
- The purpose of this agenda item is for the Town Council to adopt a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.

- **Comprehensive Long Range Plan Analysis:**

    - The subject 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)

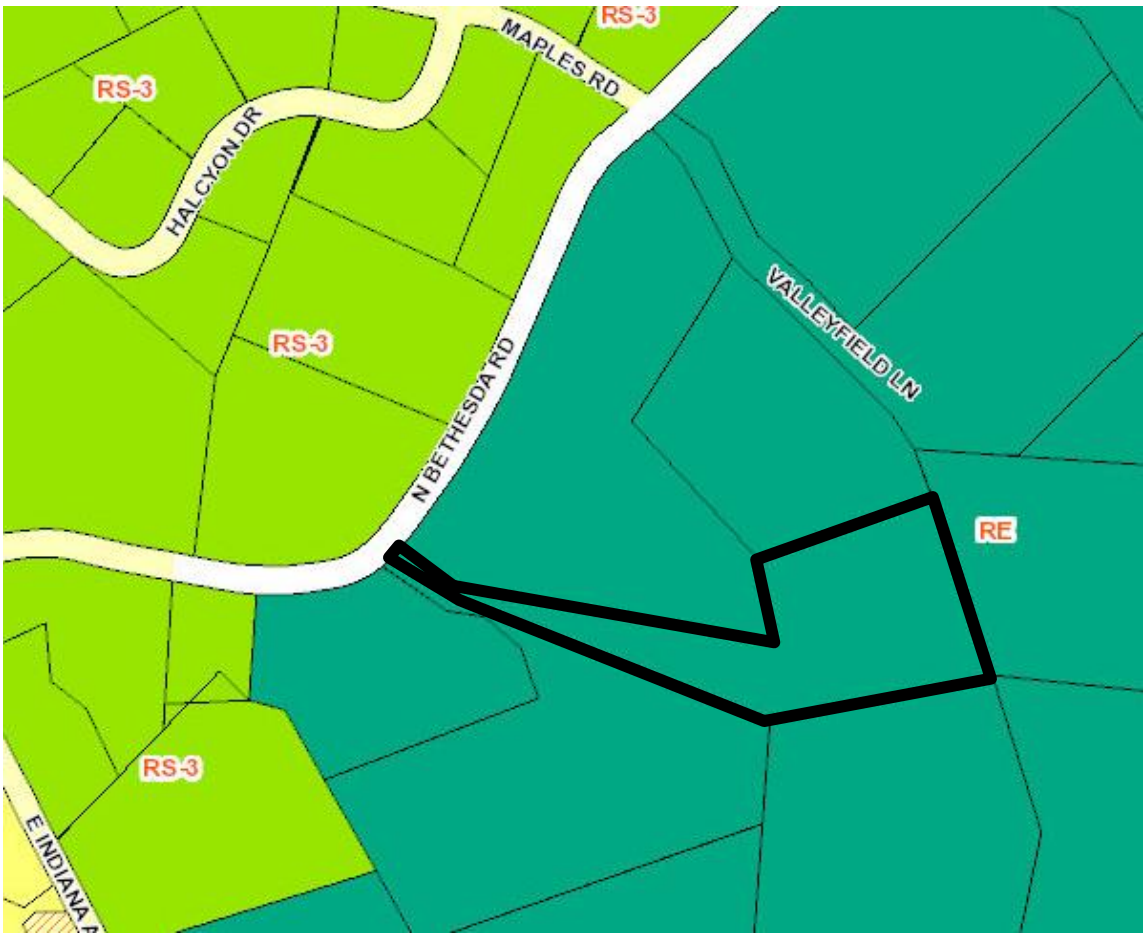
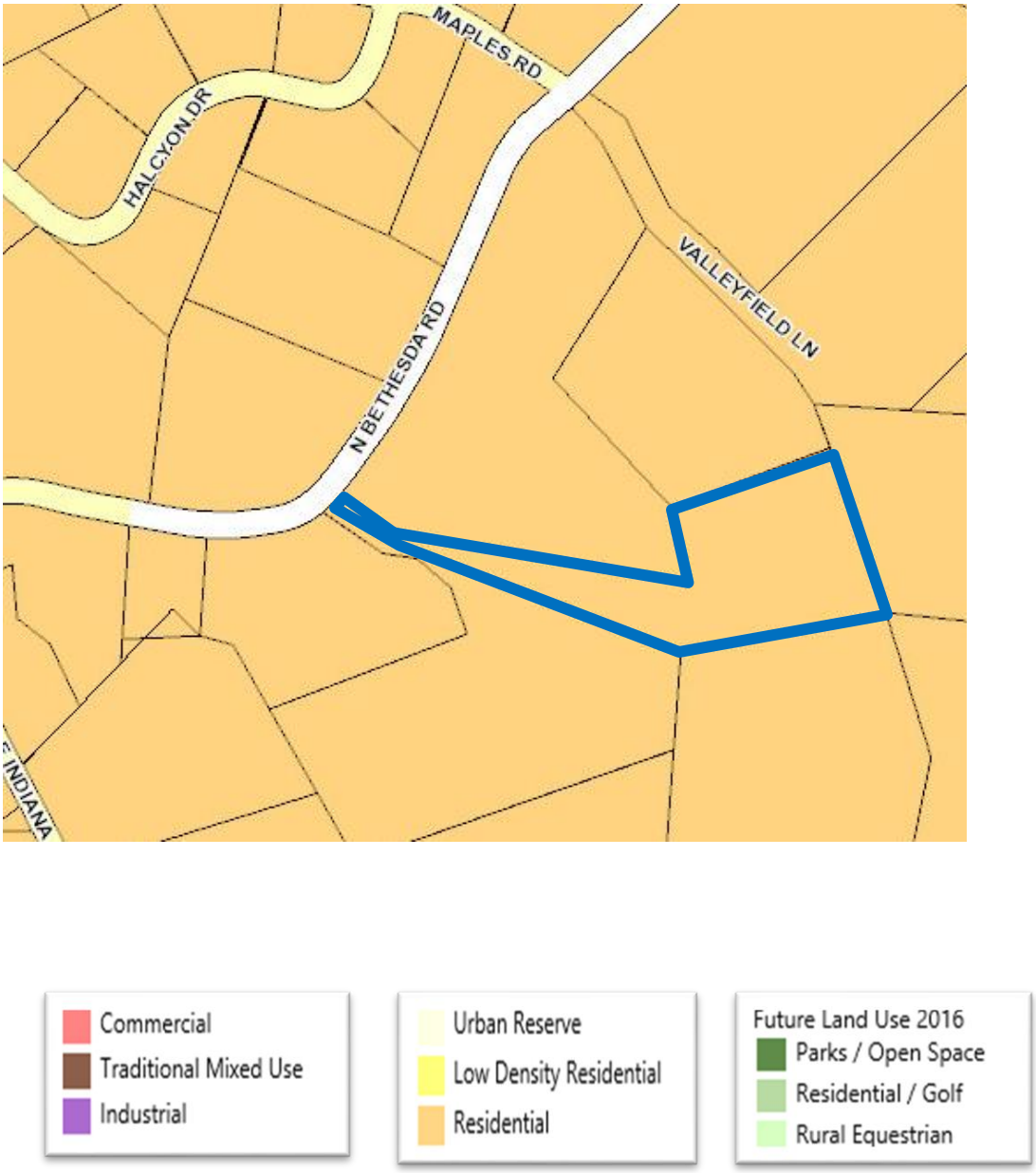


Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Blue)



V. ATTACHMENTS:

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

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 **November 9, 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-06-21.

-or-

2) I move to not adopt a resolution establishing **November 9, 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-06-21.

PETITION FOR VOLUNTARY ANNEXATION

RECEIVED
SEP 13 2021
By

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: [signature]

Address: 205 Midland Lane
Pinehurst, NC 28374

Name: Lisa R Murphy Signature: [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.)

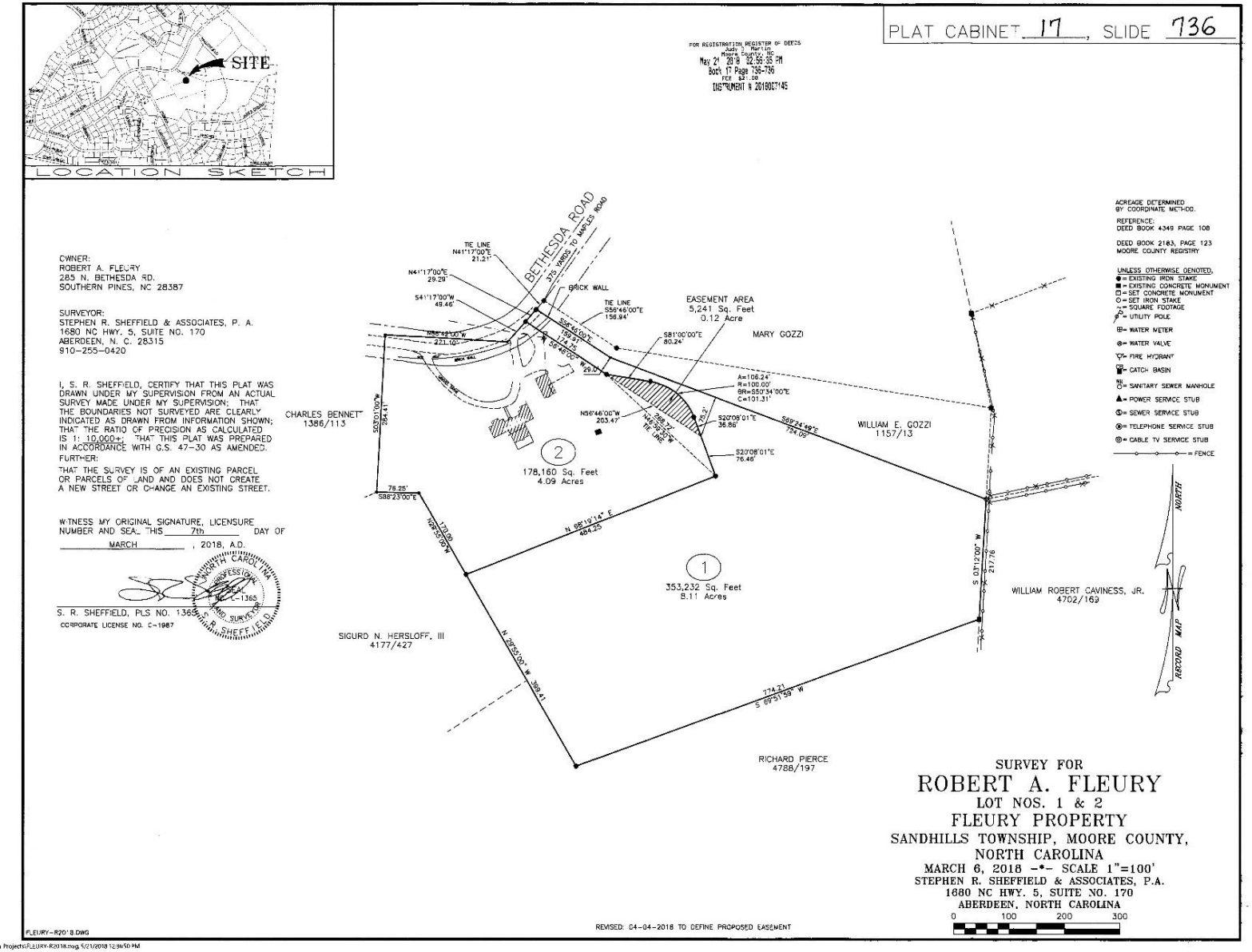
7-28-21

AX-06-21

Metes & Bounds Description of Properties 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.


PLAT CABINET 17, SLIDE 736
FOR REGISTRATION REGISTER OF DEEDS
Judy P. Martin
Moore County, NC
May 21 2018 12:56:35 PM
Book 17 Page 736-736
FEE: $21.00
INSTRUMENT # 2018007145
SITE
LOCATION SKETCH
OWNER:
ROBERT A. FLEURY
285 N. BETHESDA RD.
SOUTHERN PINES, NC 28387
SURVEYOR:
STEPHEN R. SHEFFIELD & ASSOCIATES, P. A.
1680 NC HWY. 5, SUITE NO. 170
ABERDEEN, N. C. 28315
910-255-0420
I, S. R. SHEFFIELD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
FURTHER:
THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 7th DAY OF MARCH, 2018, A.D.
NORTH CAROLINA PROFESSIONAL SEAL L-1365 LAND SURVEYOR S. R. SHEFFIELD
S. R. SHEFFIELD, PLS NO. L-1365
CORPORATE LICENSE NO. C-1987
BETHESDA ROAD
875 YARDS TO NAPLES ROAD
BRICK WALL
TIE LINE N41°17'00"E 21.21'
N41°17'00"E 29.29'
S41°17'00"W 49.46'
TIE LINE S56°46'00"E 156.94'
EASEMENT AREA 5,241 Sq. Feet 0.12 Acre
MARY GOZZI
S81°00'00"E 80.24'
S56°46'00"E 174.27'
S56°46'00"E 29.27'
N88°42'00"W 221.10'
A=108.24'
R=100.00'
BR=S50°34'00"E
C=101.31'
N56°46'00"W 203.47'
S20°08'01"E 36.86'
S69°24'59"E 724.09'
S20°08'01"E 76.46'
CHARLES BENNETT 1386/113
S03°01'00"W 384.41'
WILLIAM E. GOZZI 1157/13
2
178,160 Sq. Feet
4.09 Acres
76.25'
S88°23'00"E
170.00'
N03°37'00"W
N 88°19'14" E 484.25'
1
353,232 Sq. Feet
8.11 Acres
S 01°12'00" W 217.76'
WILLIAM ROBERT CAVINESS, JR. 4702/169
SIGURD N. HERSLOFF, III 4177/427
N 28°55'00" W 399.41'
774.21'
S 89°51'59" W
RICHARD PIERCE 4788/197
NORTH
RECORD MAP
ACREAGE DETERMINED BY COORDINATE METHOD.
REFERENCE:
DEED BOOK 4349 PAGE 108
DEED BOOK 2183, PAGE 123
MOORE COUNTY REGISTRY
UNLESS OTHERWISE DENOTED,
● = EXISTING IRON STAKE
■ = EXISTING CONCRETE MONUMENT
⊡ = SET CONCRETE MONUMENT
○ = SET IRON STAKE
□ = SQUARE FOOTAGE
= UTILITY POLE
= WATER METER
= WATER VALVE
= FIRE HYDRANT
= CATCH BASIN
= SANITARY SEWER MANHOLE
= POWER SERVICE STUB
= SEWER SERVICE STUB
= TELEPHONE SERVICE STUB
= CABLE TV SERVICE STUB
= FENCE
SURVEY FOR
ROBERT A. FLEURY
LOT NOS. 1 & 2
FLEURY PROPERTY
SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA
MARCH 6, 2018 -*- SCALE 1"=100'
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
1680 NC HWY. 5, SUITE NO. 170
ABERDEEN, NORTH CAROLINA
0 100 200 300
REVISED: 04-04-2018 TO DEFINE PROPOSED EASEMENT
FLEURY-R20' B.DWG
D:\Carlson Projects\FLEURY-R2018.mxg 5/21/2018 12:56:50 PM

AN ORDINANCE
AMENDING THE 2021/2022 FISCAL YEAR BUDGET

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 12th day of October, 2021 that the Operating Budget for the Fiscal Year 2021/2022 be and hereby is amended as follows:

DEPARTMENT	LINE ITEM	CODE	INCREASE	DECREASE
Street	Capital – Other Equipment	10-560-7403	$ 24,000.00	
General Fund	Fund Balance Appropriations	10-397-1000	$ 24,000.00	

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

_____
Peggy K. Smith, Town Clerk

AN ORDINANCE
AMENDING THE 2021/2022 FISCAL YEAR BUDGET

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 12th day of October, 2021 that the Operating Budget for the Fiscal Year 2021/2022 be and hereby is amended as follows:

DEPARTMENT	LINE ITEM	CODE	INCREASE	DECREASE
Planning	Professional Services	10-540-4600	$ 38,000.00	
General Fund	Fund Balance Appropriations	10-397-1000	$ 38,000.00	

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

_____
Peggy K. Smith, Town Clerk

MINUTES

Wednesday September 8, 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. She reminded Council and attendees about the Town's Remembrance Ceremony for Saturday, September 11.

2. **TOWN MANAGER'S COMMENTS**
   Town Manager Reagan Parsons reviewed the agenda and asked Council to add an item to the business meeting agenda regarding an amendment to Town Code Chapter 50.

3. **AR-04-21: Architectural Compliance Review for American Whiskey Kompany**
   Town Planner Suzy Russell provided a review of the request. 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.

   Neal Smith of Neal Smith Engineering, Inc. gave more detail on the request and provided color samples for the exterior of building for the Council to review.

   Jessica Halling, applicant, spoke of the architect, the architect's background, and the inspiration behind the architectural design and color choices.

4. **ACTION ITEMS FOR SEPTEMBER 14, 2021**
   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**
      Town Manager Parsons gave a brief overview of the request. 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**
      Council will vote on the application that was reviewed in the Septembe 8 hearing.

DRAFT

5. HEARINGS FOR SEPTEMBER 14, 2021

a. AX-04-21: Public Hearing for Voluntary Annexation Petition, 1042 SW Broad St.
Town Manager Parsons gave an overview of the petition. 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.
Town Manager Parsons provided a brief overview of this item. 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 will be a quasi judicial hearing. Planning Director Grieve gave a detailed overview of the quasi judicial process. Mayor Haney asked Planning Director Grieve to provide a flyer or handout to the public at the September 14th meeting detailing the process for quasi judicial hearings.

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.

This will be a quasi judicial hearing. Planning Director Grieve gave a detailed overview of the difference between CDPs and PDP.

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.

Grieve noted that PD-07-21 is contingent on the application for PD-06-21 being approved.

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. This will be a quasi judicial hearing.

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. Grieve noted that PD-09-21 is contingent on the application for PD-08-21 being approved.

DRAFT

6. CONSENT AGENDA FOR SEPTEMBER 14, 2021

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

DRAFT

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 of southern Pines Code of Ordinances.

In October of each year, the water and sewer tap fees are subject to an automatic price increase determined by the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all urban cuatomers for Water and sewerage maintenance.

Town Manager Parsons provided an brief overview of each item on the Consent Agenda.

7. ADJOURNMENT

Upon motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, Council adjourned at 6:50 pm.

Respectfully Submitted,

_____

Elizabeth Robertson, Deputy Town Clerk

DRAFT

MINUTES

Tuesday, September 14, 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 and shared the following comments:
   - Town staff has prepared a handout regarding the quasi-judicial hearing process. Copies were available in the meeting room.
   - The Town has recently learned that the YMCA has completed their first phase review of the Town-owned property on Morganton Road and have indicated that they are interested in further evaluating the property. The YMCA will now move forward with their financial feasibility study phase. The DFI conceptual plans will be postponed while the Town waits for more details from the YMCA.
   - The Town has created a YouTube channel. Future meetings of Council will be livestreamed on the channel and available for review after the fact.

4. **ACTION ITEMS**

a. **Introduce West Southern Pines Community Connectors**
   Mayor Haney introduced Mary Rocca, Chairperson of the newly formed West Southern Pines Community Connectors. Ms. Rocca introduced the members who were present: Arthur Mason, Pastor Tony Fairley, Dot Brower, Phyllis Dowdy, Austin Vernon, Dr. Shuris Campbell, Nora Bowman, and Chris Thomas.

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.

   Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Resolution awarding Police Officer Christopher Coleman his badge and service sidearm to him upon his retirement was approved.

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

Town Planner Suzy Russel gave an overview of the permit request. 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. The 3 deviations consist of roof color, metal siding and wainscoting all of which were discussed in detail at the September 8th Agenda Meeting.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, AR-04-21: Architectural Compliance Permit for American Whiskey Kompany was approved

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.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the public hearing for AX-04-21 was opened.

Planning Director B.J. Grieve gave a brief overview of the application. No other comments or questions were made.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the public hearing for AX-04-21 was closed.

Councilmember Saulnier moved 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. The motion was seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, approving AX-04-21.

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.

Mayor Haney swore in participants and asked Council to make any necessary disclosures.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Evidentiary Hearing for CU-02-21 was opened.

Town Planner Suzy Russell presented the staff report and gave an overview of the application.

Nick Robinson of Bradshaw, Robinson, Slaughter located at 128 Hillsboro Street, Pittsboro, attorney for the applicant gave an overview of the project. Mr. Robinson called the following witnesses:

1. Mike Nichols of Paramounte Engineering at 122 Cinema Drive, Wilmington – Land planner/landscape architect
2. Travis Fluitt of Kimley Horne at 421 Fayetteville Street, Raleigh – Traffic Engineer

3. Elizabeth Giri, Village Appraisers at 270 McCaskill Road, Pinehurst – Appraiser

The following citizens request to speak regarding the hearing:

1. Rose Page of 520 S. Hale Street, Southern Pines expressed her concern regarding the project increasing property value in the area and the ability of the current residents to afford future property tax bills. Ms. Page also spoke of her worries regarding the increase in area traffic.
2. Betty Campbell of 510 S. Hale Street, Southern Pines shared her concern that the project would bring higher taxes and increased traffic to the area.
3. Angela McNeil of 510 S. Hale Street, Southern Pines asked the Council to consider the amount of traffic that would be generated by the project.
4. Nora Bowman of 740 S. Hale Street, Southern Pines asked that the Council take into consideration what she views as the adverse effects this project on the surrounding community. Ms. Bowman also stated she considers the project inconsistent with the current UDO.
5. Arthur Mason of 795 W. New Hampshire Avenue, Southern Pines stated that he was there in support of Ms. Bowman.
6. Felicia Winfield of 1760 W. New York Avenue, Southern Pines stated she does not feel the proposed project meets the UDO requirements. She asks that a continuance be granted, that the developer submit an architectural rendering of the project, and that an environmental study be completed.
7. Adriane DeGarr of 23 Holly Pines Lane, Pinehurst does not feel the project conforms to the character of the neighborhood and is therefore inconsistent with the UDO.
8. Dot Broward of 102 Eastman Road, Southern Pines spoke of the West Southern Pines Community and their struggles.
9. Mary Rocca of 751 W. Pennsylvania Avenue, Southern Pines asked that the council postpone the decision so that the West Southern Pines Community Connectors group can review the project.
10. Oliver Hines of 635 W. Michigan Avenue, Southern Pines shared his concerns regarding the increased traffic and number of new homes in the area.
11. Kim Collins Cottey of 560 S. Valley Road, Southern Prines spoke of the increased traffic and requested that Council postpone their decision on this project.

Mr. Robinson gave his rebuttal of the issues raised by citizens. Mr. Robinson questioned the legality of granting a continuance and asked that a decision be made immediately following the hearing.

Town Counsel Douglas Gill advised that a continuation was permissible.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the evidentiary hearing for CU-02-21 was continued to the next regularly scheduled meeting September 27, 2021 at 3:00 pm to be held at the police station.

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.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, PD-06-21: Legislative Hearing for CDP, 470 NW Broad Street was opened.

Bob Koontz of Koontz Jones Design requested a continuance to the November 9, 2021 Council meeting so that the applicant's team could hold neighborhood meeting.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, PD-06-21: Legislative Hearing for CDP, 470 NW Broad Street was continued to the November 9, 2021 Council meeting.

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.

Bob Koontz of Koontz Jones Design requested a continuance to the November 9, 2021 Council meeting so that the applicant's team could hold neighborhood meeting.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, PD-07-21: Legislative Hearing for CDP, 470 NW Broad Street was continued to the November 9, 2021 Council meeting.

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.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, PD-08-21: Legislative Hearing for CDP, Morganton Park South was opened.

Planning Director Grieve gave an overview of the Planned Development District process the proceeded to give the staff report for PD-08-21.

John Silverman of Midland Atlantic, 8044 Montgomery Road 3rd Floor, Cincinnati, OH, thanked the Town staff for their cooperation and professionalism when working with them. Mr. Silverman provided background on his company and presented a PowerPoint with details on the proposed project.

Bob Koontz of Koontz Jones Design, 150 Page Street, Southern Pines, provided further details on the proposed project as well as the history of the project.

The following citizens request to speak regarding the hearing:

a) Chris Smithson of 920 N. Sailor Street, Southern Pines, with the help of a PowerPoint presentation expressed his concern on some of the mobility and connectivity details of the project and how they differ from the Town's Comprehensive Long-Range Plan. Mr. Silverman and Town Manager Parsons provided responses to some of Mr. Smithson's concerns.
b) Jennifer Williams of 145 W. Maine Avenue, Southern Pines spoke of her concerns with the traffic this project will create citing the traffic study that was attached to the proposal. Travis Fluitt of Kimley

Horne discussed plans to alleviate traffic issues. Town Manager Parson shared further details on DOT projects to alleviate traffic issues.

c) Kim Collins Cottey of 560 S. Valley Road believes the project will create a dangerous amount of traffic and that the project will not benefit the people of Southern Pines, but rather the builders. She encouraged Council to deny the project.
d) John McInerny of 460 Crest Road, Southern Pines shared that he approved of the project and looked forward to it.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, PD-08-21: Legislative Hearing for CDP, Morganton Park South was closed.

Councilmember Saulnier moved 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 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. Seconded by Mayor Pro Tem Murphy and carried unanimously 4-0.

Councilmember Saulnier made a motion to 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 as presented in the draft recommendations and as amended by the Planning Director this evening, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0:

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.

9. That the boundary of the CDP is modified to include the .24-acre portion of land owned by R&T Properties, described as ParID 20070557 and included in the revised metes and bounds description of the CDP boundary submitted to the Town of Southern Pines on September 13, 2021.
10. That Section 5.5.10 of the CDP be modified as depicted in the text shown at the September 14, 2021 public hearing to maintain the .24-acre parcel presently owned by R&T Properties (identified as ParID 20070557) as "pervious" for purposes of future calculations of maximum impervious within the UVHCO for the 4.84-acre parcel presently owned by R&T Properties (identified as ParID 00055645).

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.

Mayor Haney swore in participants and asked Council to make any necessary disclosures.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Evidentiary Hearing for PD-09-21, Morganton Park South, Phase 1 was opened.

Planning Director Grieve recommended to Council that the hearing be continued to the October 12, 2021 Town Council meeting due to recently received information from NCDOT that needs to be reviewed.

John Silverman of Midland Atlantic, 8044 Montgomery Road 3rd Floor, Cincinnati, OH, agreed to the recommendation by Planning Director Grieve to continue PD-09-21 to October 12, 2021.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Evidentiary Hearing for PD-09-21, Morganton Park South, Phase 1 was continued to the October 12, 2021 Council meeting.

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%.

Upon motion by Councilmember Pate, seconded by Councilmember Saulnier and carried unanimously 4-0, the Consent Agenda was approved.

7. PUBLIC COMMENTS

a) Suzanne Coleman asked for clarification on the differences between quasi-judicial and legislative hearings and the ex-parte communication rules. Town Manager Parsons confirmed that anything to do with the legislative hearings could be discussed outside of the hearing however, the quasi-

judicial hearing process that governed the evening's evidentiary hearings prohibits any outside discussion or communication.

b) Chris Smithson of 920 N. Sailor Street, Southern Pines, also questioned the practice of having a quasi-judicial hearing and a legislative hearing for one subject on the same night. Town Manager Parsons explained that the applications for a CDP and PDP are not usually processed simultaneously. He added that the Town is implementing recently adopted NCGS requirements for quasi-judicial hearings.

   Mr. Smithson reminded Council that the Town required the Arboretum development to connect to the Town's sewer system at Eastman Road when they designed it. Town Manager Parsons clarified that the sewer waiver granted is for a single residential property and would not have served any of the other lots in the area.

   Mr. Smithson shared concerns about speeding on Pennsylvania Avenue and recommends that the speed be lowered to 20mph.

c) Donald Avery Rich Sr. of 680 Mechanic Street, Southern Pines spoke to Council of his upbringing in West Southern Pines as well as his service experience in the US Navy.

8. ADJOURNMENT

Upon motion by Councilman Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the meeting was adjourned at 11:49 pm.

As so incorporated to these minutes of September 14, 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, 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**
   Mayor Carol Haney called the work session to order. All members of Council were present.

2. **TOWN MANAGER'S COMMENTS**
   Town Manager Reagan Parsons reviewed the pending agenda.

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.

   Mayor Haney asked for any new or additional testimony not already heard by Council.

   Councilmember Saulnier disclosed that he received a packet over the weekend from Peggy Baldwin. Councilman Saulnier stated that he had not read any of the contents prior to the meeting. Copies were handed out to the rest of the Council.

   All councilmembers disclosed an email received by Jennifer Williams.

   Nick Robinson of Bradshaw, Robinson, Slaughter located at 128 Hillsboro Street, Pittsboro, attorney for the applicant, provided some brief rebuttal comments.

   Nora Bowman of 740 S. Hale Street, Southern Pines reiterated the reasons she feels the project is contrary to the UDO.

   Planner II Suzy Russell provided some brief remarks.

   No other ex-parte communication was disclosed.

Upon motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the CU-02-21: Evidentiary Hearing for CUP and Mayor Subdivision Preliminary Plat, 660 SW Service Rd was closed.

Councilmember Pate moved to adopt Attachment "A" of the staff report as our Findings of Fact regarding the proposed Conditional Use Permit CU-02-21. The motion was seconded by Councilmember Saulnier and carried 3-1 as follows:

Mayor Haney - Aye
Mayor Pro-Tem Murphy - Nay
Councilmember Saulnier - Aye
Councilmember Pate - Aye

Councilmember Saulnier moved to approve the Conditional Use Permit CU-02-21. The motion was seconded by Councilmember Pate and carried 3-1 as follows:

Mayor Haney - Aye
Mayor Pro-Tem Murphy - Nay
Councilmember Saulnier - Aye
Councilmember Pate - Aye

Councilmember Pate moved to adopt Attachment "B" of the staff report as our Findings of Fact regarding the proposed Preliminary Plat S-20-21. The motion was seconded by Councilmember Saulnier and carried 3-1 as follows:

Mayor Haney - Aye
Mayor Pro-Tem Murphy - Nay
Councilmember Saulnier - Aye
Councilmember Pate - Aye

Councilmember Pate moved to approve Preliminary Plat S-20-21, seconded by Councilmember Saunier and carried 3-1 as follows:

Mayor Haney - Aye
Mayor Pro-Tem Murphy - Nay
Councilmember Saulnier - Aye
Councilmember Pate - Aye

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.

Upon motion by Councilmember Saulnier, seconded by Mayor Pro Tem Murphy and carried unanimously 4-0, the Resolution directing the Town Clerk to invesitigate AX-06-21: Voluntary Annexation Petition for 295 N Bethesda Road was approved.

DRAFT

5. COUNCIL UPDATES AND DISCUSSION

a. Code Amendment – Skateboards and Similar

Marcel Goneau 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, especially in the downtown area.

Town Manager Parsons gave a brief overview of the request and provided Council with a copy of a letter from Suzanne Coleman on behalf of Southern Pines Inc.

Councilmember Saulnier clarified that the current code does allow for use of skateboards, etc. in certain areas and that he believes opening that area up further creates safety hazard due to traffic, but is also a danger to pedestrians and increases liability to the downtown businesses.

Councilmember Pate would like to speak with the Police Department regarding their view of the request.

There was general consensus that staff would explore this further and follow up with Council.

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.

Town Manager Parsons updated Council with a brief overview on current status of the project. The general concept is that the Town will own the Blanchie Carter Discovery Park and the Land Trust will provide some level of maintenance services to meet the value of $160,000 and comply with General Statutory requirements. Council will schedule a public hearing on the proposed agreement, tentatively planned for November 9. There was consensus that is the public hearing needs to be earlier due to timing around the Land Trust's transaction with the School Board, the hearing could be scheduled during the October 27 work session or even during a specially called meeting.

With Council's consensus and general support for the project, Town Manager Parsons and Town Attorney Doug Gill will work on a draft agreement with the Land Trust.

c. FY 21-22 1st Quarter Budget Update

Town Manager Parsons provided a brief update, to include some pending amendments that will be forwarded for Council consideration. A spreadsheet was given to Council highlighting the amendments, some of which are due to delivery delays where the items were received before the end of FY 20-21. Town Manager Parsons noted that these amendments do not include the proposed $160,000 commitment to the Southern Pines Land & Housing Trust nor updates to employee compensation. Town Manager concluded this discussion by noting that rules on ARPA Funds are now anticpated to be received some time in October.

Mayor Haney introduced new Town Planner Jennifer Hunt.

6. COUNCIL CLOSED SESSION

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

Councilmember Saulnier made a motion for Council to enter into closed session, seconded by Councilmember Pate and carried unanimously 4-0.

Councilmember Saulnier motioned to exit closed session, which was seconded by Councilmember Pate. The vote was unanimous, 4-0, and Council exited closed session at 4:25 pm.

7. ADJOURNMENT

No further action or discussion took place after Council exited closed session.

Upon motion by Councilmember Saulnier, seconded by Councilmember Pate and carried unanimously 4-0, the meeting was adjourned at 4:25 pm.

Respectfully Submitted,

_____

Elizabeth Robertson, Deputy Town Clerk

DRAFT

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