



AGENDA

Tuesday, July 9, 2024: 6:00 PM

Town Council Business Meeting

E.S. Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

a. Adoption of Agenda

4. PUBLIC COMMENTS

5. CONSENT AGENDA

a. Ratification of Contract with Veolia Water Contract Operations USA, Inc.

Approval of terms of contract operations for the Southern Pines Water Plant

b. Approval of Local Water Supply Plan

Approval of the 2023 Local Water Supply Plan

c. Approve Town Council Meeting Minutes for June 2024

Staff has prepared the following minutes for approval:

- June 11, 2024, Town Council Business Meeting Minutes
- June 25, 2024, Town Council Work Session Minutes

6. PUBLIC HEARINGS

a. Z-01-24: Request for Conditional Zoning to Build a Cellular Tower at 7672 Highway 22

Marc Tucker of Fox Rothschild, LLP, has submitted a request on behalf of TowerCo 2013, LLC, to amend conditions on an existing General Business-Conditional Zoning District (permitted under rezoning file #Z-05-04) to allow a new 156-foot telecommunications tower at 7672 Highway 22. The subject property is presently owned by Sullivan Property, LLC.

7. ACTION ITEMS

a. AR-01-24: Penick Village Multifamily Apartment Buildings

John Houck II of RLPS Architects, is requesting an Architectural Compliance Permit for four multifamily apartment buildings on behalf of the legal property owner, Penick Village, Inc. This item was first presented at the June 11, 2024 Regular Meeting, where it was continued to the June 25, 2024 Work Session. At the Work Session, this item was continued again at the request of the applicant and planning staff to the July 9, 2024 Regular Meeting.

b. AR-07-24: Pinnacle Storage Southern Pines Phase II

BW Architecture, on behalf of property owner Longleaf Pines, LLC, is requesting an Architectural Compliance Permit for a 46,640 square foot two-story commercial self-storage building. The building is part of Pinnacle Storage located at 240 Bell Avenue in the General Business (GB) zone.

c. AR-08-24 Moore County Humane Society Animal Shelter

Corky Kern of Sanstar Enterprises, is requesting an Architectural Compliance Permit for a 19,705-square foot animal services and boarding center/shelter on behalf of the legal property owner, Humane Society of Moore County, Inc.

d. WP-02-24: 5/70 Exemption Allocation for Penick Village, Inc.

McGill Associates PA, on behalf of Penick Village Inc., has submitted a Watershed Protection Permit application requesting 36.4 acres of 5/70 exemption allocation to add a senior living building, three townhome-style villas, a

wellness center and gatehouse on the existing Penick Village campus which is located within the Little River Intake No. 2 Watershed.

e. Approve Resolution #1091 & #1093: Direct the Clerk to Investigate Application for Annexation AX-01-24 & Setting a Public Hearing Date.

Andrew and Leah Danak are petitioning the Town of Southern Pines for the annexation of a +/- 0.56 acre parcel of land. The first step in the annexation process is for the Town Council to direct the Town Clerk to investigate the sufficiency of the petition and certify the result, per NCGS 160A-31(c). The Public Hearing is to be set for the Town Council Business Meeting on August 13, 2024.

8. 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>

MEMO

To: Reagan Parsons, Town Manager
From: James Michel, PE Town Engineer/Assistant Public Works Director
Date: June 30, 2024
Re: Ratification of Contract with Veolia Water Contract Operations USA, Inc.

The Town of Southern Pines has utilized a contract operator at its Water Treatment Plant since its opening in the 1980's. To ensure that Town continues to get the best value for this operation, the contract for operations will go out to Request for Proposals periodically. Following the most recent RFP, proposals were received on January 12, 2024 and despite inquiries and initial interest by other vendors Veolia Water Contract Operations USA, Inc provided the only proposal. Staff engaged with Veolia to review the proposal and found some cost savings through mutual agreement of both parties. Staff presented the results of the RFP process at the February 27, 2024 Work Session where the major changes in terms were discussed. The key changes are:

1. Chemical, internet, waste disposal, and SCADA cost were removed from the base fee and are now a direct pass through cost. This removed the variability risk to the contractor allowing a reduction in cost.
2. Annual adjustments are still based on a CPI, but are limited to 5% except for extreme conditions.
3. Maintenance of regulated dams are now included in the base fee cost.
4. The vendor is required to follow industry asset management standards and create long term cost projections for future budgeting and rate projections. This has always been done, but in a much less formal manner.

An evaluation of taking the operations in-house using Town staff was also reviewed at Work Session which projected the cost of in-housing being higher than the cost of the current proposal from Veolia. Council indicated they were good with the proposal and staff has subsequently completed a new agreement with Veolia which will be good for five (5) years from the effective date with an automatic five (5) year renewal unless one of the parties provides adequate notice.

While preparing to bring the final agreement to Council for ratification, staff learned of some language that was included in SB678-2023. SB678 started life as a clean energy bill and was not being tracked for review of impact to Town operations. The bill was modified shortly before being passed in an attempt to require a potential transfer of a municipal electric system be reviewed by the Local Government Commission (LGC). The bill was passed in the 2023 session, and created GS159-154. Unfortunately, the language used in the GS is more general in nature and was written to apply to all Public Enterprises and not just for an electric system. GS160A-311, which defines all of the Public Enterprises that a Municipality is authorized to operate, includes water supply and distributions systems. GS159-154 potentially requires that prior to approval of the new WTP Operation Agreement, that a public hearing must be held, and then review and approval of the agreement by the Local Government Commission. This process could take between 4-6 months, though the Town of Southern Pines would appear to be the first entity to go through this process so there is no precedent that we could lean on.

A legal review of this general statute is underway by the Town Attorney and discussions with the League of Municipalities and School of Government are being held to verify that the approval of the new WTP agreement will or will not be required to undergo the process spelled out in GS159-154. Out of an abundance of caution, an extension of the existing WTP Operational agreement has been executed to provide time to complete the review and execute the new process if needed. The extension has been placed on the consent agenda for ratification by Council.

**FOURTH AMENDMENT TO THE
AGREEMENT
FOR CONTRACT OPERATIONS AND MAINTENANCE**

THIS FOURTH AMENDMENT is entered into this 1st day of July 2024, by and between

The Town of Southern Pines, North Carolina, a municipality
with its mailing address at 801 SE Service Road, Southern Pines,
North Carolina 28373 (hereinafter the “Owner”)

and

Veolia Water Contract Operations USA, Inc. (“Company”),
with its principal address at 461 From Road, Suite 400, Paramus,
New Jersey 07652 (hereinafter “Company”).

WHEREAS, the Town owns a water treatment and certain other facilities in Southern Pines, North Carolina, and

WHEREAS, the Agreement dated April 2016, between the Town and Suez Water Environmental Services Inc., was assigned to Veolia Water Contract Operations USA, Inc.

WHEREAS, the Town and Veolia are current parties to the water treatment Operations and Maintenance Services Agreement dated April 2016, and

WHEREAS, the Town and Veolia agree to amend the Agreement to extend the term as set forth below pending submission and approval of a new Agreement to the Local Government Commission subsequent to Owner’s selection of Company as operator pursuant to an open and fair procurement process, and

NOW THEREFORE, in consideration of the mutual agreements as herein set forth, it is agreed by and between the Town and Veolia, each acting by and through its duly authorized officers, as follows:

1. The term of the Agreement is hereby extended for thirty (30) days and shall thereafter automatically renew for successive thirty (30) day terms until the earlier of: (1) approval from the Local Government Commission of the new Operation and Management Agreement which conforms to the 2023 Southern Pines Request for Proposals for

Water Treatment Plant Operation and Maintenance, or (2) the Agreement is cancelled in writing by either party with thirty (30) days notice prior to date of termination.

2. The effective date of this Amendment is July 1, 2024.
3. All terms of the Agreement and previous Amendments not specifically amended herein shall remain in full force and effect.
4. This Amendment shall be governed by, construed, and enforced in accordance with the laws of the State of North Carolina.
5. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Both parties indicate their approval of this Agreement by their signatures below, and each party warrants that all corporate or governmental action necessary to bind the parties to the terms of this Agreement has been and will be taken.

The Town of Southern Pines, North
Carolina

Veolia Water Contract Operations USA,
Inc., LLC

By: _____

By: _____

Name:

Name:

Title:

Title:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act, N.C.G.S. 159-28.

By: _____

Name:

Title:



RESOLUTION #XXXX
APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Southern Pines, has been developed and submitted to the Town Council of the Town of Southern Pines for approval; and

WHEREAS, the Town Council of the Town of Southern Pines finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Southern Pines, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED:

by the Town Council of the Town of Southern Pines that the Local Water Supply Plan entitled, Southern Pines Local Water Supply Plan dated March 23, 2021 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Southern Pines Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Adopted this the 9th day of June 2024 at **Town of Southern Pines**, North Carolina.

✓

Taylor Clement, Mayor

ATTEST:

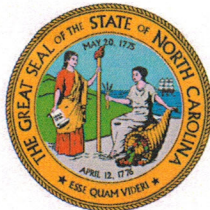
✓

Elizabeth Robertson, Town Clerk

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

RICHARD E. ROGERS, JR.
Director



NORTH CAROLINA
Environmental Quality

April 9, 2024

Ron Istre
Utilities Superintendent
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387

Subject: LWSP Meet Minimum Criteria
Southern Pines Water System
PWSID#: 03-63-010
Moore County

Dear Mr. Istre,

This letter is to notify you that our staff has reviewed the information contained in the 2023 Local Water Supply Plan (LWSP) update submitted by your office. Since all the required information is complete, the LWSP for the Southern Pines Water System hereby meets the minimum criteria established in North Carolina General Statute 143-355(l).

Your water system's 2023 LWSP is now viewable online from the LWSP website found at: https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/search.php. The plan has been made available after our best efforts to screen any errors. As a final check, please review and report any mistakes or omissions to the review engineer. Unless notified otherwise, the Division of Water Resources considers your 2023 LWSP complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Louis Murray at louis.murray@deq.nc.gov or (919)707-9017, or Linwood Peele at linwood.peele@deq.nc.gov or (919) 707-9024 if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen Higgins".

Karen Higgins, Planning Section Chief
Division of Water Resources, NCDEQ



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1611 Mail Service Center | Raleigh, North Carolina 27699-1611
919.707.9000

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

1. System Information

Contact Information

Water System Name:	Southern Pines	PWSID:	03-63-010
Mailing Address:	801 SE Service Rd Southern Pines, NC 28387	Ownership:	Municipality
Contact Person:	Ron Istre	Title:	Utilities Superintendent
Phone:	910-692-1983	Cell/Mobile:	618-979-1678

Complete

Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Asbestos Cement	6-12	8.58 %
Cast Iron	1-12	14.70 %
Ductile Iron	6-18	4.09 %
Galvanized Iron	2	0.57 %
Other	1-16	12.29 %
Polyvinyl Chloride	2-12	59.77 %

What are the estimated total miles of distribution system lines? **246 Miles**

How many feet of distribution lines were replaced during 2023? **900 Feet**

How many feet of new water mains were added during 2023? **2,904 Feet**

How many meters were replaced in 2023? **100**

How old are the oldest meters in this system? **11 Year(s)**

How many meters for outdoor water use, such as irrigation, are not billed for sewer services? **1,770**

What is this system's finished water storage capacity? **5.5000 Million Gallons**

Has water pressure been inadequate in any part of the system since last update? *Line breaks that were repaired quickly should not be included.* **No**

Programs

Does this system have a program to work or flush hydrants? **Yes, Annually**

Does this system have a valve exercise program? **Yes, Annually**

Does this system have a cross-connection program? **Yes**

Does this system have a program to replace meters? **No**

Does this system have a plumbing retrofit program? **No**

Does this system have an active water conservation public education program? **No**

Does this system have a leak detection program? **No**

Water Conservation

What type of rate structure is used? Flat/Fixed

How much reclaimed water does this system use? 0.0000 MGD For how many connections? 0

Does this system have an interconnection with another system capable of providing water in an emergency? Yes

2. Water Use Information

Service Area

Sub-Basin(s)	% of Service Population	County(s)	% of Service Population
Lumber River (09-1)	60 %	Moore	100 %
Cape Fear River (02-3)	40 %		

What was the year-round population served in 2023? 16,200

Has this system acquired another system since last report? No

Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	10,071	1.5574	0	0.0000
Commercial	996	0.4763	0	0.0000
Industrial	8	0.0033	0	0.0000
Institutional	177	0.0873	0	0.0000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.0942 MGD

Includes distribution system estimates for activities such as fire fighting/training, street sweeping, fire flow testing, sewer cleaning, street paving projects, system construction, WTP filter backwash and storage tank cleaning.

Water Sales

Purchaser	PWSID	Average Daily Sold (MGD)	Days Used	MGD	Contract Expiration	Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
Aberdeen	03-63-020	0.0000	0	0.5000	2053	Yes	Yes	8	Emergency
Dept of the Army (Camp Mackall) cust#: 16388	03-63-617	0.0401	365	0.0450	2025	Yes	Yes	8	Regular
Moore Co - Addor	03-63-153	0.0052	365	0.0450	2025	Yes	Yes	6	Regular
Moore Co - Carolina (Warrior Woods)	03-63-152	0.0087	365	0.0300	2025	Yes	Yes	6	Regular
Moore Co - Pinehurst (Midland Rd)	03-63-108	0.5180	365	1.0000	2025	Yes	Yes	8	Regular
Oakwood Hills-Pinebluff Cust#: 010258	03-63-151	0.0136	365	0.0000	2025	Yes	Yes	6	Regular
Town of Carthage	03-63-025	0.2699	14	0.5000	2027	Yes	Yes	8	Emergency
Whispering Pines (Carolina Water)	03-63-112	0.4080	365	0.6000	2025	Yes	Yes	8	Regular

Moore Co - Carolina (Warrior Woods) water system was turned over to Southern Pines in 2023, so it will not be on our plan for 2024 as sales to other systems.

Sales of 0.4080 MGD to Whispering Pines was checked and verified.

3. Water Supply Sources

Monthly Withdrawals & Purchases

Average Daily Use (MGD)	Max Day Use (MGD)	Average Daily Use (MGD)	Max Day Use (MGD)	Average Daily Use (MGD)	Max Day Use (MGD)
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Jan	2.0638	3.0460	May	3.5631	5.2920	Sep	4.3038	5.3520
Feb	2.3572	3.7440	Jun	4.1626	4.9825	Oct	3.8556	4.8190
Mar	2.9955	3.8590	Jul	4.8895	5.8050	Nov	3.1197	3.7230
Apr	3.7321	5.0670	Aug	4.8061	5.4892	Dec	2.8542	3.4690

Raw water plus water purchase from Aberdeen.



Ground Water Sources

Name or Number	Average Daily Withdrawal (MGD)		Max Day Withdrawal (MGD)	12-Hour Supply (MGD)	CUA Reduction	Year Offline	Use Type
	MGD	Days Used					
No. 1 - Weymouth	0.0000	0		0.1200			Emergency
No. 2 - Henley	0.0000	0		0.1500			Emergency
No. 4 - Douglas Center	0.0000	0		0.1200			Emergency
Water Plant / 5	0.0000	0		0.1300			Emergency

Ground Water Sources (continued)

Name or Number	Well Depth (Feet)	Casing Depth (Feet)	Screen Depth (Feet)		Well Diameter (Inches)	Pump Intake Depth (Feet)	Metered?
			Top	Bottom			
No. 1 - Weymouth	250	180	180	220	10	231	Yes
No. 2 - Henley	250	180	180	220	10	231	Yes
No. 4 - Douglas Center	180	120	120	160	10	150	Yes
Water Plant / 5	122	80	80	112	10	117	Yes

Are ground water levels monitored? No,

Does this system have a wellhead protection program? Yes

Surface Water Sources

Stream	Reservoir	Average Daily Withdrawal		Maximum Day Withdrawal (MGD)	Available Raw Water Supply		Usable On-Stream Raw Water Supply Storage (MG)
		MGD	Days Used		MGD	* Qualifier	
Drowning Creek	Southern Pines Plant Reservoir	3.5768	365	0.0000	14.0000	F	0.0000

* Qualifier: C=Contract Amount, SY20=20-year Safe Yield, SY50=50-year Safe Yield, F=20% of 7Q10 or other instream flow requirement, CUA=Capacity Use Area Permit

Surface Water Sources (continued)

Stream	Reservoir	Drainage Area (sq mi)	Metered?	Sub-Basin	County	Year Offline	Use Type
Drowning Creek	Southern Pines Plant Reservoir	178	Yes	Lumber River (09-1)	Moore		Regular

What is this system's off-stream raw water supply storage capacity? 160 Million gallons

Are surface water sources monitored? Yes, Daily

Are you required to maintain minimum flows downstream of its intake or dam? No

Does this system anticipate transferring surface water between river basins? No

Water Purchases From Other Systems

Seller	PWSID	Average Daily Purchased (MGD)	Days Used	Contract			Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
				MGD	Expiration	Recurring			
Aberdeen - Cypress Creek	03-63- 020	0.0105	365				Yes	8	Regular

Aberdeen - Emergency Connection	03-63-020	0.0000	0	0.1000		Yes	Yes	8	Emergency
Carthage - Emergency Connection	03-63-011	0.0000	0	0.5000	2013	Yes	Yes	8	Emergency

Water Treatment Plants

Plant Name	Permitted Capacity (MGD)	Is Raw Water Metered?	Is Finished Water Output Metered?	Source
Southern Pines	8.0000	Yes	Yes	Drowning Creek

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2023? **No**

If yes, was any water conservation implemented? **No**

Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2023? **No**

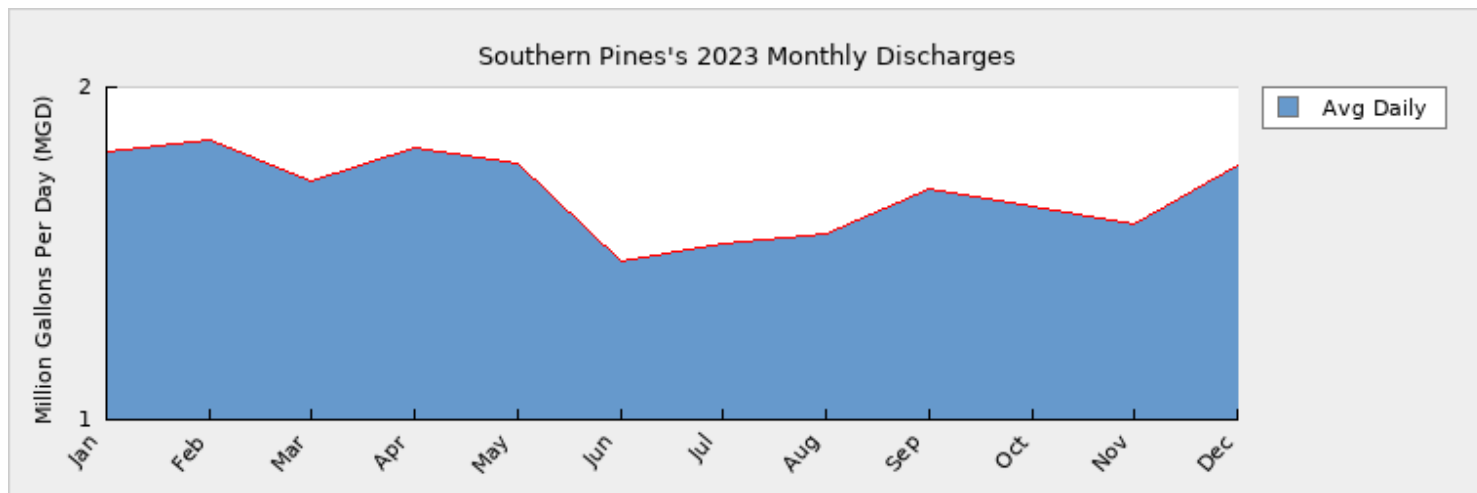
If yes, was any water conservation implemented? **No**

Are peak day demands expected to exceed the water treatment plant capacity in the next 10 years? **No**

4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	1.8075	May	1.7722	Sep	1.6918
Feb	1.8434	Jun	1.4790	Oct	1.6425
Mar	1.7159	Jul	1.5293	Nov	1.5907
Apr	1.8184	Aug	1.5602	Dec	1.7631



How many sewer connections does this system have? **6,894**

How many water service connections with septic systems does this system have? **2,365**

Are there plans to build or expand wastewater treatment facilities in the next 10 years? **No**

Wastewater Permits

Permit Number	Type	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
NCG590018	WTP	0.4800	0.8640	0.1000	0.5000	Aberdeen Creek	Lumber River (09-1)

Wastewater Interconnections

Water System	PWSID	Type	Average Daily Amount		Contract Maximum (MGD)
			MGD	Days Used	
Moore Co Public Utilities	03-63-108	Discharging	1.5601	365	0.0000
Town of Aberdeen - Poplar St	03-63-020	Discharging	0.0463	365	0.0000

Discharge of 0.0463 MGD to Aberdeen - Poplar Street was checked and verified.
 Discharge of 0.0529 MGD to Town of Aberdeen was checked and verified.

5. Planning

Projections

	2023	2030	2040	2050	2060	2070
Year-Round Population	16,200	17,200	18,000	20,000	22,000	25,000
Seasonal Population	0	0	0	0	0	0
Residential	1.5574	1.7233	1.8000	1.9600	2.1120	2.3500
Commercial	0.4763	0.5500	0.6200	0.6500	0.6800	0.7000
Industrial	0.0033	0.0045	0.0048	0.0050	0.0055	0.0057
Institutional	0.0873	0.0890	0.0908	0.0926	0.0945	0.0964
System Process	0.0942	0.0961	0.0980	0.0999	0.1019	0.1040
Unaccounted-for	0.3648	0.4555	0.4595	0.4641	0.4687	0.4734

Future Water Sales

Purchaser	PWSID	MGD	Contract Year Begin	Year End	Pipe Size(s) (Inches)	Use Type
Town of Aberdeen	03-63-020	0.0070	2022	2037	6	Regular

Demand v/s Percent of Supply

	2023	2030	2040	2050	2060	2070
Surface Water Supply	14.0000	14.0000	14.0000	14.0000	14.0000	14.0000
Ground Water Supply	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Purchases	0.0105	0.0105	0.0105	0.0105	0.0105	0.0105
Future Supplies		0.0000	0.0000	0.0000	0.0000	0.0000
Total Available Supply (MGD)	14.0105	14.0105	14.0105	14.0105	14.0105	14.0105
Service Area Demand	2.5833	2.9184	3.0731	3.2716	3.4626	3.7295
Sales	1.0040	1.7336	1.7336	1.7336	1.7336	1.7336
Future Sales		0.0070	0.0000	0.0000	0.0000	0.0000
Total Demand (MGD)	3.5873	4.6590	4.8067	5.0052	5.1962	5.4631
Demand as Percent of Supply	26%	33%	34%	36%	37%	39%



The purpose of the above chart is to show a general indication of how the long-term per capita water demand changes over time. The per capita water demand may actually be different than indicated due to seasonal populations and the accuracy of data submitted. Water systems that have calculated long-term per capita water demand based on a methodology that produces different results may submit their information in the notes field.

Your long-term water demand is 96 gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere in your plan, indicate where the practices are discussed here. no chages

Are there other demand management practices you will implement to reduce your future supply needs? Water conservation education.

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs? None.

How does the water system intend to implement the demand management and supply planning components above? n/a

Additional Information

Has this system participated in regional water supply or water use planning? No

What major water supply reports or studies were used for planning?

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues:

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.



MINUTES

Tuesday, June 11, 2024: 6:00 PM

Town Council Business Meeting

E.S. Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Clement called the meeting to order. The following members of Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; Debra Gray; and Brandon Goodman.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

a. Adopt Agenda

Mayor Pro Tem Pate moved to adopt the meeting agenda as presented, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

4. PRESENTATION

a. National Pollinator Week Proclamation

The Town of Southern Pines has recently been recognized as a Bee City USA by the Xerces Society. In recognition of National Pollinator Week in June, Mayor Clement will issue a proclamation. We encourage our residents and businesses to join us in increasing native plants, providing pollinator nesting sites, and reducing the use of pesticides.

Southern Pines Appearance Commission Chair Kate Shinkwin addressed the Council and expressed thanks for the Council's commitment to the pollinators and Bee City program and gave a brief update on the committee's recent projects.

5. PUBLIC COMMENTS

No public comments were voiced.

6. PUBLIC HEARINGS

a. Knoll Rd. Multi-Modal Trail: 30% Design Plans

The Town Council will receive public input on the 30% design plans for the multi-modal trail propose on Knoll Rd. between Midland Rd. and Airport Rd. For more details, please see sopinesnc.info/Knoll.

Town Manager Parsons presented the proposed design plans and history of the project to the Council.

Discussion ensued.

Public Comments

- Glen Shell of 520 N. Bethesda Road shared that he is currently using the road and can't wait to see how the proposed project improves the trails.

- Amy Gross of 570 S. May Street shared that she likes to bike and is for the proposed project and would use this new path.

- Dave Wetzler of 22 Talamore Dr. stated that he has not seen bicycles on the greenway and has questions regarding the safety of a multi-modal path versus a bike lane. Mr. Wesler questioned if

any alternatives to a multi-modal path had been explored that could serve both the pro-project groups and those against the proposal.

- Cheryl Lynch of 20 Hunter Court spoke of safety concerns for Longleaf residents should the plan be implemented and feels the plan is not well-thought-out and ignores Longleaf residents' wants.

- Mary Ellen Ley of 143 Steeplechase Way submitted written comments to the Clerk and addressed the Council sharing that she is a bicyclist and likes the concept of the path but has concerns regarding the safety of some of the plans. Ms. Ley would prefer a sidewalk & bike lane extending beyond what already exists. Ms. Ley does not feel the traffic study compares the number of accidents on S. Knoll versus N. Knoll to see the effect of a 2-lane road versus a 3-lane north road and is disappointed with the proposed plans since no 3-lane or sidewalk options were given.

- Rachel Lynn Reed of 512 Cottage Lane shared that the cart path near the turn-off to Cottage Lane is one lane, and she feels traffic will back up onto Midland Rd. while people are waiting for pedestrians to cross the cart path.

- Rick Payer of 112 Steeplechase advised the Council that the tastefully designed landscaping that currently exists at the Longleaf development entrance will be obstructed by the proposed project and that the project will end up creating additional costs for the residents. Mr. Payer feels bike riders prefer riding on a road rather than a multi-modal path due to comfort and safety. Mr. Payer further states that the new design would have the traffic too close to the pathway, creating a safety issue and that removing the turn lane will increase the chances of bicyclists being rear-ended by cars when turning left.

- Rick Deadman of E. Connecticut Ave. is an avid bicyclist and told the Council that if the proposal is built he would use it.

- Ken Howell of 186 Bridgewater Drive stated to the Council that his opinion is that cyclists are being targeted during the hearing and feels the new path would be advantageous to walkers and runners, not just cyclists. Mr. Howell then continued to explain the various ways emergency vehicles would be able to get around the trail should they need to.

- Mark Hamilton of 118 Chelsea Court shared that he is a runner and stated that Knoll Rd is dangerous for runners and supports the proposal.

- Jeffery White of Evergreen Court shared that he is a long-time resident and feels the speed reduction and added traffic circles in the proposal will make the road safer. Mr. White suggests adding a flashing light for pedestrian crossing to further increase safety.

- Rich Har of 320 Midlothian Dr. expressed that he is a runner and cyclist and that one reason he chose to reside in Southern Pines was because of the proposed project to increase the outdoor-friendly options such as trails.

- Dr. Philip Benton owns multiple properties in Southern Pines and stated that he is a bicyclist and rides mostly on multimodal paths, stating that most communities in the US have them and that they are beneficial to the surrounding communities. Mr. Benton shared that the paths are also environmentally friendly, allowing the use of more E-bikes, which supports the increasing number of people looking for economical and environmentally friendly transportation options.

- Penny Blinkman of 190 Sterling Ln. addressed the Council stating that she doesn't feel the survey asked the right questions affecting the results.

- Hugh Mensch of 20 Hunter Court shared that he would welcome a pedestrian walkway but feels the survey questions were skewed. Mr. Mensch doesn't feel that speed has been a factor in accidents along Knoll Rd, stating that there were 5 accidents in the last 5 years and they were mostly minor. Mr. Mensch stated that he wants to keep the 3rd turning lane.

- Hugh Minor of Paddock Lane feels there is a communication issue and that Longleaf residents were not aware of a 2010 bike plan until a year ago via a newspaper article. Mr. Minor stated that residents have been waiting for the sidewalk to be finished and are now being told there are no plans to build it. Residents of Longleaf have been taking internal surveys and Mr. Minor shared those results with the Council. Mr. Minor also shared that residents complied a door-to-door

petition drive and 98% of residents are against removing the turn lane. Mr Minor stated that residents continually want sidewalks to connect the greenway and leave the turn lane as in.

- Doug Powell of 910 E Massachusetts thanked the Council for their service and stated that as a member of the military community, he views the project developing the multi-modal pathway for the community as a good thing and encourages a safe way to get children out of the house. Mr. Powell added that the pathway would also benefit those suffering from PTSD who could use it to exercise outside.

- Bridget Acord of 140 Boiling Springs Road spoke to the Council on behalf of the Southern Pines Run Club, who are in favor of the proposed multi-modal path. Ms. Acord feels the community growth supports the project and stated that walking is a great way to meet other people when you are new in town.

- Andrea Shell of 520 N. Bethesda Rd stated to the Council that she loves bicycling and is for the proposed multi-modal pathway.

- Kristopher Kendall of 495 S. Ridge St. shared that he often rides with his child and that they struggle with traffic. Mr. Kendall a new member of the Bicycle and Pedestrian Committee and is for the proposed project and the safety he feels it would bring.

- Rita White stated that she is a walker and would love to have a connector between paths and agrees with the pro-project advocates.

- Don Page of 139 Steeplechase Way questioned the Council about the speed limit of a multimodal pathway and the restrictions as to vehicles allowed, advising that some research needed to be done before the opening of the proposed pathway. Mr. Page suggests the addition of rumble strips as part of the barrier between traffic and the pathway to increase safety. Mr. Page also proposed an alternate pathway using Doctor Neil Road.

- Gene Hutchins of Hunter Trail stated to the Council that he feels the line-of-sight from Hunter Trail to Knoll Rd. is poor as it is now and the turning lane is needed.

- Craig Williamson of 500 Pommel Lane stated that he supports the proposed project.

- Jim Simeon shared that he has requested lower speed limits as a member of the Council in the past and was informed that it cannot be lowered due to it being a State Rd.

- Discussion ensued on which road was being discussed and the history of speed limits in the area.

- Laurie Anthony of 508 Cottage Lane asked questions regarding the use of federal funding and asked that the town not let the loss of federal monies influence their decision.

- Nancy Minor of Paddock Lane shared that she would like to see a sidewalk and feels that losing the third lane would be dangerous.

- Dan Kohn of 625 N Ashe is Chair of the BPAC committee and would welcome questions.

Town Engineer/Asst. Director of Public Works James Michel addressed the Council and introduced Mr. Van Blandon of Kimely-Horn, the Primary Project Manager.

Mr. Blandon shared his personal and professional background with the Council and introduced colleagues Kaitlyn Faugerstrom and Jeff Moore. Mr. Blandon presented an overview of the project and presented the Approved 30% Plans for the project and the 2 public hearing maps to the Council. Discussion ensued with Mr. Blandon stated that he feels roundabouts are safer overall and that while they might have more incidents, the incidents are generally minor compared to incidents occurring at left turn lanes. With the Town Engineer and Council agreement, the addition of roundabouts at two additional intersections and an increased buffer between lanes and the pathway will be explored.

Discussion ensued.

No vote was taken.

b. FY 24-25 Budget

This is the second and final public hearing for the proposed FY 24-25 budget. For more details, please visit sopinesnc.info/budget.

Town Manager Parsons gave a brief overview of the proposed budget.

Public Comments were requested and none voiced.

The public hearing was closed.

7. ACTION ITEMS

a. Adoption of Ordinance #3058 - FY 24-25 Budget, setting a tax rate of \$0.29/\$100 valuation in addition to a MSD tax rate of \$0.60/\$100 valuation in the subject District.

Mayor Pro Tem Pate moved to adopt Ordinance #3058 approving the Fiscal Year 2024/25 Budget, setting a tax rate of 29 cents per \$100 valuation and setting the MSD tax rate at 60 cents per \$100 valuation in the subject district. The motion was seconded by Councilmember Petersen and the vote was unanimous.
Motion passed.

Mayor Clement stated that she had received several citizen comments regarding recycling fees and is open to revisit the subject should the Council wish, prior to Jan 1st.

b. AR-01-24: Penick Village Multifamily Apartment Buildings

John Houck II of RLPS Architects, is requesting an Architectural Compliance Permit for four multifamily apartment buildings on behalf of the legal property owner, Penick Village, Inc. Senior Planner Alaina Mallette gave a brief overview of the application and the staff report which includes 4 Conditions.

John Houck of RLPS Architects introduced Chip Cromartie, CEO, and Tony Bornhorst, Director of Construction for Penick Village, and then shared a presentation of the project and requests to the Council.

Mr. Houck reviewed Condition #3 regarding paint colors, explaining that the paint colors suggested are similar to those currently being used and blend well.
Discussion ensued.

Mr. Houck reviewed Condition #1 and asked for the Council to approve a reduction in the amount of vegetation required for screening the building parking area. The street that the garages are facing is a private street and less screening would provide more security for the residents.
Discussion ensued.

When reviewing Condition #2 Mr Houck explained that the Town code requirement is that for every 50 ft of building there must be a 5 ft projection or articulation. Their plans currently contain a 53 ft stretch due to the articulation of the building and the presence of garages, so the applicant proposes the use of a different building material in that area to break up the expanse and create the illusion of a break.
Discussion ensued.

Condition # 4 is regarding the end elevation that extends 60 ft similar to the issue in Condition #2. The applicant proposes a small bracketed roof projection and the addition of different colored materials to break up the expanse.
Discussion ensued.

The applicant will review the Council comments and revise the plans. The hearing is continued to the June Work Session on June 25th.

c. AR-04-24: Penick Village Maintenance Building

Neal Smith Engineering, is requesting an Architectural Compliance Permit for one maintenance

building on behalf of the legal property owner, Penick Village, Inc.
Senior Planner Mallette presented the application and staff report to the Council.

Mr. Brian Balls with Neal Smith Engineering is present to answer any questions from the Council.
Discussion ensued.

Mayor Pro Tem Pate moved to approve AR-04-24 with the noted deviations and conditions by staff, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

d. AR-03-24: Southern Pines Surgery Center (Phase B-1 of PD-05-23)

Harold Dean Peacock of Peacock Partnership, Inc., is requesting an Architectural Compliance Permit for the first 23,543 square foot portion of a 40,000 square foot surgery center on behalf of the legal property owner, Pinehurst Surgical Clinic Reality, LLC.

Senior Planner Mallatte gave a brief overview of the request and staff report.
Discussion ensued.

Mr. Harold Dean Peacock Partnership, Inc. representing the applicant is present to address staff questions. -

Mayor Pro Tem Pate moved to approve AR-03-24 with the deviation noted in the staff report, seconded by Councilmember Gray; the vote was as follows:

Mayor Clement: aye

Mayor Pro Tem Pate: aye

Councilmember Petersen: nay

Councilmember Gray: aye

Councilmember Goodman: aye

Motion passed

e. AR-05-24: 280 Shaw Ave. Office & Storage Building

The applicant, Neal Smith Engineering, on behalf of property owner William G. Sahadi, is requesting approval of a two-story, 1,600 square-foot office and storage building located at 280 Shaw Ave.

Councilmember Petersen moved to continue the hearing for AR-05-24. No second was voiced.

Senior Planner Mallatte gave a brief overview of the request and staff report.
Discussion ensued.

Mr. Brian Balls of Neil Smith Engineering representing the applicant is present to address any Council questions.

The council requested some decorative changes to the outside wall facing US Hwy 1 instead of a solid brick wall.

Discussion ensued.

The applicant will review the Council comments and revise the plans. The hearing is continued to the June Work Session on June 25th.

8. CONSENT AGENDA

Councilmember Petersen moved to adopt the Consent Agenda as shown, seconded by Mayor Pro Tem Pate; the vote was unanimous.

Motion passed.

a. Ratify the Audit Contract for FY 23-24

FORVIS, LLP of Winston-Salem will audit and prepare the financial statements for the fiscal year ending June 30, 2024.

b. Adoption of System Development Fee Analysis

Adoption of the final System Development Fee Analysis following the Public Hearing held on May 14th.

c. Adopt Ordinance #3045: FY 24-25 Public Works & Utilities Fee Schedule

The fee schedule has been updated based on fees and rates presented in the draft budget.

d. Adopt Resolution #1088 Capital Reserve Fund - System Development Fees

Annual Resolution making appropriations to the CRF based on SDF collection estimates for the coming year and adjusted for collections over the previous twelve months.

e. Approve Resolution #1089 Adopting the 2025-2030 Capital Improvement Plan (CIP)

Staff has updated the Town's 2025-2030 CIP to align with capital projects and transfers outlined in the FY 24-25 budget.

f. Adopt Capital Project Fund Amendments

Adopt necessary changes to various Capital Project Funds as a result of having adopted the FY25 Budget

g. Approve Final Lease Amendment - 305 Trackside, LLC

Amending terms of the lease of a Town Facility through 01 06 2025.

h. Approve Appointment: Planning Board

The Planning Board has one in-town vacancy after Mr. John Earp recently moved to outside of Southern Pines' planning jurisdiction. The town has received one application to fill the vacancy. The Planning Department recommends the following appointment to serve the remainder of John Earp's term:

*Enrique Herrera (Term to expire 5/8/26)

i. Approve the following System Development Fee Ordinances:

- Ordinance #3059 - Amending the Capital Reserve Fund for Water System Development Fees
- Ordinance #3060 - Amending the Capital Reserve Fund for Sewer System Development Fees

j. Approve Town Council Meeting Minutes for May 2024

Staff has prepared the following minutes for approval:

- May 14, 2024, Town Council Business Meeting Minutes
- May 28, 2024, Town Council Work Session Minutes

9. ADJOURNMENT

Upon motion by Councilmember Goodman, seconded by Mayor Pro Tem Pate and carried unanimously, the Council adjourned at 11:09 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, June 25, 2024: 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 Clement called the meeting to order. The following members of Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; Debra Gray; and Brandon Goodman.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. AR-01-24: Penick Village Multifamily Apartment Buildings

John Houck II of RLPS Architects is requesting an Architectural Compliance Permit for four multifamily apartment buildings on behalf of the legal property owner, Penick Village, Inc. This item was first presented at the June 11, 2024 Regular Meeting and it was continued to the June 25, 2024 Work Session. The applicants and planning staff have been working on resolving the items discussed at the June 11, 2024 meeting and have mutually agreed per UDO 2.5.14(A) to request another continuance from the Town Council to the July 9 Regular Business Meeting.

Planning Director BJ Grieve advised the Council that the applicants have requested a continuance to the July Council meeting.

Councilmember Petersen moved to continue AR-01-24 to the Town Council Business Meeting on July 9, 2024, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

b. AR-05-24: 280 Shaw Ave. Office & Storage Building

The applicant, Neal Smith Engineering, on behalf of property owner William G. Sahadi, is requesting approval of a two-story, 1,600 square-foot office and storage building located at 280 Shaw Ave. This item was first presented at the June 11, 2024 Regular Meeting and it was continued to the June 25, 2024 Work Session.

Planning Director Grieve presented an update to the Council of the application and changes that were made per the Council's request.

Discussion ensued.

Councilmember Goodman moved to approve AR-05-24 with the recommendation that a solidier course be added across the top and a roll lock under the herringbone windows be added across the bottom. Councilmember Gray seconded and the vote was unanimous.

Motion passed.

4. COUNCIL UPDATES AND DISCUSSION

a. Arts Council Lease at Campbell House

The Arts Council of Moore County leases the ground floor of the Campbell House from the Town

and some secondary spaces on the grounds. The lease is due for renewal and staff from both entities have met to discuss updates. Staff recommends a renewal term of thirty years given the Arts Council's planned addition to the building. Representatives from the Arts Council will attend the meeting to discuss the lease.

Town Manager Parsons updated the Council on the Arts Council Lease at the Campbell House and various options available and requested some feedback from the Council on the terms wanted. Discussion ensued.

Chris Dunn, Executive Director of the Arts Council of Moore County spoke to the Council regarding the Arts Council's wants, needs and plans for the future. Discussion ensued.

Town Attorney McCarley will meet with the Arts Council attorney to rewrite the lease terms with the council's suggestions.

The council requested staff prepare numbers for maintenance, insurance, and liability costs to the Town for the various town-owned structures.

5. COUNCIL ROUNDTABLE

Mayor Clement

- asked the Council to consider canceling the July Work Session if the anticipated number of business items is low.
- requested that the Council and staff consider a change to the ordinance regarding parking standards for the town by going a maximum only (no minimum).
- Mayor Pro Tem Pate added that changing the standards per character district might be a good idea.

Councilmember Gray

- mentioned the previous Council discussion on water/sewer service disconnection fees and would like to recommend the Town have Laura Ulrich, Economist, give a presentation to the Council or the Council and town staff after recently sitting in on one of her lectures on the disparity economically on black versus white communities. Councilmember Gray feels it would be a beneficial experience for all.
- Mayor Clement asked if phone calls (perhaps an automated system) to those being disconnected were an option instead of hanging tags on doors.
- Fire Chief/Ast. Town Manager Michael Cameron informed the Council that the Town currently has 2 mechanisms for phone calls and neither would be appropriate for that type of call. Fire Chief Cameron mentioned that they would like to do a proactive campaign with Communications Specialist Gerald Ostlund to help educate the public better.

Councilmember Goodman

- apologized to the Council for being late.
- asked Manager Parsons about information on the trend differences in Articles 39, 40, 42 & 44 Sales Tax.

Mayor Pro Tem Pate

- would like to give a shout-out to the Recreation Department. His children are attending some of the Recreation Day Camps and they love it.
- Town Manager Parsons informed the Council that the new Recreation Director will be starting on July 29th.

Councilmember Petersen

- shared that Taylor & Baxter Clement was featured on *It's a Beautiful Day in Pinehurst* and

represented the Town of Southern Pines well.

- shared that several employees thanked the Council for the COLA in their last checks.
- received 2 phone calls from constituents with praise for the environmental services team. Shout out to Michael & Paul.
- Councilmember Gray seconded the praise of the environmental services team.

6. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Goodman and carried unanimously, Council adjourned at 4:23 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

DRAFT

Agenda Item

To: Town Council

Via: BJ Grieve, Planning Director

From: Alaina Mallette, Senior Planner

Subject: Z-01-24: Request to amend conditions on an existing General Business Conditional Zoning District located at 7672 Highway 22 (4.24 acres est. by file #Z-05-04) to Permit a 156-foot telecommunications tower

Date: July 9, 2024

I. SUMMARY OF APPLICATION REQUEST

Marc Tucker of Fox Rothschild, LLP, has submitted a request on behalf of TowerCo 2013, LLC, and Sullivan Property, LLC, to amend the conditions of an existing General Business Conditional Zoning District that was approved in 2004 under rezoning file #Z-05-04 to allow a new 156-foot telecommunications tower on 10,000 square feet of the property. The proposed tower is intended to broaden wireless cellular service coverage in the area. The application includes a narrative, site layout plan, tower illustration, and additional technical documentation. The subject parcel is identified as PIN 857404921656 (PARID 35333) and located on Highway 22 between both entrances of Waynor Road.

II. PLANNING BOARD RECOMMENDATION

On June 20, 2024, the Town of Southern Pines Planning Board convened to hold a public hearing regarding application Z-01-24. The public hearing was opened and concluded on the same day. Planning staff presented a brief description of the subject parcel, history of the existing conditional zoning on the parcel, and staff's recommendation of approval.

Following staff's comments, Marc Tucker, legal counsel for the Applicant, gave a presentation on the proposed site design, monopole, and addressed consistency with the rezoning criteria in UDP §2.17.9. Chris Farriss, on behalf of Real Property Appraisers and Consultants who wrote the "Impact Study for Proposed Telecommunications Facility..." letter in Attachment 3, was introduced and spoke on their conclusion that the proposed monopole will not substantially diminish or impair the property values in the area. The coverage maps were discussed by Marc Tucker and Shohel Chowdhuny, a representative from AT&T who wrote the letter titled "RF Justification for AT& Mobility Site '141-362' in Attachment 3. Zachary Meloff, on behalf of Kimley-Horn, answered questions regarding the engineered plans in Attachment 4 and the fall zone letter in Attachment 5. Tim Sutton, on behalf of AT&T, spoke about FirstNet technology being accessible due to the monopole, which would expand fast and reliable service to first responders, as described in

Attachment 3. David Hockey of TowerCo 2013, LLC, also spoke in favor of the application.

The Planning Board asked questions regarding the fall zone letter, aviation concerns that RLUAC may have considering their vague agency comment and site maintenance. The Planning Board also discussed the quality of coverage in the Highway 22 and Airport Road Neighborhood and the process for Special Use Permit approval, which will follow the rezoning application. The lease agreement on the site was also discussed.

After closing the public hearing, a motion was made by Mr. Matthew Walden and seconded by Ms. Jennifer Garner. The motion stated that after reviewing the proposed amendments to the Town of Southern Pines Zoning Map and after considering the criteria for approval of map amendments found in UDO §2.17.9, the proposed amendment is consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-01-24 and therefore, to recommend approval of Z-01-24 to the Town Council. The motion carried by a vote of 4-0.

III. PROJECT INFORMATION

A. Physical Address

7672 Highway 22
Carthage, NC 28387
Parcel ID: 00035333
(PIN 857404921656)

B. Property Owner

Sullivan Property, LLC
9050 Spanish Wells
Court, Fort Mills, SC
29708

C. Applicant

TowerCo 2013, LLC
5000 Valleystone Drive,
Suite 200
Cary, NC 27519

D. Existing Zoning

The subject property is currently zoned General Business Conditional Zoning District (see F. Prior Development Approval on the Property below for more information). It is within the Extra-Territorial Jurisdiction, the Urban Transition Highway Corridor Overlay District, and the Watershed Protection Overlay District (specifically, the Protected Area). Protected area standards for this parcel include a maximum built-upon area of 24% considering that the build-upon surface area appears to be approx. 0.64 acres, according to Planning staff's calculations (i.e., tower's leased area, access easement, and existing improvements as described in Moore County Property Records Search).

E. Comprehensive Long-Range Plan Designation for Future Land Uses

General Framework

Generally, the parcel is located in an Area to Preserve, which is meant to safeguard rural and environmentally-sensitive lands; link residents with parks, recreation facilities, and nature; and protect open space, natural areas, and rural viewsheds in the community.

Conservation and Development/Character District

The proposed development is located in the Rural Living character district and conservation and development area, which the comprehensive plan states "are

characterized by large lots, low-development intensities, and a high degree of separation between buildings.” Building types anticipated to be in a Rural Living Character District include institutional land uses like churches and schools. The building placement and frontage are intended to prioritize preservation, separated uses with 1- to 2-story maximum building height.

Lots should generally be large with large front, rear, and side setbacks providing a high degree of separation between buildings on adjacent lots. Small nodes of commercial activity are considered appropriate, sporadically, if the design and character reinforce the surrounding rural landscape and are unique, but complementary to the town's culture, history, and traditions. Future development in rural living areas should be sensitive to existing natural resources including tree stands. Mass grading or tree clearing should be avoided in rural areas.

F. Prior Development Approval on the Property

Z-05-04 Elizabeth Lyerly (Attachment 6)

In 2004, application of Z-05-04 rezoning from Rural Residential to GB-CD included the following conditions for the district.

- Permitted use restricted to veterinarian clinic with no outside kennels (i.e., current LBCS 2418 veterinary services);
- 6’ chain-link fence shall enclose outdoor pet relief and exercise areas;
- A buffer of wax myrtle bushes for screening land use shall be provided;
- Animal use of outdoor exercise area is limited to daylight hours; and
- No more than four animals can be outside at once.

Figure 1: Vicinity Zoning Map



IV. STAFF REVIEW

1. Application Review Dates

Application Submitted: **January 17, 2024**

Application Complete: **January 23, 2024**

Administrative Continuance Requested: **February 22, 2024**

Additional Materials Submitted: **June 10, 2024**

Planning Board Public Hearing Notice

Publication: **June 5 and June 12, 2024**

Mail: **May 31, 2024**

Signage: **May 30, 2024**

Internet: **May 29, 2024**

Planning Board Regular Meeting: **June 20, 2024**

Town Council Regular Meeting: **July 9, 2024**

Publication: **June 30 and July 3, 2024**

Mail: **May 31, 2024**

Signage: **May 30, 2024**

Internet: **May 29, 2024**

2. Staff Consistency Evaluation Based on Criteria for the Rezoning of Subject Parcel for Zoning Map Amendment Review per UDO § 2.17.9

When reviewing an application for zoning, the hearing bodies (Planning Board and Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.9 and outlined below. Furthermore, additional standards are expected of a conditional zoning district—a reclassification of property subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties—such as the one being proposed by the applicant. Conditional zoning is voluntary.

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

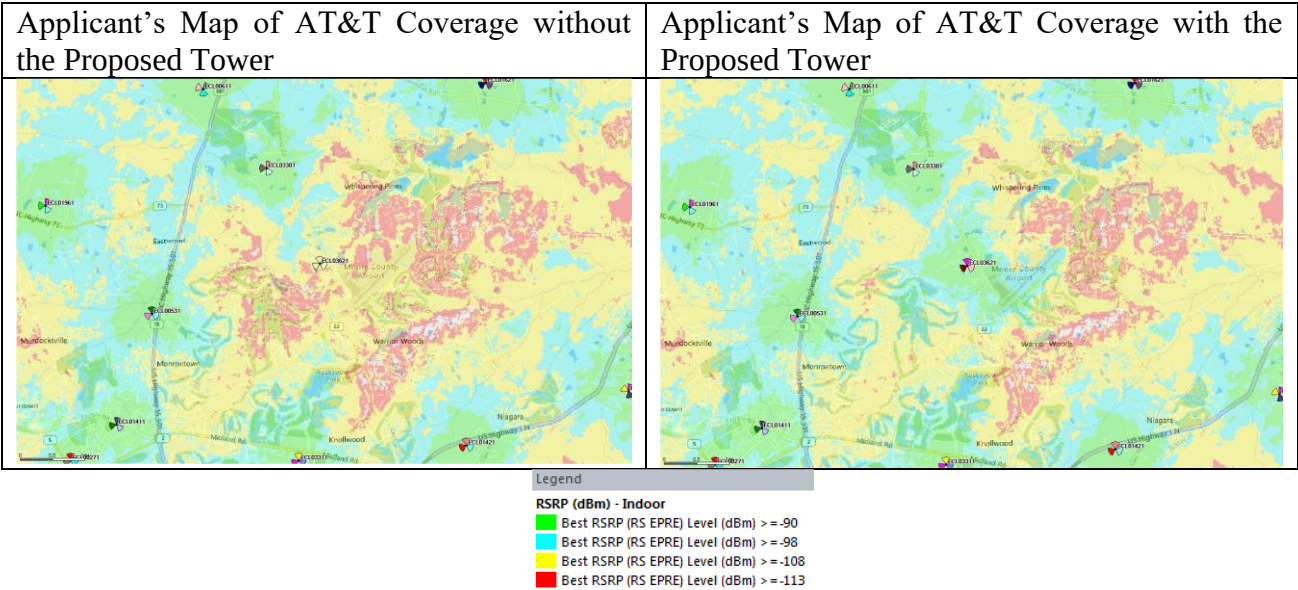
Staff did a word search of the 2040 Comprehensive Plan for “internet,” “broadband,” “cell,” “coverage,” “communication,” and “tower” and no language returned that addressed the community’s view on towers. The applicant’s narrative argues that their proposed rezoning supports economic goals by providing opportunities to expand reliable wireless coverage, internet access, and digital capabilities (see Table 1 below). The applicant’s narrative also states that “The proposed Tower is a low impact use, as it is an unmanned facility that is not open to the public.” Lastly, the applicant argues that the proposed amendment supports the 2040 Comprehensive Plan Policy 2.4, 4.10, 6.1, 6.4, 6.6, 7.1, 9.3, 9.4, and 9.7.

Planning staff agree that towers are a lower-impact commercial use than most commercial land uses and that wireless and internet coverage are essential to modern life. Planning also agrees the 2040 Comprehensive Plan Policy 6.6 that calls for the Town to look for opportunities to use smart city technology to improve efficiency and the effectiveness of capital projects could benefit from more communications towers. Lastly, Planning agrees that the proposed rezoning could

address aspects of 2040 Comprehensive Plan Policy 9.3, which aims to support local businesses and entrepreneurship in the community.

Planning staff have not identified any inconsistencies with the 2040 Comprehensive Plan.

Table 1. Applicant's Coverage Maps



(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.

The applicant has submitted letters and studies addressing potential safety-related concerns (executive summaries, letters, and conclusions included in Attachment 5). Sabre Industries checked for compliance with telecommunications industry standards for towers and antennas and stated “it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.” They continue that in a worst-case scenario, “... the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft [which would] result in the portion of the monopole above leaning over and remaining in a permanently deformed condition.” The letter ends by saying that in this worst-case scenario, the monopole would have a fall radius “less than or equal to 50’.”

AT&T states that the monopole and associated antenna and equipment will comply with the Federal Communications Commission’s rules for acceptable human

exposure to radiofrequency interference. They further state that the equipment will not interfere with emergency communications, radio, or television reception in the vicinity, and if an issue arises, they will take steps to current the reported interference. The Federal Aviation Administration concluded in their study that the monopole would not exceed obstruction standards, thus would not be a hazard to air navigation.

A viewshed analysis was conducted and provided showing the proposed tower visible from several residential properties in the vicinity. Regarding potential concerns of impact to property values, MPB Real Estate, LLC conducted a real estate impact study, which was not an appraisal, but was designed to follow Uniform Standards of Professional Appraisal Practice and their associated code of ethics. They state, “Given the existing external influences for the neighborhood, the proposed development will not injure the use and enjoyment of properties in the area. The market provides no evidence that the special use will impede the orderly development along the NC 22 corridor. Based on the quantitative and qualitative analysis provided, the proposed special use will not substantially diminish or impair the property values in the area.”

Lastly, MartinEnviro concluded that there were not site conditions that would trigger a more in-depth environmental assessment consistent with the National Environmental Policy Act, based on historical and regulatory records, wetland maps, floodplain maps, reconnaissance of the site and surrounding areas, and consultations with appropriate agencies.

Considering the supplemental materials provided by the applicant, Planning staff did not find any adverse impacts on neighboring lands that were not appropriately addressed in the provided materials.

(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.*

As presently zoned, only one land use is permitted on the parcel: veterinary services. Considering the need for reliable broadband for both public and business use, the proposed communications tower would be suitable on the parcel in question. The location in the rear yard of the parcel and the retention of existing mature pines surrounding the leased area make the proposed change more suitable to the area, as well. No unsuitable factors have been identified by Planning staff.

(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.

See **Adverse Impacts on Neighboring Lands** above for comments on application materials submitted relating to safety aspects of the monopole. Considering these materials, no health, safety, or welfare concern has been identified. Staff has not identified any additional concerns based on a site visit and routine analysis of the subject parcel and surrounding area. There are no historic or archeological sites on the subject property to the applicant's and Planning staff's knowledge.

(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.*

See comments under **Consistency**. The proposed monopole does not appear to be in direct conflict with any stated public policies, especially considering the changes to the UDO to reduce monopole setbacks from residential districts (file #OA-02-24).

(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.*

The rezoning is for a 10,000 square foot leased portion of the 4.24-acre parcel. There has been a 3.4% population growth between 2020 and 2022, according to the 2040 Comprehensive Plan that cites the Triangle Business Journal (2023). Therefore, presumably, there is a larger demand for reliable broadband and cellular services. The size of tract appears to be appropriate for the proposed use.

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

(H) Applicant Representations. *Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

The rezoning request is for a conditional zoning district to add an additional permitted use for a telecommunications tower taller than 50 feet (i.e., LBCS 4233b)

as depicted in the attached site plan (see Attachment 4). Therefore, the Town Council may review and consider the applicant's representations.

3. Outside Agency Comments

A request for comments was emailed to agencies on May 29, 2024. Agencies notified include Town of Southern Pines Streets, Public Works, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), United States Fish and Wildlife Services (US FWS), the Moore County Airport, and the North Carolina Department of Transportation (NCDOT). The only comment received (as of the writing of this staff report) was from RLUAC stating that Fort Liberty aviation officials had issues accessing the plans, but were able to and are in the process of analyzing operational impacts based on the monopole height and location. If any additional comments come in prior to the public hearing, they will be presented by Planning staff during the public hearing.

4. Staff Recommendation

Approval of a conditional zoning district approves a specific use with reasonable conditions that mitigate the negative impacts of the proposed development and ensure compatibility with the surrounding area. Only conditions approved by the Town Council and consented to by the petitioner in writing may be incorporated into the conditional zoning district. If the applicant ever wishes to change an approved condition, they must follow the same rezoning procedure required to amend the official zoning map unless considered a minor change per UDO §2.17.11(K).

Planning staff recommend that the hearing bodies approve the amended conditions on the General Business Conditional Zoning District under file #Z-05-04 for Parcel ID 00035333 to include:

- **Condition 1 (Proposed).** Permitted uses are restricted to veterinarian clinic with no outside kennels (i.e., LBCS 2418 veterinary services) and wireless telecommunications towers and antennas taller than 50 feet (i.e., LBCS 4233b) as depicted on site plans submitted with files #Z-05-04 and #Z-01-24, respectively; and
- **Condition 2 (Existing).** For the veterinary services land use:
 - 6' chain-link fence shall enclose outdoor pet relief and exercise areas;
 - A buffer of wax myrtle bushes for screening land use shall be provided;
 - Animal use of outdoor exercise area is limited to daylight hours; and
 - No more than four animals can be outside at once.

V. ATTACHMENTS

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

1. Signed Planning Board Resolution to Adopt a Written Recommendation
2. Zoning Map Amendment Application
3. Narrative for Proposed Amendment and Supplemental Supporting Materials

4. Proposed Site Layout
5. Safety-Related Letters Provided by Applicant
6. Z-05-04 Prior Development Approval for GB-CD

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.

VI. TOWN COUNCIL ACTION:

A request for a zoning map amendment approval is a request for a rezoning. Per North Carolina General Statute 160D-601(a), before adopting the rezoning, the Town Council shall hold a legislative hearing. Per North Carolina General Statute 160D-605(a) the Town Council shall also approve a statement addressing consistency or inconsistency with the 2040 Comprehensive Plan. Furthermore, per North Carolina General Statute 160D-605(b), the Town Council must also approve a statement about the reasonableness of the rezoning and shall approve a brief statement describing whether its action is consistent with an adopted comprehensive plan.

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 rezoning and the criteria for consideration of zoning amendments, and after considering the comments received at the Town Council's public hearing and the Planning Board's written recommendation:

- 1. The proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the current character of the Waynor Road neighborhood and the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9 considering that the proposed monopole is a low-intensity commercial land use that will expand cellular coverage in the area and which will benefit the public, businesses, and emergency response teams. The General Framework Map, the Conservation and Development Map, and Character District Map categorizes the subject parcel as an Area to Preserve and Rural Living, respectively, which is consistent with the rezoning request. Therefore, the requested rezoning to amend conditions on an existing GB-CD is a reasonable request for the reasons mentioned above and within the staff report for application Z-01-24**

-OR-

- 2. The proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and partially consistent with the current character of the Waynor Road neighborhood and the criteria set forth in the Town of Southern Pines**

Unified Development Ordinance §2.17.9 considering that the proposed monopole is a low-intensity commercial land use that will expand cellular coverage in the area, which will benefit the public, businesses, and emergency response teams. The General Framework Map and Conservation, Development, and Character District Maps categorizes the subject parcel as an Area to Preserve and Rural Living, respectively, which is consistent with the rezoning request. However, the parcel is in a transitional space between higher-density RS-2 zoning and RS-3 zoning. Therefore, the requested rezoning from GB-CD to GB-CD with an amended condition would be a reasonable request for the reasons mentioned above and within this staff report for Z-01-24. The requested rezoning is a reasonable request for the reasons set forth in the written Planning Board recommendation attached to staff report Z-01-24 as modified by Town Council as follows:

a.

-OR-

3. The requested rezoning is inconsistent with the 2040 Comprehensive Plan and is not a reasonable request for the following reasons:

a.

And, therefore, I move to:

- 1. Approve Z-01-24 as submitted and as set forth in attachments to staff report Z-01-24.**

-OR-

2. Approve Z-01-24 as submitted by the applicant, modified by the Town Council, accepted by the applicant, and as set forth in attachments to staff report Z-01-24.

-OR-

3. Deny Z-02-24.



Zoning Map Amendment Application

Fee: \$1,500.00

Date Received: _____

Case No.: Z-____-____

Project Information:

Street Address: 7672 Hwy. 22, Carthage, NC 28327

PIN: 857404921656

Parcel ID: 00035333

Leased

Site Size: 10,000 square feet

Zoning: GB-CD

Subject Parcel is 4.24 acres

Applicant:

Name(s): TowerCo. 2013 LLC

Email: dhockey@towerco.com

843-452-6242 (Mobile)

Phone: 919-653-5746 (office)

Mailing Address: 5000 Valleystone Drive, Suite 200, Cary, NC 27519

Authorized Agent, if different from Applicant:

Name(s): Marc C. Tucker

Email: MTucker@Foxrothschild.com

Phone: 919-755-8713

Mailing Address: Fox Rothschild LLP, 434 Fayetteville Street, Suite 2800, Raleigh, NC 27601-2943

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

Name(s): Sullivan Property LLC

Email: vetbeth1951@gmail.com

Phone: 910-690-2111

Mailing Address: 9050 Spanish Wells Court, Fort Mills, SC 29708

8-27-21

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a zoning map amendment as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

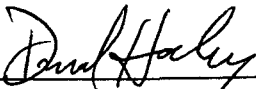
The property which is the subject of this application is located on the east side of Hwy. 22 (St./Ave.), between Hwy. 22 (St./Ave.) and Waynor Road (St./Ave.). The property has a frontage of 1,000 feet and a depth of approx. 200 feet.

The zoning map amendment sought is based upon Section(s) 2.17 of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:
To Amend the conditions of the GB Zoning District to allow for a 156-foot monopole wireless telecommunications tower and facility to be constructed within a 10,000 square foot leased area of the 4.24-acre parcel by TowerCo in order to provide contiguous wireless coverage to first responders, mobile traffic,

residences, businesses, and visitors in the surrounding area of the Town of Southern Pines and Hwy. 22.

Date:

12/27/23


Applicant

TowerCo 2013 LLC

By: David Hockey

Director of Mid-South Business Development

**PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES**

plan@southernpines.net (910) 692-4003 www.southernpines.net

APPOINTMENT OF AGENT

The undersigned owner(s), Sullivan Property LLC, hereby appoint(s) Marc C. Tucker as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Zoning Map Amendment for a rezoning of the property 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 a Zoning Map Amendment for a rezoning of the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Zoning Map Amendment under the Southern Pines Unified Development Ordinance.

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

Signed this

10th day of January, 2024

Sullivan Property LLC

Property Owner

David Hockey

On Behalf of Property Owner
By: David Hockey
Director of TowerCo 2013 LLC
Mid-South Business Development

Marc C. Tucker

Agent

Marc C. Tucker
Fox Rothschild LLP

STATE OF NORTH CAROLINA		BEFORE THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL
TOWN OF SOUTHERN PINES		
IN REGARD TO TOWERCO 2013, LLC’S ZONING MAP AMENDMENT OF SULLIVANS PROPERTY, LLC, PARCEL I.D. 857404921656, CONDITIONAL ZONING DISTRICT GB CD	))))))	PROJECT NARRATIVE AND STATEMENT OF COMPLIANCE WITH THE TOWN OF SOUTHERN PINES UNIFIED DEVELOPMENT ORDINANCE

I. STATEMENT OF APPLICATION

TowerCo 2013, LLC (“TowerCo” or “Applicant”), pursuant to the requirements set forth in the Town of Southern Pines Unified Development Ordinance (“UDO”), files this Conditional Zoning Application seeking approval to amend the existing conditional zoning placed on the subject property in 2004 in order for TowerCo to construct a 155-foot monopole wireless communications antenna support structure (the “Tower”) with a one-foot lightning rod (156 feet to the top of the highest appurtenance) and facility so that AT&T Mobility (“AT&T”), First Responder Network Authority (“FirstNet”), and other wireless providers may attach their antennas and equipment to the tower to improve their wireless telecommunications services and coverage to the residents, first responders, businesses, travelers, and visitors of, to and through the Town of Southern Pines (“Southern Pines”) and surrounding area under their licenses issued by the Federal Communications Commission (“FCC”).

II. BACKGROUND

Modern wireless communications include far more than cellular and digital phone networks. Today, wireless communications include a great number of services, such as voice, advanced messaging, data, real-time information (news, weather, sports, etc.), photographs, video, entertainment, and connections to social media. The number of services that are available continues to increase.

The convenience, safety and efficiency benefits—as well as the “connectedness” with the world—achieved through digital devices has created a tremendous demand for these and other burgeoning services. It is clear that wireless infrastructure is needed to serve a growing population of wireless customers, especially since roughly one of five traditional U.S. landline phone users has switched to “wireless-only.” Today, more than 247 billion emails and 90 billion “tweets” are sent each day, and it is projected that video-over-instant messaging and video calling will increase sevenfold in the next few years. Individuals and households are not the only ones who are going wireless. Businesses increasingly depend on wireless service to conduct their business, and more people are working remotely from their homes and away from their businesses’ physical locations. For example, more than three times as many small

businesses today strongly agree that wireless technology is key to staying competitive—49 percent versus 16 percent in 2007.

The FCC has designated and auctioned a limited number of radio spectra for wireless communication providers to deliver wireless communications services across the United States. (See Tab 8 for AT&T Licenses for the coverage area) AT&T holds one of those licenses. Increasingly, AT&T and other wireless communication licensees are competing with existing telecommunication services and each other, giving consumers more flexibility and lower prices, and fueling innovation and technological improvements.

The FCC's grant of wireless licenses comes with a mandate that the licensees substantially complete construction of their respective communication systems expeditiously. To complete their systems, licensees must develop an infrastructure or system of strategically placed, low-powered antennas. The signal for the antennas is limited by factors such as variations of the terrain and the finite capacity of signals at any given time; therefore, each antenna covers a limited geographic area. The antennas are therefore placed in such a way as to provide contiguous coverage and fill the gaps throughout a given region, as well as to provide sufficient and consistent "capacity."

In addition, in 2017, the Department of Commerce and FirstNet signed a 25-year contract with AT&T to build the first nationwide wireless network for America's first responders. The FirstNet network is planned to cover all 50 states, five U.S. territories, the District of Columbia, rural communities, and tribal lands. The proposed structure will be utilized by AT&T to support the deployment of FirstNet and its existing wireless needs. The deployment of FirstNet will be "an absolute game changer for public safety." For further information about the FirstNet deployment, please refer to the FirstNet documentation provided with this application or online at <https://www.firstnet.gov>. (See Tab 7)

III. PROJECT DESCRIPTION

To fill a significant gap in wireless telecommunications coverage in and around the Town of Southern Pines ("Town" or "Southern Pines"), Applicant respectfully requests that an amendment to the Conditional Zoning for the property of Sullivan Property, LLC ("Sullivan") so that it may develop a 155-foot monopole and wireless telecommunications facility compound to be located on the Sullivan property within a 100 X 100-square foot leased area (10,000 square feet) of the 4.24-acre parcel. The Sullivan property is located in a GB CD zoned area of Southern Pines (Parcel Identification Number 857404921656). Telecommunication towers are permitted as a special use in the General Business district.

As shown on the Overall Parcel Plan, Sheet C1 of the construction drawings, the proposed 155-foot tower will be set back approximately 152 feet from the property to the west zoned RR, 112 feet from the property to the north zoned RR, 838 feet from NC Hwy 22 to the east and 898 feet from the closest property to the east zoned RS, and 69 feet from the property to the south zoned PD. (See Tab 6)

The site will be accessed by a proposed 30-foot wide access, fiber and utility easement off NC Highway 22 utilizing the existing driveway to the parent parcel. The Tower and wireless telecommunications facility compound will have room to accommodate the antennas and equipment of AT&T and three additional wireless service providers within the 50' X 50' fenced-in area. The Tower compound will be secured by a six-foot high chain link fence, with an additional foot of barbed wire (three strands) around the top of the perimeter of the fenced compound, as shown in Sheet C3 of the construction drawings.

The Tower will comply with all Federal Aviation Administration ("FAA") regulations, federal, state, and local regulations, and all applicable regulations of the County's Ordinance. In short, this site is an ideal location for a wireless telecommunications facility to provide wireless telecommunications services and FirstNet's services to this area of Southern Pines.

IV. STATEMENT OF NECESSITY

The voice and data signals for mobile wireless telecommunications systems travel through the air to receiving and transmitting antennas. The antennas must therefore be at a height sufficient to provide coverage for users in the surrounding area. In unserved areas (or where the antennas' capacity has been reached), calls are "dropped" when a caller enters such areas and calls cannot be made. Where such gaps in coverage exist, the wireless provider issues a "search ring" within which well-placed antennas would fill the gap. Considerations in selecting a site include the size of the tract of land, zoning requirements, elevation, topography, accessibility, natural visual buffers, and proximity to current and prospective users. In selecting the proposed site, Applicant considered the Ordinance's objectives in conjunction with the area where service is needed and determined that attaching its antennas to a tower at the proposed site would provide needed coverage for AT&T, other providers, and FirstNet. AT&T has contracted with TowerCo for the construction of the Tower subject to approval from Southern Pines to do so.

The proposed Tower will enhance coverage to first responders, mobile traffic, residences, businesses, and visitors along NC Highway 22 and in the surrounding area of Town.

V. AUTHORIZED AGENT

The property owner, Sullivan, entered into a Lease Agreement (the "Agreement") on June 1, 2022, with TowerCo to allow TowerCo to lease a 10,000 square foot area of the property (Parcel No. 857404921656) to construct a monopole tower and wireless compound facility within the lease area. An executed copy of the Agreement is herewith provided in support of this application. Specifically, Section 26(j) of the lease agreement provides: *"Lessor hereby irrevocably appoints Lessee or Lessee's agent as Lessor's agent to file applications on behalf of Lessor with federal, state and local governmental authorities which applications relate to Lessee's Intended Use of the Premises including but not limited to land use and zoning applications."* (See Tab 5)

Marc C. Tucker (“Tucker”) with Fox Rothschild, LLP has been retained by TowerCo to assist with the Town of Southern Pines (“Town”) rezoning and permitting process. Tucker is also the Authorized Agent designated by Sullivan via the executed Appointment of Agent filed in support of this application. As Authorized Agent, Tucker has authority to act on behalf TowerCo and Sullivan to 1) submit the application and required supplemental materials; 2) appear at public meetings and give representation and provide comments on behalf of the Applicant and Property Owner; 3) accept conditions or recommendations made by the Town Planning Board and Town Council for the Zoning Map Amendment; 4) act on behalf of the Applicant and Property Owner without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a zoning map amendment under the Town’s UDO. (See Tab 1)

At all times, TowerCo, AT&T, Sullivan and their respective agents will cooperate with the Town in every way possible in planning, permitting, construction, maintenance, and operation of the proposed Tower.

VI. STATEMENT OF COMPLIANCE WITH THE TOWN OF SOUTHERN PINES UNIFIED DEVELOPMENT ORDINANCE

Applicant respectfully requests that the Town of Southern Pines Planning Board recommend approval of Applicant’s Application for amendment of the Conditional Zoning and that the Town Council approve the Application. The Application meets all requirements of the Ordinance.

Section 2.17 UDO Text/Map Amendments (Rezoning)

Subpart B of Section 2.17 requires that a conditional zoning district zoning request shall be made in accordance with the provisions of this UDO.

Acknowledged.

Section 2.17.9 – Criteria for Zoning Map Amendments

In its review of an application for a Zoning Map amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

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

The Zoning Map amendment that is being requested will be in compliance with the 2040 Comprehensive Plan as adopted on September 12, 2023 as discussed in greater detail below.

- *The proposed Tower will further the Town’s commitment to its vision statement and guiding principles presented in the 2040 Comprehensive Plan and its intent and guiding principles to protect the health, safety, welfare, and prosperity of the community.*

The proposed Tower will improve the public health, safety, welfare and prosperity of the residents, businesses, and travelers in and through the area by providing improved telecommunications coverage in the surrounding area of Southern Pines and by allowing FirstNet to provide services to the first responders.

The proposed Tower will provide essential community facilities and services to all residents and the business community through the provision of reliable wireless communication services that contribute to the economic vitality and development of the surrounding community. Most people prefer to live and work where wireless coverage and internet and digital capabilities are available. Wireless communications provide a variety of services including voice, advanced messaging, data, real-time information (news, weather, sports, etc.), photographs, video, entertainment, and connections to social media. Such services create a vibrant environment to prospective families/residential communities and businesses, in particular small businesses, all of which contributes to the long-term economic development and financial stability of Southern Pines.

The proposed Tower is a special use in the GB CD district and will be in harmony with the surrounding area and will have minimal impact on adjacent properties and uses. The proposed Tower is a low impact use, as it is an unmanned facility that is not open to the public. The proposed Tower is sited on the parcel in order to have the least visibility possible. It will not generate any odor or noise. The proposed Tower will not generate additional traffic or be of any significant impact to the nearby public roadway. Accordingly, the proposed Tower will fit in well with the area and will preserve the character and quality of the existing neighborhood. Furthermore, the proposed Tower, by virtue of its minimal impact on the surrounding area, will preserve the natural environment of the surrounding community.

- ***The proposed Tower is consistent with the big picture ideas and growth concepts presented in the General Framework Map.***

The proposed Tower will be located in the Areas to Preserve of the General Framework Map and will preserve the existing and rural nature of the surrounding community. As discussed above, the proposed Tower is a low impact use, it is an unmanned facility that is not open to the public. The proposed Tower is sited on the parcel in order to have the least visibility possible. It will not generate any odor or noise. The proposed Tower will not generate additional traffic or be of any significant impact to the nearby public roadway. Accordingly, by virtue of its minimal impact on the surrounding area, the proposed Tower will preserve the character and natural environment of the surrounding community.

- ***The Proposed Tower is consistent with the future land use category in the Conservation and Development Map.***

The proposed Tower will be located in the Rural Living Area of the Conservation and Development Map and, as discussed above, will be protective of the existing and surrounding community, will promote economic development, and will enhance the quality of life for individuals in the area. More specifically, as part of the Rural Living Area, the proposed Tower is a small-scale low impact commercial use. The proposed Tower will not necessitate mass grading and seeks to preserve the surrounding trees and natural environment. The proposed Tower is sited on the parcel in order to have the least visibility possible, in part, by utilizing the surrounding environment as a natural barrier.

- ***The proposed Tower complies with the intent of the specific character district where the Proposed Tower is to be located.***

The proposed Tower will be located in the Rural Living of the Character District Map. The proposed Tower is a small-scale low impact commercial use that seeks to preserve the surrounding trees and natural environment and will be sited on the parcel in order to have the least visibility possible thereby maintaining the character and natural landscape of the surrounding area.

- ***The proposed Tower takes into consideration the board's recommendations and system maps presented for supporting infrastructure in Chapter 3 of the 2040 Comprehensive Plan and incorporates features or facilities presented on the maps as a component of the proposed rezoning condition.***

The proposed Tower will provide essential community facilities and services to all residents and the business community through the provision of reliable wireless communication services that contribute to the economic vitality and development of the surrounding community. Most people prefer to live and work where wireless coverage, internet, and digital capabilities are available representing a new and changing infrastructure need for Southern Pines. As the Town continues to grow, the proposed Tower will help Southern Pines meet this need by providing a variety of services including voice, advanced messaging, data, real-time information, photographs, video, entertainment, and connections to social media.

Furthermore, as discussed above in greater detail, the proposed Tower is a small-scale low impact commercial use that seeks to preserve the surrounding trees and natural environment and will be sited on the parcel in order to have the least visibility possible thereby maintaining the character and natural landscape of the surrounding area.

As an unmanned facility, the proposed Tower will not require water, sewer, or garbage collection. It will only require electrical utility service. In the unlikely event that fire protection is needed, fire protection will be provided by the Southern Pines Fire Department, Station 82. The proposed Tower will have little to no impact on public services provided by Southern Pines.

The proposed Tower will be accessed via a 30-foot access, fiber and utility easement running directly off Hwy. 22 utilizing the existing entrance of the parent parcel thereby having no impact on Southern Pines' existing road network.

- ***The proposed Tower implements one or more of the town-wide planning concepts presenting in Chapter 4 of the 2040 Comprehensive Plan.***

Please see the first bullet point above, and the information provided below identifying specific policies and recommendations set forth in Chapter 5, in support of how the proposed Tower facilitates the implementation of the town-wide planning concepts set forth in Chapter 4 through the provision of reliable wireless communication services to residents and businesses.

- ***The proposed Tower positively impacts the specific policies and recommendations set forth in Chapter 5 of the 2040 Comprehensive Plan.***

The proposed Tower positively impacts, but not limited to, the following specific policies and recommendations:

- *Policy 2.4. Enabling residents and businesses to access Southern Pines' official website and social media tools, particularly in a more rural area of Southern Pines.*
- *Policy 4.10. The proposed Tower will minimize the impact on the environment by minimizing tree loss and loss of impervious cover, minimizing clearing and grading, and will utilize native trees as a natural buffer.*
- *Policy 6.1. The proposed Tower will provide reliable wireless communication services serving residents, schools, and police and fire by allowing FirstNet to attach its equipment and to provide critical telecommunication services to first responders.*
- *Policy 6.4. Working with a private developer/business owner to meet an essential infrastructure need that will facilitate the implementation of the recommendations contained in the 2040 Comprehensive Plan.*
- *Policy 6.6. The proposed Tower will provide reliable wireless communication services enabling the development of smart city technologies for the improvement of facilities and services offered to the community including the linking together of different information systems and providing more opportunities for real time information sharing with the community.*

- *Policy 7.1. The proposed Tower will facilitate and support housing diversity in the community by providing reliable wireless communication services expected by younger families and professionals.*
- *Policies 9.3 and 9.4. The proposed Tower will facilitate economic growth and development by providing essential wireless communication services to small business that rely on wireless communication services to conduct and promote their businesses.*
- *Policy 9.7. The proposed Tower will facilitate and enable Southern Pines to continue to be a place-based tourist destination as visitors will have access to reliable wireless communications services providing easy access to information regarding local restaurants, shops, businesses, and travel needs including the nearby Moore County Airport.*

- (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.

Attached is a Real Estate Impact Study prepared by a NC Licensed Appraiser regarding the effect of the proposed Tower on the neighboring lands. As set forth in the report, the proposed Tower will have no adverse effect on the surrounding properties, but will improve the public health, safety and welfare of the residents, businesses and travelers in and through the area by providing improved wireless communications coverage for in the surrounding area of Southern Pines and by allowing FirstNet to provide services to the first responders. The proposed Tower is a low-intensity commercial use that will fit in well on the parcel and in the zoning district. The proposed Tower will provide services to the residential and business community in this area. Furthermore, the proposed Tower will improve the public health, safety and welfare for those living, working and traveling in the coverage area. (See Tab 18)

- (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, objects and policies of the Comprehensive Plan or UDO.

Acknowledged.

- (D) **Health, Safety, and Welfare.** The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.

The proposed Tower will improve the public health, safety, and welfare by providing improved wireless communications coverage in the surrounding area of Southern Pines and allowing FirstNet to provide services to the first responders. Thus, the proposed Tower will improve the public health, safety, and welfare for those living, working, and traveling in the coverage area.

Wireless telecommunications are a public safety necessity. Seventy-four percent of Americans who own mobile phones say that they have used their hand-held devices in an emergency and gained valuable help. Most importantly, in times of natural disasters, wireless communication consistently emerges as the essential—and often only—means for emergency communication. Southern Pines first responders, businesses, travelers, and residents in the coverage area will be able to access 911 emergency services in the event severe weather or other unforeseen circumstances downs traditional land-line communication services. Thus, the first responders, businesses, travelers, citizens and residents in this area of Southern Pines will directly benefit from improved wireless telecommunications services.

- (E) **Public Policy.** Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with Neighborhood, area, or specific plans.

The addition of the proposed Tower will be an attribute to the economic development of the area and is critical to the needs of those working, living, traveling and going to school in the currently unserved or inadequately served area of Southern Pines. The proposed Tower will allow FirstNet to attach its equipment and to provide critical telecommunication services to First Responders.

- (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.

The Subject Property where the Applicant has leased a 10,000 square section for its wireless telecommunication facility and compound is 4.24 acres. The Subject Parcel is zoned GB CD and telecommunication facilities in excess of 50 feet are permitted by Special Use in this GB (commercial) area.

Provided in this Application package is a RF Statement of Justification and Propagation Studies showing how the development of this facility will enhance the infrastructure of this surrounding community and fulfill a necessity for those who work, live and travel in and through this area of Southern Pines. (See Tab 9)

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

Acknowledged.

- (H) **Applicant Representatives.** 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.

Acknowledged.

Section 2.17.11 – Conditional Zoning Districts (Conditional Zoning)

- (A) There are circumstances in which a conventional zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly developed, be appropriate for the property and consistent with the objectives of this ordinance and the adopted Land Development Plan. The review process established in this section provides for the accommodation of such uses by a reclassification of property into a Conditional Zoning district, subject to specific conditions that ensure Compatibility of the use with the use and enjoyment of neighboring properties.

Acknowledged.

- (B) The Conditional Zoning district approval process allows the Council to approve a proposal for a specific use with reasonable conditions to mitigate the negative impacts of the proposed Development and assure the Compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the regulations for the corresponding general zoning district.

Towers in excess of 50 feet are permitted by Special Use in the General Business District. General Business District Development Criteria is covered under Section 3.5.9 and the criteria for towers specifically is covered under Section 5.23 of the UDO. The criteria for the GB district and for towers will be covered in this narrative.

- (C) Conditional zoning is a voluntary procedure that is allowed only in response to a petition by all owners of the property to be included and is intended for specific Development proposals. It is not intended or suited for securing early zoning for tentative proposals, which may not be undertaken for some time.

Acknowledged.

- (D) Uses that may be proposed and considered for a Conditional Zoning district shall be restricted to those uses permitted in the underlying convention zoning district.

The underlying zoning district is General Business. In accordance with the Table of Authorized Uses, Section 3.7.1 of the UDO, and Exhibit 3-15, Table of Authorized Land Uses, towers in excess of 50 feet are permitted by Special Use in the General Business District.

- (E) Every petition for the reclassification of property to a Conditional Zoning district shall be accompanied by a Site Plan containing the requisite information specified in Appendix A. In the course of evaluating the proposed use, the Hearing Body may request additional information deemed appropriate to provide a complete analysis of the proposal.

Construction Drawings are included with this Application package. The site plan sheets are C1, C1.1 and C2. (See Tab 6)

- (F) The Council may approve the reclassification of property to a Conditional Zoning district only upon determining that the proposed use will meet all standards and requirements in these regulations and that are applicable to the proposed use.

Acknowledged.

- (G) In approving a petition for the reclassification of property to a Conditional Zoning district, the petitioner, Planning Board and the Council may propose specific conditions to approval of the petition, but only those conditions approved by the Council and consented to by the petitioner in writing may be incorporated into the Conditional Zoning District.

Acknowledged.

- (H) If a petition is approved under this section, the district that is established, the approved petition and all conditions that have been attached to the approval are binding on the property as an amendment to these regulations and to the Zoning Map. All subsequent Development and use of the property shall be in accordance with the standards for the approved Conditional Zoning district; the approved petition and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and Site Plan shall be allowed on the subject property. Any Development in the district shall comply with all provisions of and conditions to the approved petition and Site Plan. Any uses and structures on the subject property also shall comply with all standards and requirements for Development in the underlying general zoning district.

Acknowledged.

- (I) Following the approval of the application for a Conditional Zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation. A Conditional Zoning district shall be identified by the same designation as the underlying general zoning district followed by the letters "CD".

Acknowledged.

- (J) Except as provided in paragraph (K), changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to these regulations or to the Zoning Map and shall be processed in accordance with the procedures in this section.

This Application is for an amendment to the Zoning Map. The subject property is currently zoned GB CD for use as a veterinary clinic, however, Applicant is seeking authorization to construct a wireless telecommunications tower and facility within a 10,000 square foot leased area of the full 4.24-acre parcel.

- (K) Minor changes in the detail of the approved petition or Site Plan that do not involve a change in uses permitted or the density of overall Development permitted and that will not alter the basic relationship of the proposed Development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to the approval may be approved by the Planning Director without going through the amendment process or a public hearing. The Planning Director may forward any application for changes in detail to the Planning Board for its consideration as an amendment to these regulations or the Zoning Map. The Applicant may appeal the decision of the Planning director to the Planning Board for review and decision as to whether an amendment to the approved district shall be required.

Acknowledged.

- (L) The Planning Director shall periodically examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Director determines that construction has not commenced or is not in accordance with the approved petition and conditions, the Planning Director shall either initiate a reclassification of the property in accordance with the procedures established in this section or shall forward a report to the Council recommending that the property be classified to another district.

Acknowledged.

Section 2.17.12. Effect of Approval

Approval of a map amendment entitles the property owner to use the property in accordance with the standards of the applicable zoning district. The approval of an amendment to the UDO text or Zoning Map does not authorize the use, occupancy, or Development of property until the Applicant receives necessary Development Approvals, such as Subdivision, Site Plan and Building permit approval.

Acknowledged.

Section 2.17.13. Recording Procedures

When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning classifications and indicating their boundaries. The Planning Director shall refer to the attested ordinance as a record of the current zoning status until such time as the Zoning Map can be changed.

Acknowledged.

Zoning Map Amendment Required Application Materials:

Application Fee - \$1,500.00

Completed Zoning Map Amendment Application

Appointment of Agent

List of Adjacent Property Owners within 200 feet of the outermost boundaries of the subject property

Per Cindy Williams, Planning Department, upon receipt of this Application by the Planning Department, she will request a list of adjacent properties within 200 feet from the IT Department.

Deed to provide proof of ownership and property boundaries.

The NC General Warranty Deed with Exhibit A, Property Description, dated May 8, 2015, by and between Elizabeth C. Lysterly (Grantor) and Sullivan Property LLC (Grantee) is being provided with this Application. (See Tab 4)

Survey of the subject property

The Survey of the subject property is shown in the Construction Drawings, Site Survey Sheets 1 and 2, and are being provided with this Application. (See Tab 6)

Written Metes and Bounds Description of the subject property.

The property description is Exhibit A to the NC General Warranty Deed provided with this Application. (See Tab 4)

Site Plan

The Site Plan and Overall Parcel Plan are included in the Construction Drawings, Sheets C1, C1.1 and C2. (See Tab 6)

All of the above are being provided with the Application.

Section 3.5.9 – General Business (GB) District

(A) Purpose

The GB district is designed to accommodate highway-oriented retail, commercial service business and in some limited cases light manufacturing, which generally have as their market area the entire Town and surrounding area. The major objectives of this district are to:

- (1) Encourage planned commercial, light manufacturing conducted within Buildings and office parks;

Telecommunication towers are considered a "Commercial" development. Towers and antennas are a permitted use under the General Business District by Special Use Permit.

- (2) Discourage small Lot Development on major highways;

The proposed Tower will be constructed within a 10,000 square foot leased area accessed via a 30-foot access, fiber and utility easement running directly off of Hwy. 22 and utilizing the existing entrance of the parent parcel.

The monopole structure will have limited visibility to those living, working or traveling past the area. It will sit at the back of the subject parcel approximately 838 feet from NC Hwy. 22. The unmanned facility will generate no additional traffic in the area. Wireless telecommunication towers are part of the necessary infrastructure required to provide the services that are sought and are no more noticeable, and probably less, than standard landline telephone poles and wires.

- (3) Encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets; and

The proposed wireless facility compound will be accessed via a 30-foot access, fiber and utility easement running directly off of Hwy. 22. The traffic generated by this proposed facility will require only a couple of trips per month by the service technicians for the tower and will not increase traffic in the area.

- (4) Provide a location for major shopping facilities and land uses requiring large outdoor spaces.

Not applicable.

(B) Authorized Uses

The uses authorized by Section 3.7 of this UDO, Table of Authorized Uses, may be established in accordance with the provisions of this UDO, including, but not limited to the procedures established in Chapter 2, the zoning district standards of this chapter, and the design standards of Chapter 4.

Towers in excess of 50-feet in height are permitted by Special Use in the General Business district. Please refer to the Table of Authorized Uses, Section 3.7.1, Exhibit 3-15.

(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in Chapters 5 and 6. In addition, the following standards shall apply:

- (1) Outdoor storage, display and operations shall comply with the standards in Sections 5.12 and 5.13;

There will be no outdoor storage required for the proposed Tower.

- (2) Drive-in and drive-through uses shall comply with the standards established in Section 5.8;

Not Applicable.

- (3) For manufacturing uses (see structural codes 3000-3999 in Exhibit 3-15) allowed in the GB district:

- (a) The maximum Building coverage shall be fifty (50) percent of total Lot Area;
- (b) For existing or new Buildings five thousand (5,000) square feet or larger, a Special Use Permit is required.

Not Applicable to the proposed use.

(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-9. Section cross-references identify the location of additional dimensional standards. The following standards shall apply in addition to the district development standards are established in Chapter 4 of this UDO and the HCO district guidelines as applicable.

- (1) Building walls facing streets shall be finished with brick, stucco, wood, or other non-metal siding determined by the Planning Director to be of comparable appearance and durability. Side and rear Building walls that do not face streets shall be finished with the same materials as the walls facing the streets for at least the lesser of twenty-five (25) percent or twenty-five (25) feet of the length of the wall extending from the nearest street facing walls.

The proposed Tower will sit within a 10,000 square foot leased area at the back of the subject property, approximately 838 feet from Hwy. 22 and will not be directly visible facing any other streets. The current plans show a six-foot chain link fenced compound.

- (2) Building sides facing streets shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise : horizontal run).

The fenced wireless facility will not require a roof.

- (3) All Buildings shall be designed to comply with the applicable design standards established in Section 4.10.

Not applicable to the proposed use.

- (4) Exhibit 3-9: Summary of GB Development Standards.

Design Element	Principal Standards	Structure	Section Cross-Reference
Maximum Height	45 Feet		4.2.1
Minimum Front Setback from Right-of-Way	No Minimum		4.2.2
Minimum Side Setback Exterior from Right-of-Way	No Minimum		4.2.2
Minimum Side Setback Interior	No Minimum		4.2.2
Minimum Rear Setback	No Minimum		4.2.2
Minimum Lot Width	No Minimum		4.2.3
Minimum Lot Size	No Minimum		4.2.3
Minimum Lot Area per Dwelling Unit	3,600 square feet		4.2.3

Acknowledged. The proposed Tower will comply with regulations applicable to telecommunication towers.

Section 5.23 – Towers and Related Structures

Towers and related structures that are fifty (50) feet or taller in Height shall require a Special Use Permit prior to construction or installation and are subject to the following standards:

- (A) Towers cannot be located in the HCO, CB, NB or OS districts.

Acknowledged. The proposed Tower is located in a GB CD district.

- (B) Towers cannot be located within one thousand (1,000) feet of any RE, RS or RM zoning district or any residential Development in a PD zoning district unless the tower is a monopole style and does not exceed a total height of two hundred (200) feet excluding lightning protection systems, in which case this setback shall be reduced to eight hundred (800) feet.

Acknowledged. As shown on the Overall Parcel Plan, Sheet C1 of the construction drawings, the proposed tower will be set back approximately 152 feet from the property to the west zoned RR, 112 feet from the property to the north zoned RR, 838 feet from NC Hwy 22 to the east and 898 feet from the closest property to the east zoned RS, and 69 feet from the property to the south zoned PD.

- (C) Towers taller than fifty (50) feet are allowed by Special Use Permit in the RR, GB and FRR districts.

Acknowledged. The subject parcel is zoned GB-CD.

The Special Use Permit application shall provide information that:

- (1) Demonstrates the antenna's compliance with State and Federal radio frequency emission standards;

Included with this Application package is the signed and sealed certification of the RF Engineer that emissions from this facility will comply with, and at all times be, maintained and operated in accordance with applicable FCC Good Engineering Practices and the American National Standards Institute (ANSI) and applicable rules and regulations with respect to the environmental effects of electromagnetic emissions. Based upon the ANSI and FCC standards and the predicted levels of electromagnetic energy emitted by this site, the signals being transmitted will of no safety concern to the general public. (See Tab 11)

- (2) Specifies the tower height and design and include a cross-section of the structure;

Please refer to the Sabre Industries Structural Tower Design Report included with this Application package. (See Tab 14)

- (3) Details any technical, engineering, economic and other pertinent factors governing the selection of the proposed design;

Based on the height of the proposed Tower, 155-feet with a one-foot lightning rod (156 feet to the top of the highest appurtenance), and proposed load of four total carriers, the monopole is the best engineered tower structure to accommodate the load capacity and to be the least obtrusive and economical structure for the area. In addition, monopoles, due to their galvanized steel gray tone, blend nicely into the environment and against the natural skyline.

- (4) Demonstrates the tower's compliance with applicable structural standards, which may include certification that the tower will withstand sustained winds in accordance with local Building codes or nationally recognized standards;

Please refer to the Sabre Industries Structural Certification Letter dated October 6, 2023, and to the October 5, 2023, Sabre Structural Design Report, both included in this Application package and are signed and sealed by a NC Professional Structural Engineer. (See Tabs 13 and 14)

- (5) Describes the failure characteristics of the tower and demonstrates that the site and Setbacks are of adequate size to contain debris;

Please refer to the Sabre Industries Letter of October 6, 2023, which speaks to the specifics, addresses and demonstrates that the fall radius is unlikely

event of the proposed Tower's failure would be within a "radius less than or equal to 50 feet". (See Tab 13)

- (6) Describes the tower's maximum capacity, including the number of antennas that it can accommodate for collection, taking into consideration radio frequency interference, mass, height and other characteristics, as well as options to overcome any problems that these considerations may pose to service delivery;

The Sabre Industries Structural Design Report for the proposed tower details a capacity of four antennas. Please refer to the Report for the details. (See Tab 14)

- (7) Assesses the environmental impact of the facility siting, including the impact on adjacent structures and districts as well as an historic sites and streetscapes;

Please refer to the Property Impact Report prepared by an NC Licensed Appraiser regarding the effect of the proposed tower on the neighboring lands included in this Application package. According to the Property Impact Report, the proposed Tower will have no adverse effect on the surrounding properties, but rather will improve the public health, safety and welfare of the residents, businesses and travelers in and through the area by providing improved coverage for AT&T, and 3 additional telecommunications carriers, in the surrounding area of Southern Pines and by allowing FirstNet to provide services to first responders. Thus, the wireless telecommunications facility will improve the public health, safety and welfare for those living, working and traveling in the coverage area. (See Tab 18)

The proposed Tower will have limited visibility by those living, working or travelling past the area. It will sit at the back of the subject property approximately 838 feet from Hwy. 22. These wireless telecommunication towers are part of the necessary infrastructure required to provide the services that are sought and are no more noticeable, and probably less, than standard landline telephone poles and wires.

- (8) Determine whether the construction of the tower and its reception and transmission functions will interfere with the usual and customary transmission or reception of radio, television and other services on adjoining properties;

Precision filters limit unwanted and spurious emissions to levels below the FCC specification. The signals being transmitted will not interfere with the reception and / or operation of commercial radio, cellular radio, television, telephone or other FCC approved telecommunication carrier or equipment. Included with this Application package is the signed and sealed certification of the RF Engineer regarding transmitter operation. (See Tab 11)

- (9) Documents the due diligence in seeking and subsequent failure to find space on an existing tower to collocate their antenna(s) (if permission for tower construction is being sought);

Please refer to Applicant's letter of January 9, 2024, advising a search was conducted by TowerCo of the area where coverage is needed to determine whether there were any colocatable structures within the search area. There were none within the search ring, and therefore the search expanded to include properties that would satisfy coverage requirements, with zoning that would allow a communication tower under the UDO and, a property owner who would be willing to negotiate a lease agreement for the location of a telecommunications tower and facility on their property. (See Tab 10)

- (10) Documents compliance with or exemption from FCC, FAA, MEPA and any other federal or state regulations applicable to the siting; statements must be issued from the FCC, FAA or the state attesting to the proposed facility's compliance;

Provided in this Application package are:

- *AT&T's FCC Antenna License; (See Tab 8)*
- *FAA's Determination of No Hazard to Air Space; (See Tab 17) and*
- *FCC National Environmental Policy Act (NEPA) Screening Report. (See Tab 20)*

- (11) Includes an agreement between the Town and the tower owners and their successors to allow shared use of the tower if:

- (a) Capacity exists based on existing and planned use;
- (b) A future Applicant for space on the tower agrees in writing to pay any reasonable charge for shared use; and
- (c) The potential use is technically Compatible.

Please see the December 4, 2023, letter to the Town of Southern Pines confirming TowerCo will enter into an agreement with the town to allow shared use of the tower if the above criteria can be met. (See Tab 16)

- (12) Documents anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise or safety impacts of such maintenance;

Technicians will need to access the proposed facility a couple of times a month for maintenance purposes of the equipment. Their trips will have no impact on traffic in the area and no other traffic, once construction has been completed, should be generated by this facility. There are no safety impacts anticipated from this servicing.

The only noise generated by this wireless facility will be the low hum of the generator fan that will occasionally come on and the noise of this fan is equivalent to that generated by the average residential HVAC system.

- (13) Documents liability insurance or bonding where applicable;

*A Certificate of Liability Insurance is included in the Application package.
(See Tab 15)*

- (14) Includes approval of the site owner, if different from the tower owner, to apply for a permit.

Property Owner executed a Ground Lease Agreement with TowerCo. on June 1, 2022, and a copy of the Lease has been included in this Application package. In addition, please also see the Appointment of Agent form. (See Tabs 5 and 1 respectively)

Section 2.21 – Special Use Permits

2.21.6. Criteria

A Special Use is permitted only if the Applicant demonstrates that:

- (A) The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

The proposed use is a 155-foot monopole wireless telecommunications facility within a 10,000 square foot leased area of a 4.24-acre parcel of land located in a GB CD district. The proposed Tower will comply with all regulations and standards applicable within the district.

The proposed Tower will service the community and area in which it will be located in the GB CD district. The facility will at all times comply with all state, federal, and local regulations and standards applicable to this particular use.

- (B) The proposed special 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;

A wireless telecommunications tower is a special use in the GB CD district. The proposed tower will be in harmony with the area as the proposed tower will have minimal impact on adjacent properties and uses and will also benefit the surrounding area, as wireless services will be available to those who live, work, and travel through the area.

Furthermore, the proposed Tower will be located on a 4.24-acre tract of land, and the primary use of the parent tract (commercial use) will not be altered by the proposed Tower. The proposed Tower is a low impact use, as it is an unmanned facility that is not open to the public. The proposed Tower is sited on the parcel in order to have the least visibility possible. It will not generate any odor or noise. The proposed Tower will not generate additional traffic or be of any significant impact to the nearby public roadway. Accordingly, the proposed Tower will fit in well with the area.

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

As an unmanned facility, the proposed Tower will not require water, sewer, or garbage collection. It will only require electrical utility service. In the unlikely event that fire protection is needed, fire protection will be provided by the Southern Pines Fire Department, Station 82. This site falls within the territory of the Moore County Sheriff's Department.

(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 proposed Tower is a public necessity, and it will not injure the value of abutting property. Most people prefer to live and work where wireless coverage and internet and digital capabilities are available. During the Covid pandemic, many people worked from home and are continuing to do so today, particularly young professionals. Many families with school age children are dependent on reliable telecommunications services as an essential component of a child's education.

People want to be where it is safe to live, work, and play and where they will have emergency access should it be needed.

The proposed Tower will be located on a 4.24-acre tract that is used for commercial purposes, and it will be set back approximately 152 feet from the property to the west, 112 feet from the property to the north, 898 feet from the property to the east, and 69 feet from the property to the south.

The proposed Tower will not injure the value of abutting property. Please refer to the Property Impact Study performed by Michael P. Berkowitz provided with this Application package. (See Tab 18)

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

The establishment, maintenance, or operation of the proposed Tower will not be detrimental to or endanger the public health, safety, comfort or general welfare, but rather will improve the public health, safety, comfort and general welfare of the residents, businesses and travelers in and through the area by providing improved coverage for AT&T, and additional telecommunications providers, in the surrounding area of Southern Pines and by allowing FirstNet to provide services to first responders. Thus, the proposed Tower will improve the public health, safety, comfort and general welfare for those living, working and traveling in the coverage area.

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

The proposed Tower is necessary to the public health, safety and general welfare of Southern Pines, and will enhance the public health, safety, and general welfare of the County and those living, working, and traveling near the proposed site. The proposed Tower will be a FirstNet site which will aid first responders in responding to emergency calls.

Thousands of facilities such as this one are located throughout the State of North Carolina (and tens of thousands nationwide). None present any threat or danger to public health or safety. Radio emissions from the facility will comply with all federal laws, including those established by the Federal Communications Commission (FCC), and the emissions will fall well below emission standards for this type of facility, as established by the American National Standards Institute (ANSI). (See Tab 11)

Wireless communications are a public safety necessity, as communication is critical in times of crisis. Seventy-four percent of Americans who own mobile phones say that they have used their hand-held devices in an emergency and gained valuable help. Most importantly, in times of natural disasters, wireless communication consistently emerges as the essential—and often only—means for emergency communication. Southern Pines first responders, businesses, travelers, citizens, and residents in the coverage area will be able to access 911 emergency services in the event that severe weather or other unforeseen circumstances down traditional landline communication services. Thus, the first responders, businesses, travelers, citizens and residents in this area of Southern Pines will directly benefit from the availability of improved wireless telecommunications services.

VII. CONCLUSION

The proposed Tower and telecommunications facility will be in conformity with the Town of Southern Pines Unified Development Ordinance and will be an integral part of AT&T's and other wireless carriers' wireless telecommunications systems, bringing reliable wireless digital services to this geographic area of the Town, its first responders, citizens, residents, businesses, visitors and travelers to the area that have previously been unserved or for whom service has been spotty, less than desirable and inconsistent.

The proposed Tower complies with all applicable provisions of the Town's Ordinance. At all times, TowerCo, AT&T, and their agents will cooperate with the Town in every way possible in permitting, construction, maintenance, and operation of this proposed facility.

TowerCo (Applicant) and Sullivan (Property Owner) respectfully request that the conditional rezoning amendment request be approved.

Respectfully submitted on this 11th day of June, 2024.

/s/ Marc C. Tucker

Marc C. Tucker
NC Zoning Counsel for Applicant TowerCo
2013, LLC and Authorized Agent for Property
Owner Sullivan Property, LLC



Transforming public safety communications



The First Responder Network Authority (FirstNet) has entered into a public-private partnership with AT&T to build the first nationwide wireless broadband network dedicated to first responders for use in disasters, emergencies and daily public safety work.



FirstNet provides initial funding, 20 MHz of spectrum and deep public safety expertise to the partnership. AT&T brings a proven track record and strong commitment to public safety, as well as the commercial expertise and nationwide resources to deploy, maintain and operate the network.



This 25-year partnership offers the best overall value to America and its public safety responders – both from an investment perspective and in terms of the lifesaving technology it will put in the hands of law enforcement, fire and emergency medical personnel in communities across the nation.

FirstNet will serve...



IN



ACROSS



Technology first responders need to save lives, protect communities

MODERNIZED

innovative
app & device
ecosystem



network
improvements
& upgrades



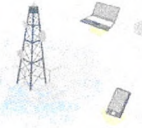
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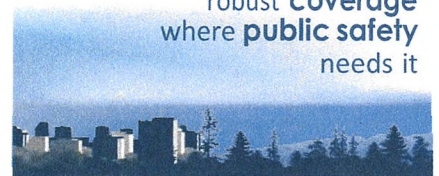
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TOP 10 FREQUENTLY ASKED QUESTIONS



1. What is the First Responder Network Authority?

The First Responder Network Authority is the independent authority established by Congress to deliver a nationwide broadband network dedicated to public safety. The Network is strengthening public safety users' communications capabilities, enabling them to respond more quickly and effectively to accidents, disasters, and emergencies.

The First Responder Network Authority is led by a [Board of leaders and executives](#) from the public safety community; federal, state, and local governments; and the technology, finance, and wireless sectors. It has a staff of about 200 employees with expertise in public safety, telecommunications, customer service, technology, procurement, and other areas needed to develop the Network. It is headquartered in Reston, VA, and has a technology center and lab in Boulder, CO.

2. What led to the creation of the First Responder Network Authority?

The 9/11 terrorist attacks brought to the forefront the many communications challenges that first responders face during emergencies and disasters. These issues were captured in the *9/11 Commission Report*, which identified gaps in emergency communications and recommended a nationwide network for law enforcement, fire, and emergency medical personnel communications.

The public safety community united to fulfill the 9/11 Commission's recommendation. Public safety organizations and associations advocated before Congress for a dedicated, reliable wireless network for first responders. Their advocacy efforts led to the passage of legislation in 2012 to create the agency to deploy the Network in all U.S. states and territories, including rural communities and tribal nations.

3. How has public safety been involved in the vision for the FirstNet network?

Public safety officials have worked closely with the First Responder Network Authority since its inception in 2012 to ensure the Network meets first responders' needs – today and in the future. The agency's outreach and consultation efforts have connected the organization to more than 1.8 million first responders and state public safety and technology executives across the country.

Specifically, the First Responder Network Authority has consulted extensively with [state single points of contact \(SPOCs\)](#) in each of the 50 U.S. states, 5 territories, and the District of Columbia, as well as local/municipal, tribal and federal public safety leaders. It also coordinates with public safety through the [Public Safety Advisory Committee \(PSAC\)](#), which provides guidance and subject matter expertise from a first responder perspective. Public safety leaders at the national, state and local levels continue to advocate for and support deployment of the Network.

4. How was AT&T selected to build, operate, and maintain the FirstNet network?

The First Responder Network Authority and the Department of Interior made the 25-year award based on the determination of the overall best value solution for FirstNet and public safety. The buildup to the award included a fair, competitive procurement process that began in January 2016 with [release of the Network RFP](#).

The procurement process followed the Federal Acquisition Regulation (FAR) and encouraged offerors to provide innovative solutions that could meet or exceed the needs of public safety.

The procurement was open to all entities, whether traditional wireless companies or new entrants, provided their proposal could meet the RFP's statement of objectives. AT&T was selected on a best-value award that considered financial sustainability and was based on more than just a technically acceptable solution at the lowest cost. The evaluation of proposals assessed the offerors' ability to submit a cost-effective and innovative model, and to meet or exceed the 16 objectives and evaluation factors outlined in the FirstNet RFP.

5. Why is the Network being built and operated through a public-private partnership?

The First Responder Network Authority and AT&T are modernizing and improving public safety communications by leveraging private sector resources, infrastructure, and cost-saving synergies to deploy and operate the Network. This public-private model also helps keep costs down for American taxpayers. To do this, Congress used the sale of communications airwaves (or spectrum) to fund FirstNet's initial operations and help start network deployment; the \$7 billion FirstNet received in initial funding came from FCC spectrum auction revenue, not taxpayer funds.

If the federal government were to build, maintain and operate this Network, the estimated cost would be tens of billions of dollars over 25 years. [The Government Accountability Office has estimated](#) it could cost up to \$47 billion over 10 years to construct and operate the Network.

With this partnership approach, the First Responder Network Authority and AT&T do not need any additional federal funding to build and operate the Network – it is a fully funded, self-sustaining Network. In return, America's first responders get services far above and beyond what they have today over a first-class broadband network dedicated to their communications needs.

6. What are the key terms this public-private partnership?

Congress intended for the Network to be built and operated as a public-private partnership that brings together the best of the private sector, including commercial best practices, infrastructure, and resources – with the First Responder Network Authority’s public safety expertise. This approach will lead to a fully-funded, self-sustaining Network that will serve public safety for years to come. This business model is built upon the efficient use of resources, infrastructure, cost-saving synergies, and incentives, including:

- 20 MHz of federally owned spectrum and \$6.5 billion in initial funding to the partnership; in return AT&T will deploy and operate a nation-wide high-speed broadband network for public safety over 25 years.
- AT&T will invest about \$40 billion over the life of the contract to build, operate, deploy, and maintain the Network, and together with the First Responder Network Authority will help ensure the Network evolves with the needs of public safety.
- AT&T can use FirstNet’s spectrum when it is not being used by public safety for other, commercial purposes. The company will prioritize first responders over any other commercial users.
- First Responder Network Authority will oversee the contract to ensure it delivers innovation, technology and customer care to public safety through various mechanisms, including subscriber adoption targets, milestone buildouts, disincentive fees and other mechanisms outlined in the contract.

7. What will the FirstNet Network provide first responders that they don’t have today?

Today, in emergencies and at large events, heavy public use can lead to wireless communications networks becoming overloaded and inaccessible. In those instances, public safety users are treated the same as any other commercial or enterprise user, and communications can be limited due to congestion and capacity issues.

With the FirstNet Network, public safety will get a dedicated “fast lane” that provides highly secure communications every day and for every emergency. It will deliver specialized features to public safety that are not available on wireless networks today – such as priority access; preemption; more network capacity; and a resilient, hardened connection. The Network will deliver more than just a public-safety-dedicated wireless connection – it is also creating devices and apps ecosystems that will connect first responders to innovative, life-saving technologies.

8. How will the Network benefit first responders and help them do their jobs better?

FirstNet will improve communications, response times and outcomes for first responders from coast-to-coast, in rural and urban areas, inland and on boarders – leading to safer, and more secure communities. The Network will provide first responders with innovation and robust capacity so they can take advantage of advanced technologies, tools and services during emergencies, such as:

- Applications that allow first responders to reliably share videos, text messages, photos and other information during incidents in near real-time;
- Advanced capabilities, like camera-equipped connected drones and robots, to deliver images of wildfires, floods or other events;
- Improved location services to help with mapping capabilities during rescue and recovery operations; and
- Wearables that could relay biometric data of a patient to the hospital or alert when a fire fighter is in distress.

Network technology will also be tested and validated through the [FirstNet Innovation and Test Lab](#), located in Boulder, CO, so first responders will have the proven tools they need in disasters and emergencies.

9. What’s happening with FirstNet now?

All 50 states, five U.S. territories and Washington, D.C., have “opted in,” to FirstNet, meaning each has accepted its individual State Plan detailing how the network will be deployed in their state/territory.

The First Responder Network Authority’s public-private partnership with AT&T provides first responders with immediate access to mission-critical capabilities over the FirstNet network. This includes priority and preemption features that give first responders their own “fast lane” on the public safety network to communicate and share information during emergencies, large events, or other situations when commercial networks could become congested. FirstNet is the only broadband network to provide ruthless preemption for public safety.

Key FirstNet activities include:

Expanding the Network and Building Out Band 14: The First Responder Network Authority has issued work orders to deploy the RANs. This gave AT&T the green light to expand FirstNet’s footprint and deploy Band 14 capacity and coverage throughout the nation, providing first responders with the bandwidth and mission critical connections they need to communicate, share information, and use innovative technologies every day and in every emergency.

Driving public safety innovation: FirstNet is also unlocking a new technology marketplace for public safety, enabling first responders to benefit from advancements in innovation. The FirstNet App Catalog store will be filling up with FirstNet-approved mobile apps that are optimized for public safety use over the Network.

Securing emergency communications: FirstNet’s first-of-its-kind core infrastructure will give first responders the dedicated, highly secure, non-commercial network they deserve. The FirstNet Core, delivered in March 2018, provides full encryption of public safety data over FirstNet and end-to-end cyber security. FirstNet subscribers also have access to a dedicated Security Operations Center, offering 24/7/365 support.

Engaging with public safety: The First Responder Network Authority will continue to engage with public safety in the states, territories, federal agencies, and tribal nations to ensure the network meets their needs and incorporate their feedback in the design of future FirstNet products and services.

10. How can I learn more?

Stay up-to-date on the First Responder Network Authority activities and the building and deployment of FirstNet at www.firstnet.gov. Follow us on [Twitter](#), [Facebook](#) and [YouTube](#).



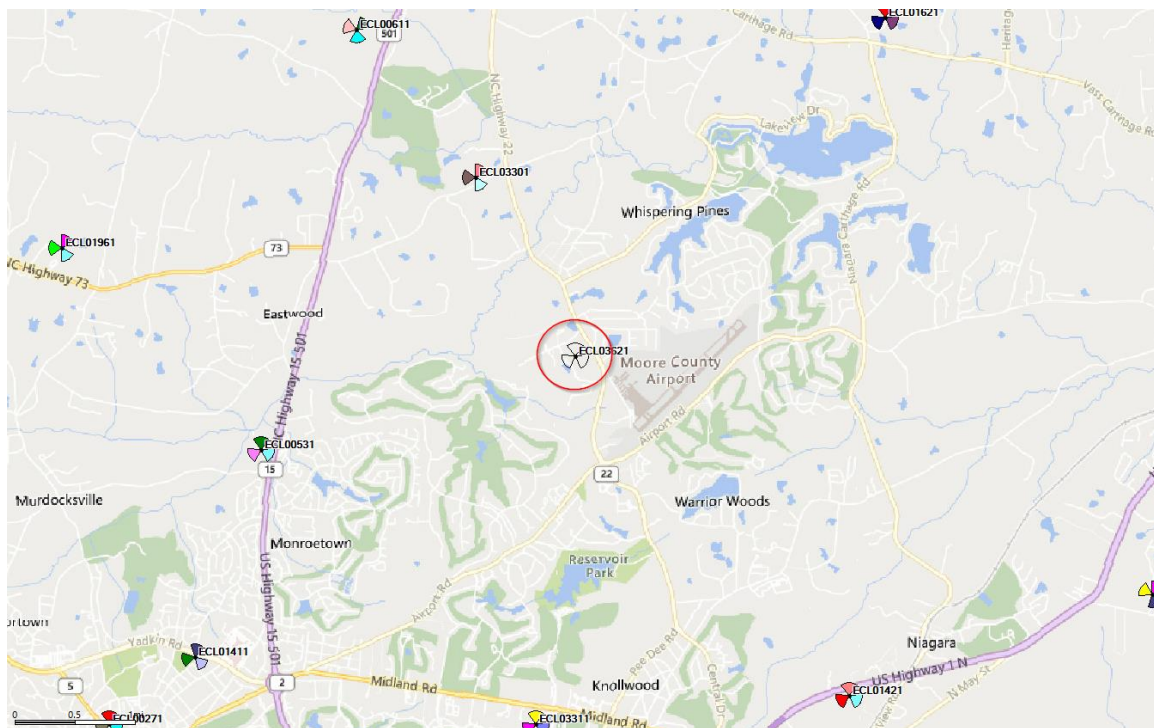


DATE: December 15, 2023
SUBJECT: **RF Justification for AT&T Mobility Site “141-362”**

AT&T Mobility has been requested to provide justification for our proposed site “141-362”. AT&T Mobility is currently in the process of enhancing its coverage in Moore County.

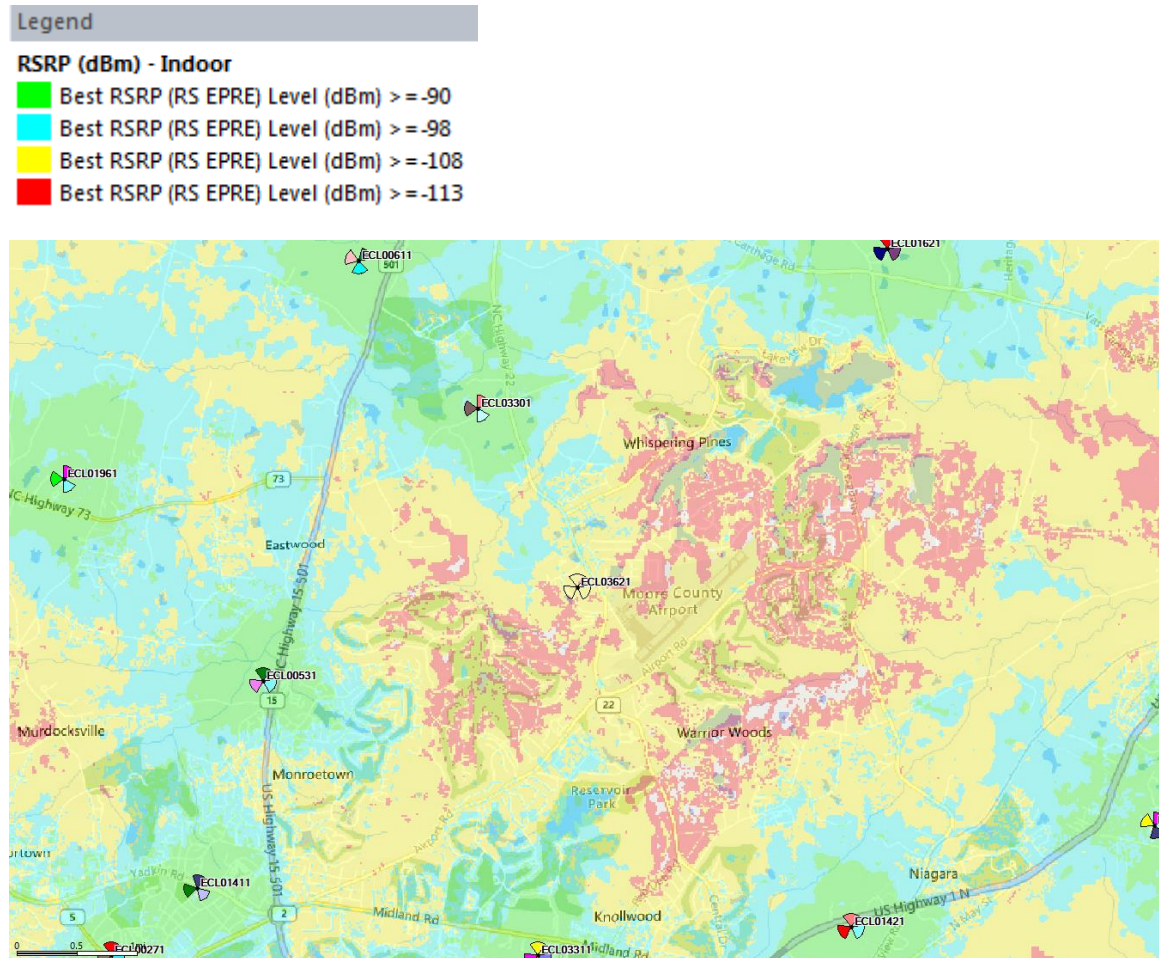
The attached maps detail the location of the new tower facility “141-362” and expected propagation of emissions from the proposed design. **Figure 1** shows the general area within Moore County that the new site will be located. In **Figure 1** indicate the location of all existing sites and center in the map location of the proposed site.

Figure 1: Map of AT&T Existing on air and proposed site 141-362



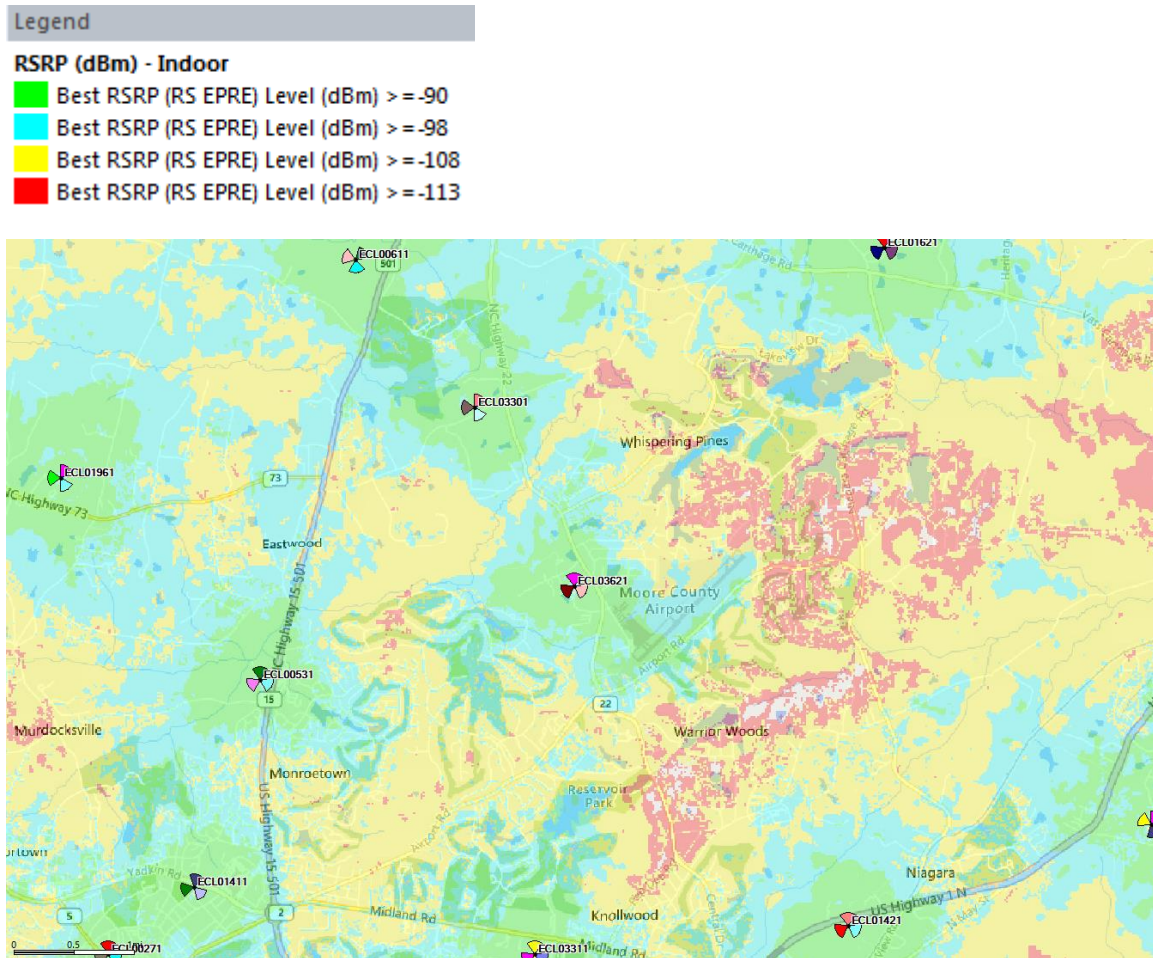
Currently AT&T Mobility does not have adequate network coverage in concerning area. The new site is required to provide coverage at NC Highway 22, Moore County Airport, Forest Creek Golf Club and surrounding residential areas in Moore County, NC. Refer to **Figure 2**, which shows coverage without the proposed site “141-362”.

Figure 2: Map of AT&T Coverage without “141-362”



With the addition of proposed site “141-362” AT&T Mobility will improve its network coverage in this area. Refer to the **Figure 3** which shows coverage with the proposed site “141-362”.

Figure 3: Map of AT&T Coverage with “141-362”



Shohel Chowdhury
Senior-RAN Design Engineer
AT&T Mobility LLC.
Raleigh, NC
E-mail: sc3730@att.com



January 9, 2024
Town of Southern Pines
Department of Planning
Attn: BJ Grieve
801 SE Service Rd
Southern Pines, NC 28387

Dear Mr. Grieve,

TowerCo is providing this letter as confirmation that as part of our site selection, we attempted to negotiate a lease agreement with a number of different property owners. This is detailed below.

However, our first step is to confirm whether there are any colocatable structures within the search ring area provided by AT&T. There were no structures within the ring, and therefore the search expanded to included property owners willing to enter into a lease agreement for a new tower that would meet the following criteria:

- 1) Landowner was willing to negotiate a lease agreement
- 2) Property was located within the search area which would satisfy AT&T's coverage requirements
- 3) Site was zoned such that it would allow a communication tower under the Town of Southern Pine's Unified Development Ordinance

Property 1- James and Martha Mabe (APN: 85740478866)

This property was considered, however, the location was such that it would not provide the coverage objectives for AT&T

Property 2- Jane McPhaul (APN: 857404622614)

This property did work for AT&T RF but during our negotiations in 2020, Ms. McPhaul passed away and the property entered probate. As a result, we then began negotiations with her children (4) through 2021 with no success. Ultimately, the family was split on whether to enter into a lease agreement and therefore no consensus was reached

Property 3- Sandhills Community College (APN: 857300952219)

The college was considered and several locations were discussed with the landowner in 2020. However, during negotiations, COVID struck and the college put all discussions on hold. We returned to the college after the initial COVID restrictions were lifted and asked if

5000 Valleystone Dr.
Suite 200
Cary, NC 27519

cellular

919.653.5700

main

919.469.5530

fax

info@towerco.com

email

towerco.com

website

they would consider continuing negotiations. They stated that they were no longer interested in having a tower on their property as their priorities had changed since the pandemic. Our primary contact was Doug Smith, the Director of Facilities.

Property 4- Forest Creek Golf Club (APN: 857300393172)

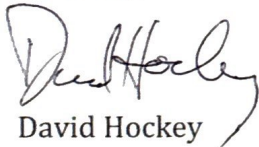
TowerCo discussed placing a tower on the club's property near their maintenance facility with management from 2020-2022. During this time there was a change in leadership at the club and we began discussions from scratch once new leadership was in place. Ultimately, the club made a decision to focus on other capital projects for the club and stated they didn't have time or the interest to negotiate a lease. We ceased discussions in 2022.

Property 5- Sullivan Property LLC (APN: 857404921656)

This property owner entered negotiations with TowerCo in October 2021 and secured a ground with them June 2022.

Should you have any questions, I can be reached at the number below.

Sincerely,



David Hockey
Director of Business Development, Mid-South Region
E: Dhockey@towerco.com
P: (919) 653-5746

info@towerco.com

email towerco.com

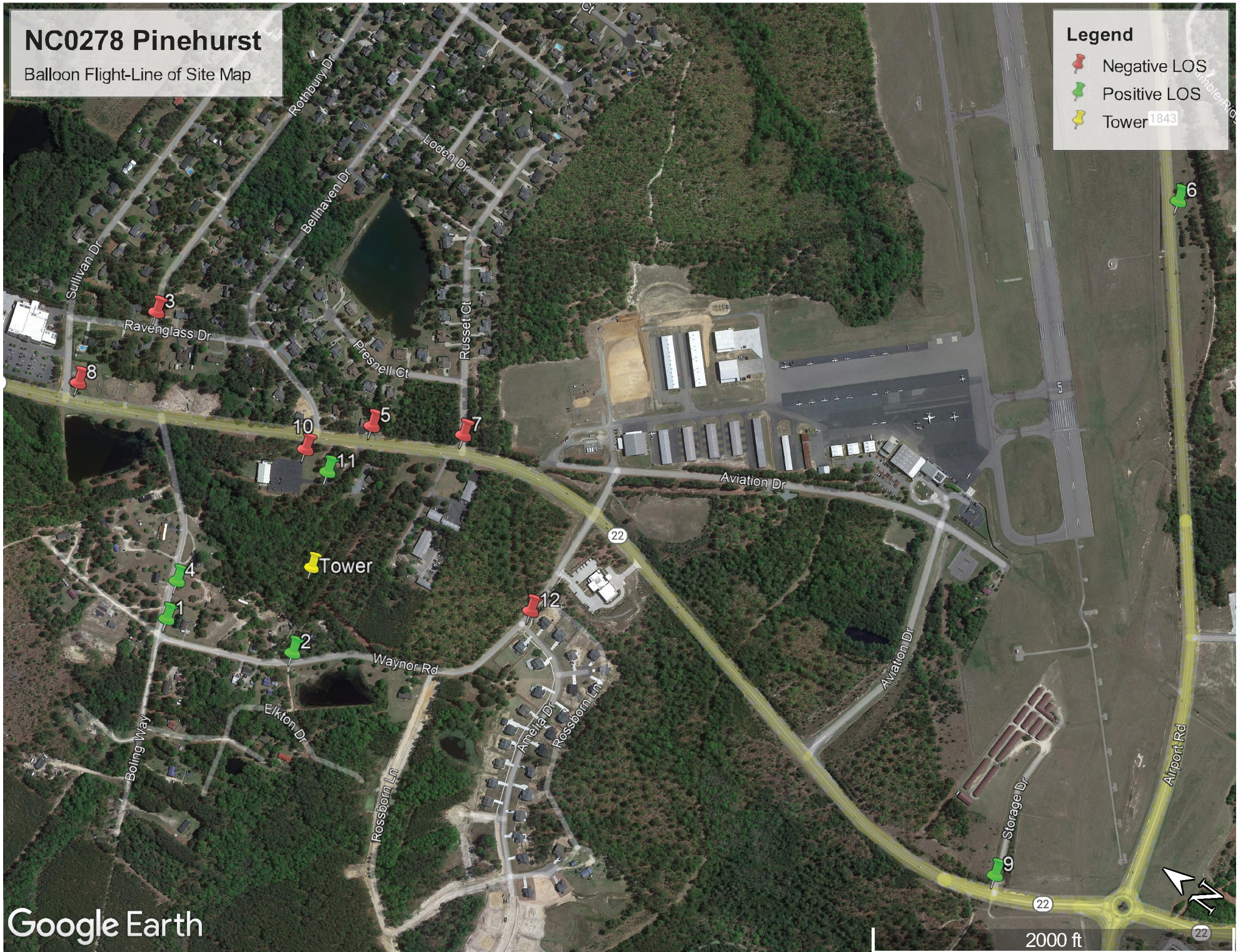
website

NC0278 Pinehurst

Balloon Flight-Line of Site Map

Legend

- Negative LOS
- Positive LOS
- Tower 1843



Google Earth



View #1 looking southeast from Waynor Road (.16 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327





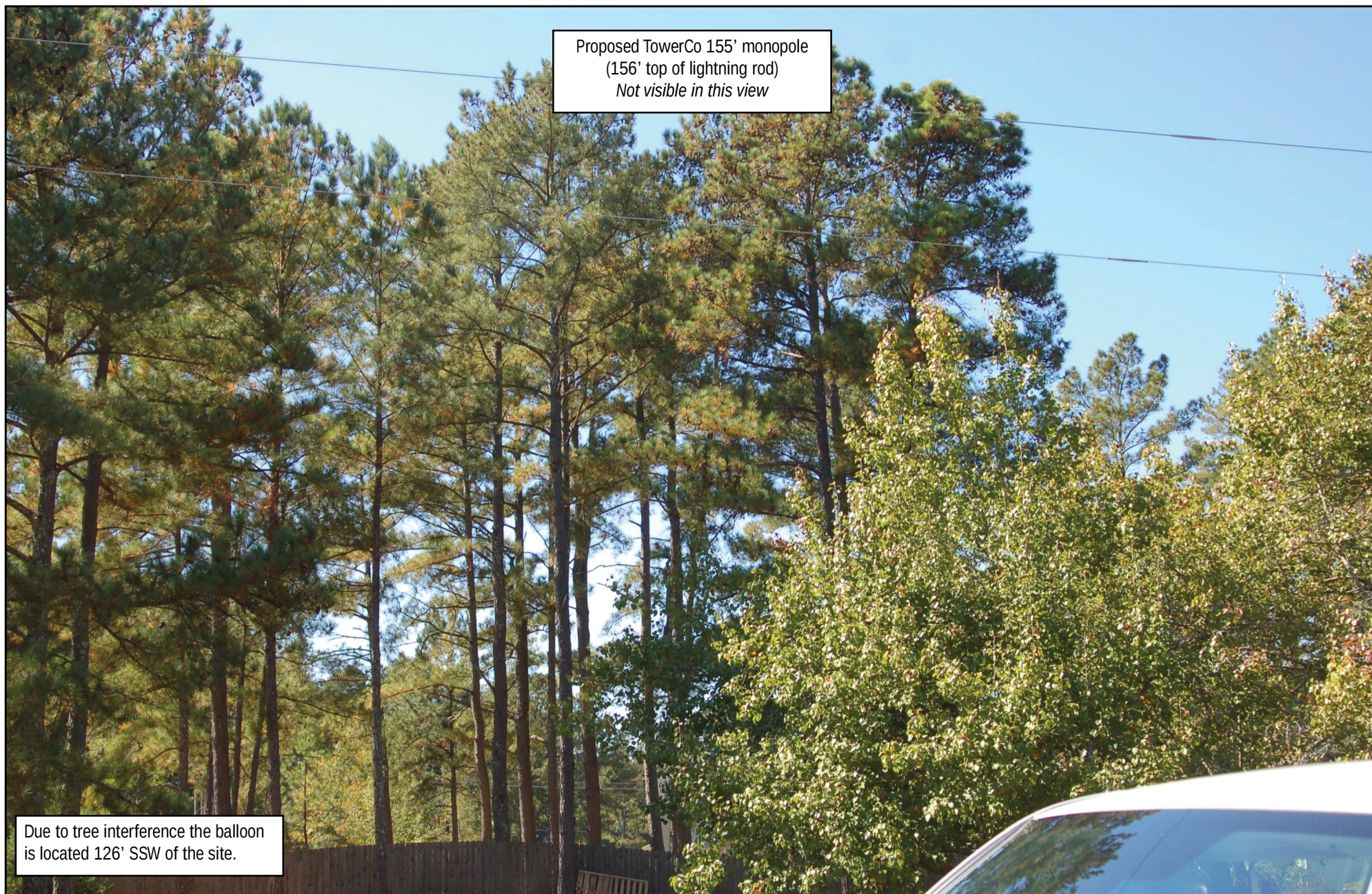
View #2 looking east northeast from Waynor Road (.09 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327





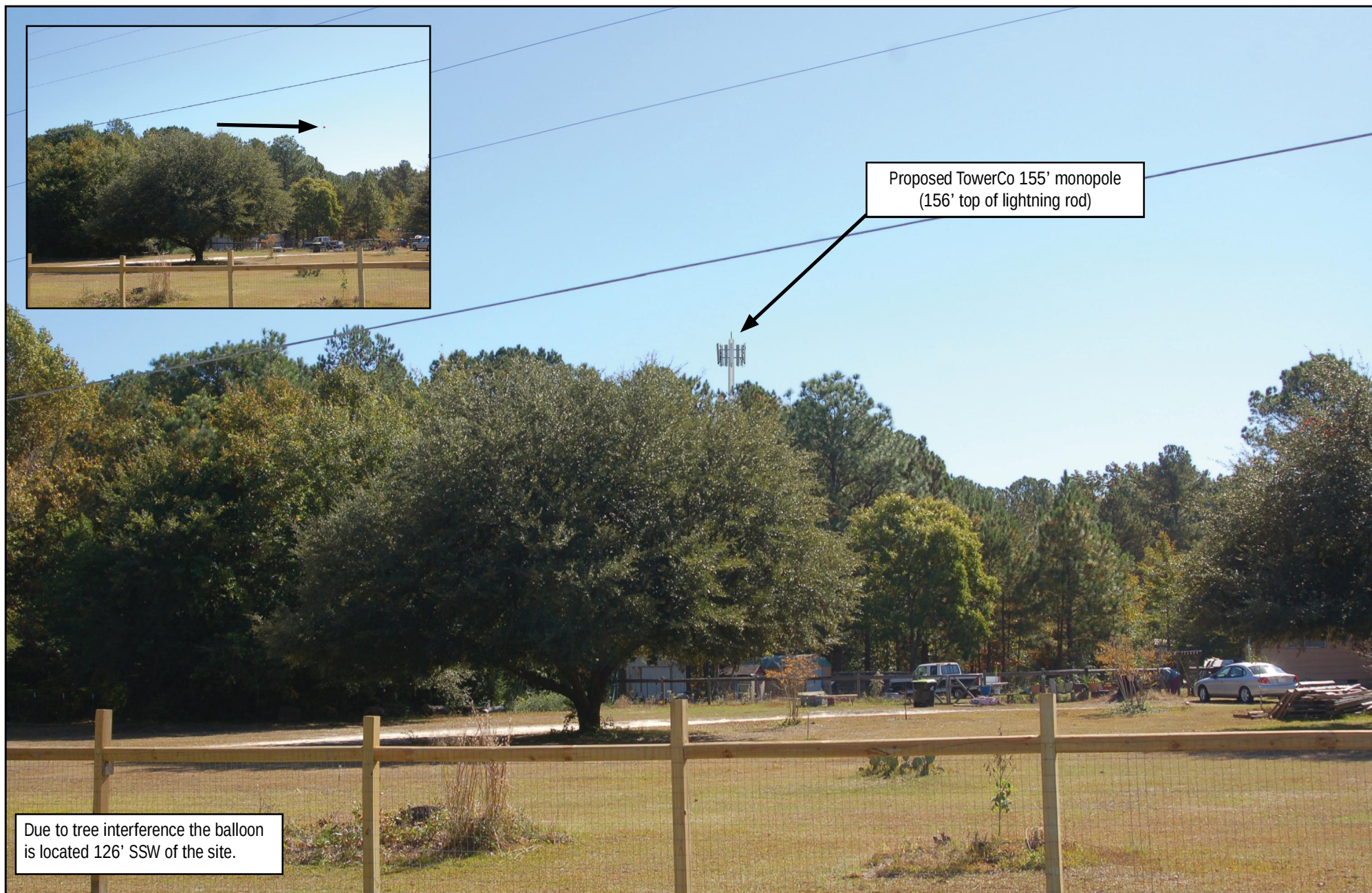
View #3 looking south southwest from Ravenglass Drive (.3 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327





View #4 looking south southeast from Waynor Road (.14 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327





View #5 looking west from Hwy 22 (.16 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327





Proposed TowerCo 155' monopole
(156' top of lightning rod)



Due to tree interference the balloon
is located 126' SSW of the site.

View #6 looking northwest from Airport Road (1 mile)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327

 **TowerCo**

Proposed TowerCo 155' monopole
(156' top of lightning rod)
Not visible in this view

Due to tree interference the balloon
is located 126' SSW of the site.

View #7 looking west northwest from Russet Court (.2 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327



Proposed TowerCo 155' monopole
(156' top of lightning rod)
Not visible in this view

Due to tree interference the balloon
is located 126' SSW of the site.

View #8 looking south from Hwy 22 (.31 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327





Proposed TowerCo 155' monopole
(156' top of lightning rod)

Due to tree interference the balloon
is located 126' SSW of the site.

View #9 looking north from Storage Drive (.79 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327



Proposed TowerCo 155' monopole
(156' top of lightning rod)
Not visible in this view

Due to tree interference the balloon
is located 126' SSW of the site.

View #10 looking southwest from Bible Tabernacle Parking Lot (.12 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327





View #11 looking west southwest from Bible Tabernacle Driveway (.10 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327



Proposed TowerCo 155' monopole
(156' top of lightning rod)
Not visible in this view

Due to tree interference the balloon
is located 126' SSW of the site.

View #12 looking north northwest from Amelia Drive (.23 miles)

Proposed

Kimley»Horn

TowerCo - NC078
7672 NC Highway 22
Carthage, NC 28327





December 4, 2023

Town of Southern Pines
801 SE Service Rd
Southern Pines, NC 28387
Attn: BJ Grieve

Re: Proposed Cell Tower at 7672 Hwy 22, Carthage NC

Dear Mr. Grieve,

Per Section 5.23 (D), (11) of the Unified Development Ordinance, TowerCo is providing this letter to confirm that it will enter an agreement with the town to allow shared use of the tower if:

- (A) Capacity exists based on existing and planned use
- (B) A future applicant for space on the tower agrees in writing to pay any reasonable charge for shared use
- (C) The potential use is technically compatible

Sincerely,

A handwritten signature in blue ink that reads "David Hockey".

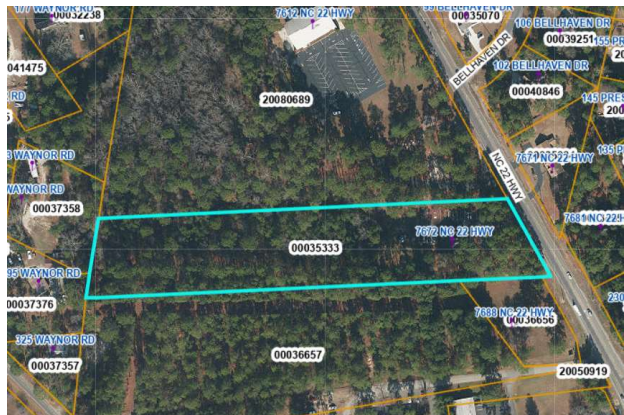
David Hockey
Director of Business Development, Midsouth

IMPACT STUDY

***Impact Study - Cell Tower
Pinehurst
7672 NC Highway 22
Southern Pines, NC 27592***

Type Report: Impact Study

***Effective Date
December 12, 2023***



December 26, 2023

David Hockey
TowerCo
Director of Business Development Mid-South Region
5000 Valleystone Drive
Cary, NC 27519

RE: Impact Study for Proposed Telecommunications Facility located at 7672 NC Highway 22, Southern Pines, Moore County, North Carolina.

Dear Mr. Hockey:

I have completed a study of the proposed tower. The scope of the assignment includes an analysis of the criteria within my field of expertise for a Special Use Permit (SUP). The study is intended to assist Southern Pines officials in determining whether the proposed development meets the criteria for approval as detailed in Chapter 2.21.6 of the Southern Pines Unified Development Ordinance (UDO).

The location of the proposed tower is along a secondary transportation corridor, NC Highway 22, leading to US Highway 1 to the south and US 501 to the north. The proposed tower is located just north of the Moore County Airport. The NC Highway 22 corridor includes a variety of uses from residential to industrial. The anticipated development patterns along the corridor are a factor in the conclusions of this report.

The impact study is intended to conform to the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. The impact study is not an appraisal as it does not report the value of any property; however, the study employs appraisal methodology to reach our conclusions of the impact of the proposed development. The impact study is of real property as this is the field of our expertise.

The conclusions of this study are supported by the data and reasoning set forth in the attached narrative. Your attention is invited to the Assumptions and Limiting Conditions section of this report. The analysts certify that we have no present or contemplated future interest in the proposed development, and that our fee for this assignment is in no way contingent upon the conclusions of this study.

EXTRAORDINARY ASSUMPTIONS AND HYPOTHETICAL CONDITIONS:

The approval process for the cell tower will require several layers. This study is specific to the application for the SUP. It is an extraordinary assumption of this report that the improvements are necessarily limited to setbacks, landscaping, access, wetlands and other items outside our field of expertise for this assignment. These items will be addressed as part of the application by others with expertise within the respective fields.

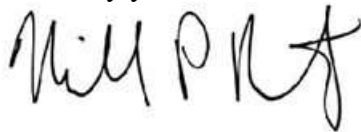
It is an extraordinary assumption of this report that the proposed development will be constructed as detailed in the report. Further, it is an assumption of the study that the proposed access will be in accordance with all local and state regulations. Maintenance will occur through a non-exclusive easement that we assume is legal access. Given access will be required for the development, we consider the assumption reasonable for the purpose and intended use of this study.

The content and conclusions of this report are intended for our client and for the specified intended uses only. They are also subject to the assumptions and limiting conditions as well as the specific extraordinary assumption set forth in this report.

The proposed development, in our opinion, conforms to the character of the neighborhood. Given the existing external influences for the neighborhood, the proposed development will not injure the use and enjoyment of properties in the area. The market provides no evidence that the special use will impede the orderly development along the NC 22 corridor. Based on the quantitative and qualitative analysis provided, the proposed special use will not substantially diminish or impair the property values in the area.

Thank you for the opportunity to be of service. If you have any questions or comments, please contact our office.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael P. Berkowitz". The signature is fluid and cursive, with the first name "Michael" being more legible than the last name "Berkowitz".

MICHAEL P. BERKOWITZ
MPB REAL ESTATE, LLC

**FCC
NATIONAL ENVIRONMENTAL POLICY
ACT (NEPA) SCREENING REPORT**

**Pinehurst
Site Number: NC0278
7672 NC Hwy 22
Carthage, North Carolina
Moore County**

Prepared for:
TowerCo 2013 LLC
5000 Valleystone Drive
Cary, North Carolina 27519

Prepared by:
Martin Environmental Solutions Inc
3830 Crown Point Road Ste. F
Jacksonville, Florida 32257
www.MartinEnviro.com

November 13, 2023

1.0 EXECUTIVE SUMMARY

This report documents the findings of the Federal Communications Commission (FCC) National Environmental Policy Act (NEPA) Screening performed by Martin Environmental Solutions Inc (MartinEnviro) for the proposed telecommunications facility located at 7672 NC Hwy 22, Carthage, Moore County, North Carolina (*Subject Site*). The *Subject Site* is unimproved.

The purpose of the FCC NEPA Screening was to identify conditions as indicated in Title 47 of the Code of Federal Regulations, Part 1, Subpart I, rule Sections 1.1307 (47 CFR 1.1307) that would indicate the need to perform a NEPA Environmental Assessment (EA). Exceptions to or deletions from the scope of work are described in Section 2.0.

The assessment revealed no conditions that would require the performance of a NEPA EA at this time.

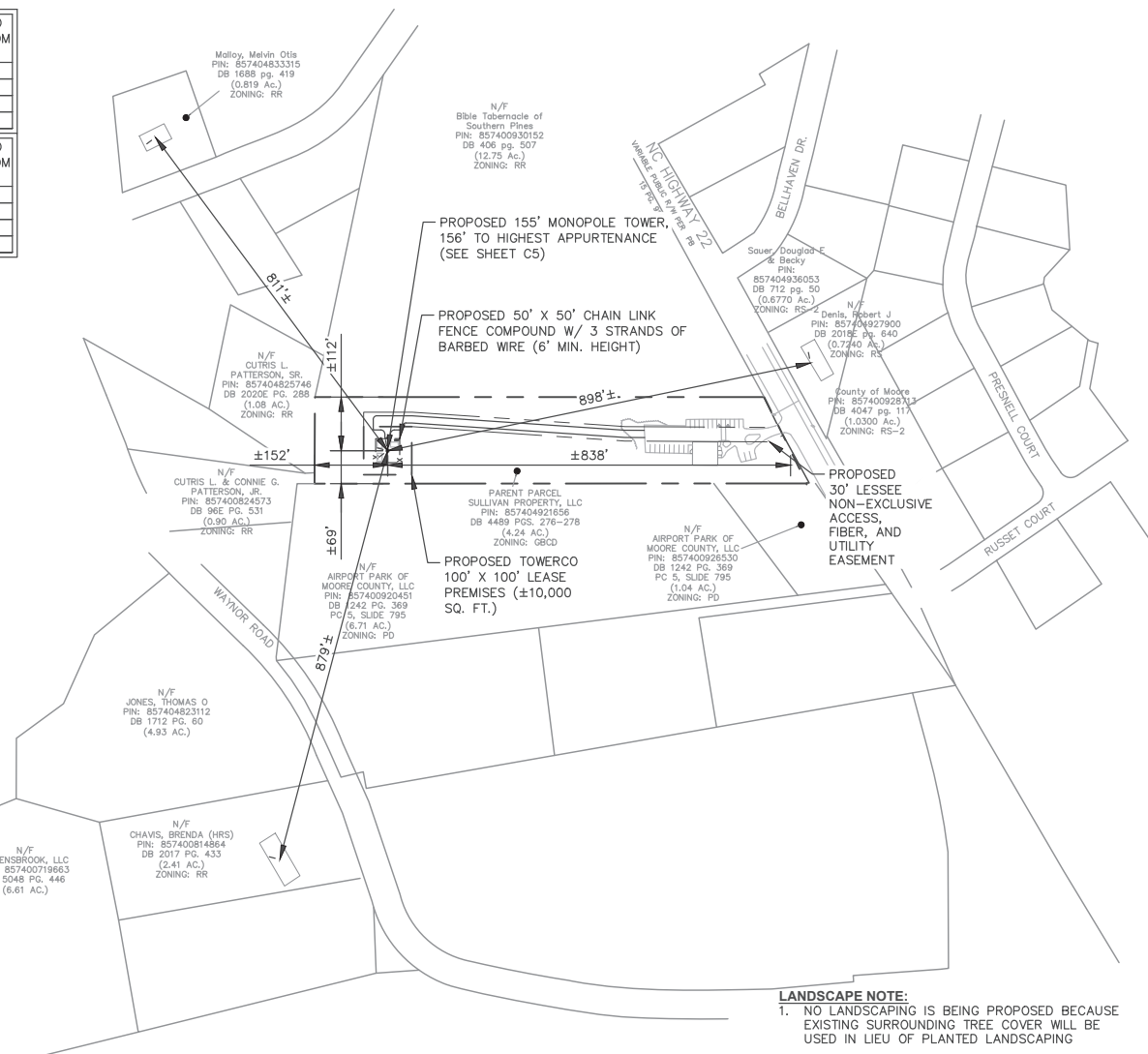
These conclusions are based on the review of available historical and regulatory records, wetland maps, floodplain maps, reconnaissance of the site and surrounding areas, and consultations with appropriate agencies. These conclusions are not subject to undocumented circumstances that were not readily discernible at the time of the site reconnaissance.

It should be noted that this section is only intended to represent a brief summary of the findings and does not represent a detailed account of all the information compiled in preparation of this report. The report should be reviewed in its entirety to understand the relevant conditions associated with the *Subject Site*.

\\vol-wireless\towerco\2020\NC0278\1 - final-17732 (6d)\CAD\2D\NC0278.dwg 12/19/23 10:28 AM by: Robert.Gleason

TOWER SETBACKS TO PROPERTY LINES (FROM TOWER CENTER)	
NORTH	112'±
SOUTH	69'±
EAST	838'±
WEST	152'±

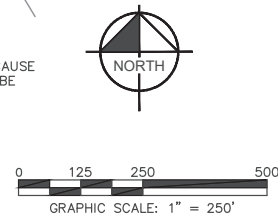
TOWER SETBACKS TO PROPERTY LINES (FROM FENCE LINE)	
NORTH	87'±
SOUTH	44'±
EAST	813'±
WEST	127'±



SURVEY NOTE:

1. TOWERCO STAFF SHALL COORDINATE WITH THE PROPERTY OWNER TO OBTAIN THE PROPER EASEMENT AGREEMENTS TO CONSTRUCT AND MAINTAIN EQUIPMENT IN AND AROUND THE TOWER COMPOUND.
2. PROPOSED COMPOUND LAYOUT BASED ON SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING SERVICES DATED 05/12/23 AND SITE VISIT DATED 07/12/22.

1 OVERALL PARCEL PLAN
C1 SCALE: 1" = 250'



PROJECT INFORMATION:

SITE NAME:
PINEHURST
SITE #: NC0278
7672 HWY 22
CARTHAGE, NC 28327
MOORE COUNTY

PLANS PREPARED BY:

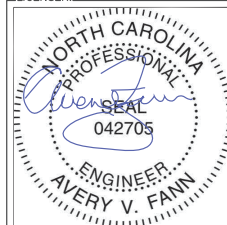
Kimley»Horn

421 FAYETTEVILLE STREET, SUITE 600
RALEIGH, NC 27601
PHONE: 919-677-2000
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

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3			
2	12/19/23	CONSTRUCTION	AVF
1	08/30/23	CONSTRUCTION	AVF
0	08/17/23	CONSTRUCTION	KRB
A	08/03/23	ZONING	AVF

LICENSER:



KHA PROJECT NUMBER:

012628079.1.100

DRAWN BY: CHECKED BY:

FAQ KRM

SHEET TITLE:

OVERALL
PARCEL PLAN

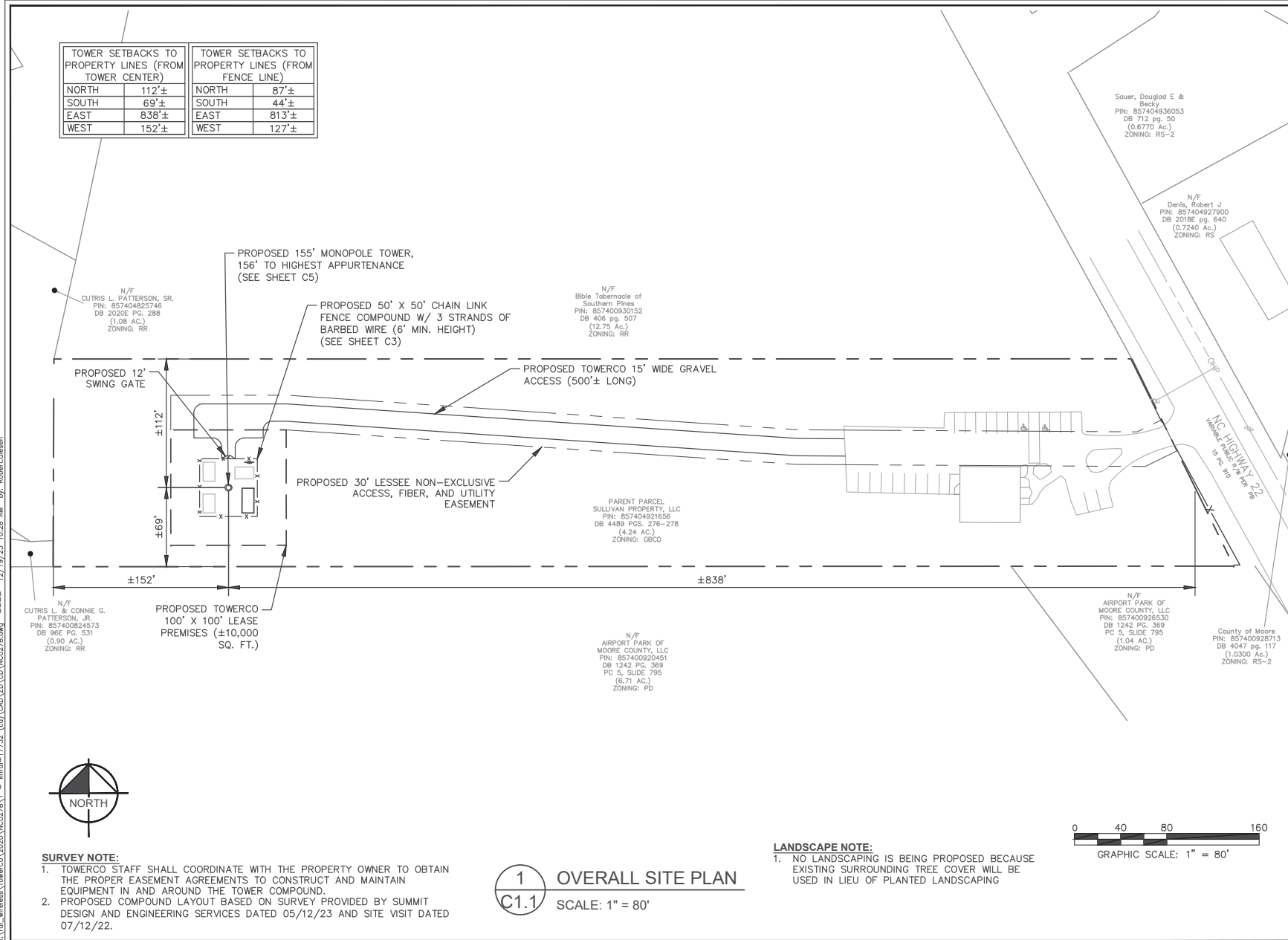
SHEET NUMBER:

C1

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PROJECT INFORMATION:

SITE NAME:
PINEHURST
SITE #: NC0278
7672 HWY 22
CARTHAGE, NC 28327
MOORE COUNTY

PLANS PREPARED BY:

Kimley»Horn

421 FAYETTEVILLE STREET, SUITE 600
RALEIGH, NC 27601
PHONE: 919-677-2000
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

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2	12/19/23	CONSTRUCTION	AVF
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0	08/17/23	CONSTRUCTION	KRB
A	08/03/23	ZONING	AVF

LICENSER:



KHA PROJECT NUMBER:

012628079.1.100

DRAWN BY: CHECKED BY:

FAQ KRM

SHEET TITLE:

**OVERALL
SITE PLAN**

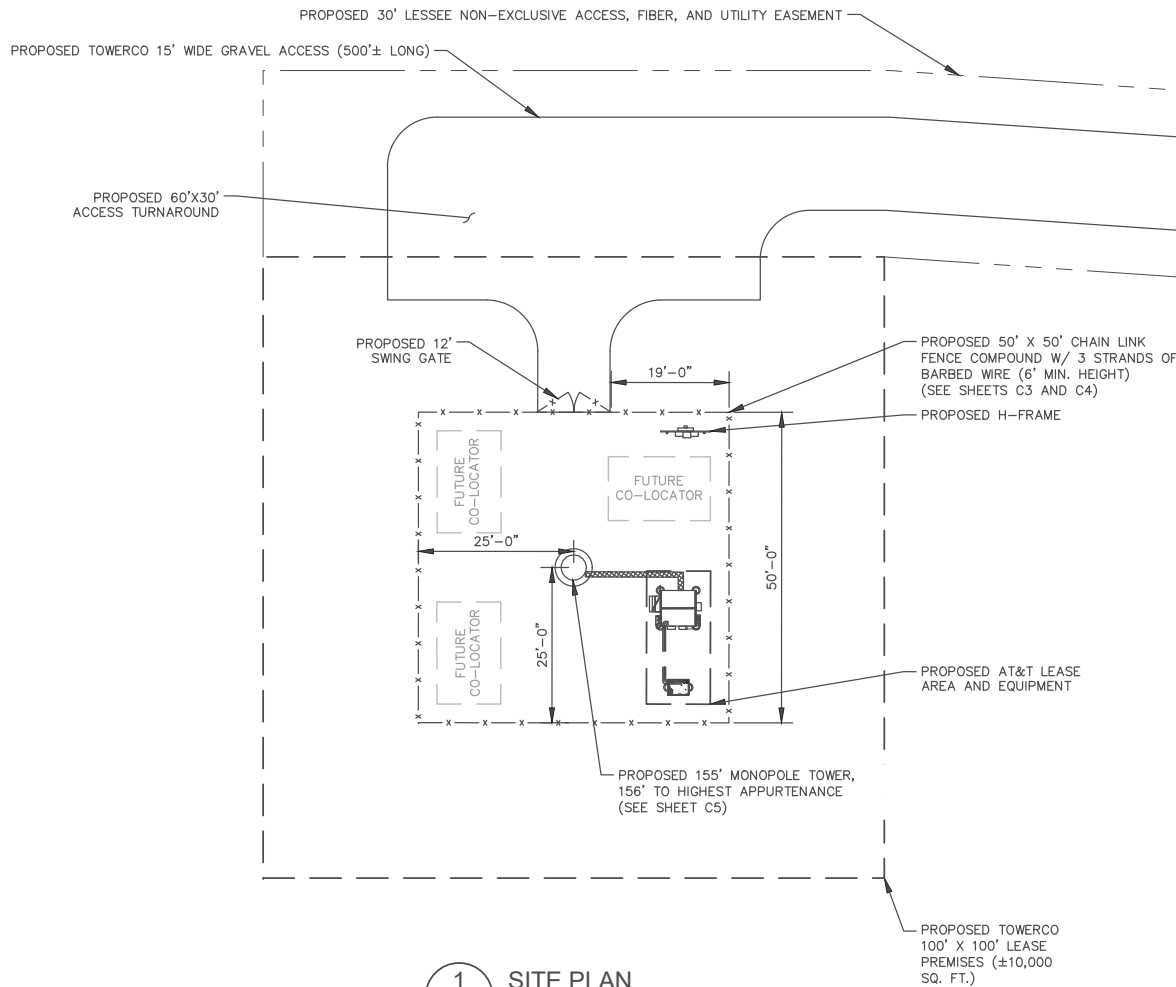
SHEET NUMBER:

C1.1

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\\vol_wireless\towerco\2020\NC0278\1 - final-17732 (c4)\C401\20\NC0278.dwg 12/19/23 10:28 AM by: Robert.Gleason



1 SITE PLAN
C2 SCALE: 1" = 20'

SITE NOTES:

1. TOWERCO STAFF SHALL COORDINATE WITH THE PROPERTY OWNER TO OBTAIN THE PROPER EASEMENT AGREEMENTS TO CONSTRUCT AND MAINTAIN EQUIPMENT IN AND AROUND THE TOWER COMPOUND.
2. PROPOSED COMPOUND LAYOUT BASED ON SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING SERVICES DATED 05/12/23 AND SITE VISIT DATED 07/12/22.
3. TOWER DIMENSIONS SHOWN ON THIS PLAN ARE FOR TOWER CENTER LOCATION. CONTRACTOR TO OBTAIN COPY OF TOWER ERECTION DRAWINGS FROM TOWERCO CONSTRUCTION MANAGER PRIOR TO DRILLING TOWER FOUNDATIONS. CASSIONS AND TOWER SHOWN ON THIS PLAN ARE ILLUSTRATIVE, SEE DESIGN DRAWING BY OTHERS. DO NOT SCALE.

LANDSCAPE NOTE:

1. NO LANDSCAPING IS BEING PROPOSED BECAUSE EXISTING SURROUNDING TREE COVER WILL BE USED IN LIEU OF PLANTED LANDSCAPING



PROJECT INFORMATION:

SITE NAME:
PINEHURST
SITE #: NC0278
7672 HWY 22
CARTHAGE, NC 28327
MOORE COUNTY

PLANS PREPARED BY:

Kimley-Horn

421 FAYETTEVILLE STREET, SUITE 600
RALEIGH, NC 27601
PHONE: 919-677-2000
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

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2	12/19/23	CONSTRUCTION	AVF
1	08/30/23	CONSTRUCTION	AVF
0	08/17/23	CONSTRUCTION	KRB
A	08/03/23	ZONING	AVF

LICENSER:



KHA PROJECT NUMBER:

012628079.1.100

DRAWN BY: CHECKED BY:

FAQ KRM

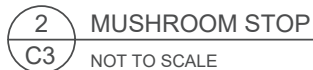
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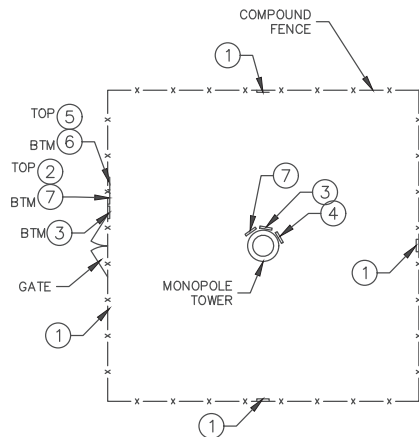
SITE PLAN

SHEET NUMBER:

C2

1. USE 4,500-PSI CONCRETE, FULLY CONSOLIDATED AROUND THE POST.
2. WHERE THE POST IS SET IN ROCK OR CONCRETE, CORE A HOLE 12" DEEP AND 1" LARGER IN DIAMETER THAN THE POST. SET THE POST AND GROUT IN PLACE USING NON-SHRINK GROUT.
3. ALL POSTS MUST BE PLUMB AND ALIGNED WITH ONE ANOTHER IN BOTH HORIZONTAL AND VERTICAL PLANES.
4. CORNERS AND GATEPOSTS FOR CHAIN LINK FENCES SHALL EXTEND ABOVE THE TOP STRAND OF BARBED WIRE TO PROVIDE TENSIONING FOR THE BARBED WIRE.
5. PROVIDE MIDRAILS AND BRACING AT ALL CORNER POSTS WHERE THE FENCE CHANGES DIRECTION BY MORE THAN 30 DEGREES.
6. THE GRADE OF THE SITE AND INSTALLATION OF THE FENCE SHALL PROVIDE FOR NO MORE THAN A 1" GAP BETWEEN THE BOTTOM OF THE FENCE MATERIAL AND FINISH GRADE.
7. CONTRACTOR SHALL PROVIDE HOLD OPEN DEVICES FOR ALL GATES AT THE SPECIFIED OPEN POSITIONS, DRIVEN PIPE TYPE RECEIVERS ARE NOT AUTHORIZED.
8. CONTRACTOR SHALL ALSO PROVIDE A MUSHROOM TYPE RECEIVER AT THE CLOSE POSITION.

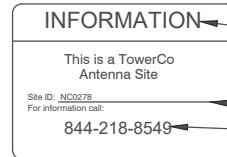




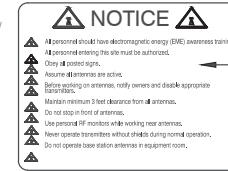
1 SIGN PLACEMENT PLAN VIEW
C4 NOT TO SCALE



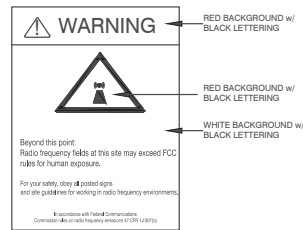
① NO-TRESPASSING SIGN
18" HIGH X 24" WIDE
(OPERATIONS PROVIDED)



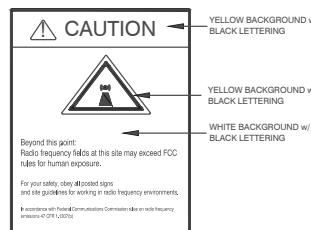
② TOWERCO - SITE ID SIGN
12" HIGH X 24" WIDE
(OPERATIONS PROVIDED)



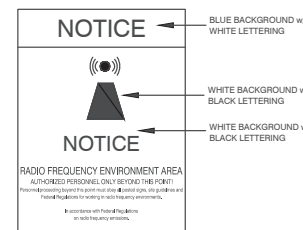
③ NOTICE-RFE SIGN
12" HIGH X 18" WIDE
(OPERATIONS PROVIDED)



④ WARNING-RF SIGN (RED)
12" WIDE X 18" HIGH



⑤ CAUTION-RF SIGN (YELLOW)
12" WIDE X 18" HIGH

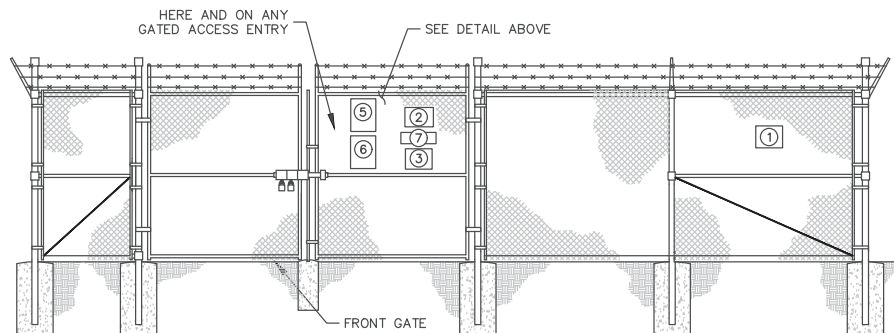


⑥ NOTICE-RF SIGN (BLUE)
12" WIDE X 18" HIGH



⑦ FCC REGISTRATION SIGN
20 WIDE X 4" HIGH

2 TYPICAL SIGNS AND SPECIFICATIONS
C4 NOT TO SCALE



3 SIGN PLACEMENT FRONT GATE VIEW
C4 NOT TO SCALE

SIGNAGE NOTES:
1. SIGNS SHALL BE FABRICATED FROM CORROSION RESISTANT PRESSED METAL, AND PAINTED WITH LONG LASTING UV RESISTANT COATINGS.
2. SIGNS (EXCEPT WHERE NOTED OTHERWISE) SHALL BE MOUNTED TO THE TOWER, GATE, AND FENCE USING A MINIMUM OF 9 GAUGE ALUMINUM WIRE, HOG RINGS (AS UTILIZED IN FENCE INSTALLATIONS) OR BRACKETS WHERE NECESSARY. BRACKETS SHALL BE OF SIMILAR METAL AS THE STRUCTURE TO AVOID GALVANIC CORROSION.



PROJECT INFORMATION:

SITE NAME:
PINEHURST
SITE #: NC0278
7672 HWY 22
CARTHAGE, NC 28327
MOORE COUNTY

PLANS PREPARED BY:

Kimley»Horn

421 FAYETTEVILLE STREET, SUITE 600
RALEIGH, NC 27601
PHONE: 919-677-2000
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

7			
6			
5			
4			
3			
2	12/19/23	CONSTRUCTION	AVF
1	08/30/23	CONSTRUCTION	AVF
0	08/17/23	CONSTRUCTION	KRB
A	08/03/23	ZONING	AVF

LICENSER:



KHA PROJECT NUMBER:

012628079.1.100

DRAWN BY: CHECKED BY:

FAQ KRM

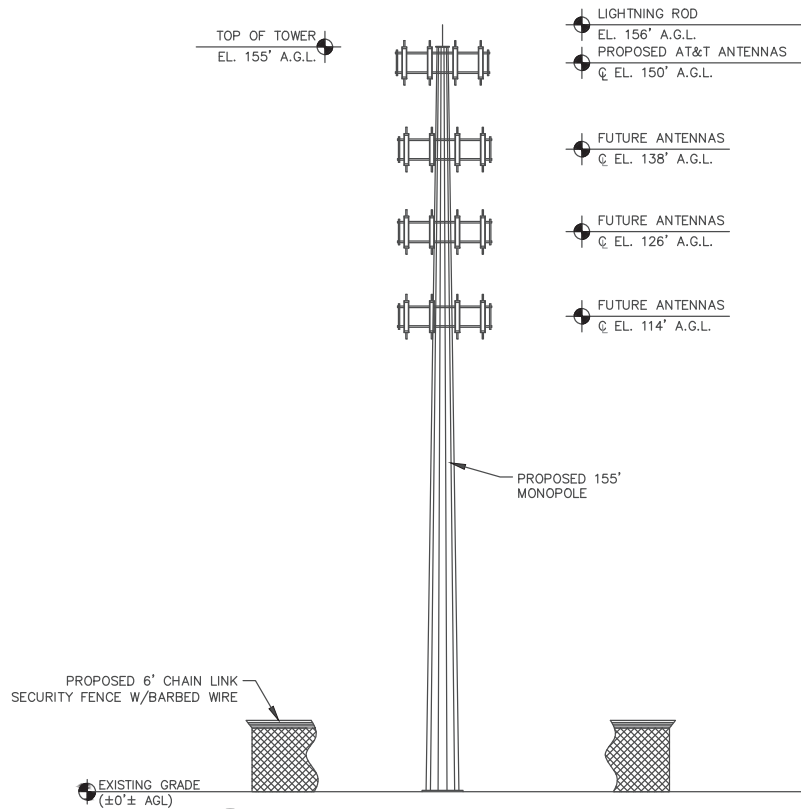
SHEET TITLE:

SITE SIGNAGE
DETAILS

SHEET NUMBER:

C4

\\vol_wireless\towerco\2020\NC0278\1 - kha-17732 (4d)\CAD\2D\NC0278.dwg 12/19/23 10:28 AM by: Robert.Clemen



1 MONOPOLE TOWER ELEVATION
C5 NOT TO SCALE

NOTES:

1. ALL PROPOSED ATTACHMENTS TO TOWER BASED ON TOWER DESIGN DRAWINGS BY OTHERS (SEE GENERAL NOTE 1.07, SHEET N1).
2. THE TOWER ELEVATION SHOWN IS FOR REFERENCE ONLY.
3. PROPOSED TOWER WILL BE GALVANIZED STEEL—GRAY IN COLOR.
4. AT&T GROUND EQUIPMENT NOT SHOWN FOR CLARITY.



PROJECT INFORMATION:

SITE NAME:
PINEHURST
SITE #: NC0278
7672 HWY 22
CARTHAGE, NC 28327
MOORE COUNTY

PLANS PREPARED BY:

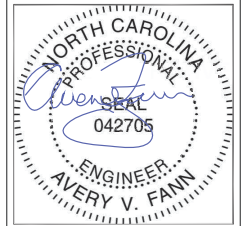
Kimley»Horn

421 FAYETTEVILLE STREET, SUITE 600
RALEIGH, NC 27601
PHONE: 919-677-2000
WWW.KIMLEY-HORN.COM

REV. DATE ISSUED FOR BY

7			
6			
5			
4			
3			
2	12/19/23	CONSTRUCTION	AVF
1	08/30/23	CONSTRUCTION	AVF
0	08/17/23	CONSTRUCTION	KRB
A	08/03/23	ZONING	AVF

LICENSER:



KHA PROJECT NUMBER:

012628079.1.100

DRAWN BY: CHECKED BY:

FAQ KRM

SHEET TITLE:

**ANTENNA AND
TOWER ELEVATION
DETAILS**

SHEET NUMBER:

C5

October 6, 2023

Dwayne Lyerly
TowerCo, LLC
5000 Vallestone Dr, Ste 200
Cary, NC 27519

RE: Proposed 155' Sabre Monopole for Pinehurst, NC

Dear Mr. Lyerly,

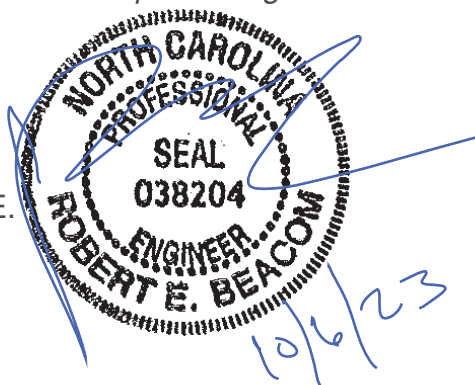
Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for an Ultimate Wind Speed of 115 mph and no ice and 30 mph + 0.75" ice, Risk Category II, Exposure Category "Site-Specific", and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA 222-G "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. This would effectively result in a fall radius less than or equal to 50'. *Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Industries.*

Sincerely,

Robert E. Beacom, P.E., S.E.
Engineering Manager





December 13, 2023

208 N Caldwell St
Charlotte, NC 28202

This letter is to certify that AT&T's proposed site 141-362 will comply with all FCC rules regarding human exposure to RF energy. AT&T will also comply with all applicable FCC rules regarding radiofrequency Interference (RFI).

The proposed equipment on site 141-362 will not interfere with Moore County emergency communications or with normal radio and television reception in the vicinity. If such interference is found to exist, AT&T will take whatever steps are necessary to correct the interference including, if deemed necessary, the removal of the AT&T equipment.

Sincerely,

A handwritten signature in black ink that reads "Michael Dennis".

Michael Dennis
RF Safety Engineer - Mid-Atlantic Market
AT&T Network Engineering & Operations
MD2543@att.com



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-ASO-25678-OE

Issued Date: 12/18/2023

Henry Byrne
TowerCo 2013 LLC
5000 Valley Stone Drive
Suite 200
Cary, NC 27519

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole NC0278 Pinehurst
Location:	Carthage, NC
Latitude:	35-14-25.64N NAD 83
Longitude:	79-24-21.35W
Heights:	424 feet site elevation (SE) 156 feet above ground level (AGL) 580 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☒ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

To coordinate frequency activation and verify that no interference is caused to FAA facilities, prior to beginning any transmission from the site you must contact the FAA FAYETTEVILLE SSC at 910-484-5948 .

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 06/18/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.

- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination does not constitute authority to transmit on the frequency(ies) identified in this study. The proponent is required to obtain a formal frequency transmit license from the Federal Communications Commission (FCC) or National Telecommunications and Information Administration (NTIA), prior to on-air operations of these frequency(ies).

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404) 305-6064, or James.Marek@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-ASO-25678-OE.

Signature Control No: 596422249-607481494

James Marek
Specialist

(DNE)



PLANNING DEPARTMENT

180 SW Broad Street
Southern Pines, NC 28387

Phone: (910) 692-4003
Fax: (910) 692-9495

June 15, 2004

Dr. Elizabeth C. Lyerly
7672 Highway #22
Carthage, NC 28327

RE: Rezoning Case Z-05-04

Dear Dr. Lyerly,

On June 8, 2004, the Southern Pines Town Council approved your request to rezone 4.24 acres from RR (Rural Residential) to G.B. /C.D. (General Business / Conditional District) for a veterinarian clinic with no outside kennels.

If you should have any questions, please advise.

Sincerely,

Bart S. Nuckols, Planning Director
Town of Southern Pines

BSN:nhs

SOUTHERN PINES REZONING APPLICATION

CASE: Z- _____

DATE: _____

To the Planning Board and Town Council of Southern Pines, North Carolina:

I, the undersigned, do hereby make application to change the zoning map of the Town of Southern Pines as herein requested.

1. The property is located on the west side of NC 22 Hwy.
(St., Ave., Dr., Ct.) between Waynor Rd. (St., Ave., Dr., Ct.) and
Waynor Rd. (St., Ave., Dr., Ct.). The address is _____
7672 Hwy 22 and is known as Pin Number 857404921656,
LRK Number 00035333. It has a frontage of 205
feet and an average depth of 950 feet containing 4.24 acres.
2. It is desired and requested that the foregoing property be rezoned from RR
District to GB conditional District for the following
purpose: Veterinarian, Animal Clinic with no outside
kennel - expansion of current animal hospital.
Please see attached note #2.
3. A metes and bounds description must be attached to this application.
4. The following are all individuals, firms or corporations owning property within 100 feet of the rezoning request and within 100 feet of all other property contiguously owned by the property owner/applicant or all pieces of land that were part of the property requesting rezoning prior to the requested rezoning, and the property across the street from the property sought to be rezoned. (Use reverse side if needed).

Pin Number	LRK Number	Name	Address
857404824612	37375	Curtis L. Patterson Sr.	325 Waynor Rd. Carthage 28327
857404825416	37376	Curtis L. Patterson Sr.	325 Waynor Rd. Carthage 28327
857404525746	37358	Curtis L. Patterson Sr.	325 Waynor Rd. Carthage 28327
857404921462	36657	Airport Park of Moore Co.	Box 206 Pinehurst 28370
857404926560	36656	Airport Park of Moore Co.	P.O. Box 206 Pinehurst 28370
857404930266	31284701	Bible Tabernacle Church	c/o C. Parker Thomas SP28387
857404930266	31284702	Bible Tabernacle Church	Southern Pines 28387
857404927900	35084	Robt. & Beverly Denis	7671 NC Hwy 22 Carthage 28327
857404928713	34655	David & Lynn Upchurch	190 Woodland Dr. Pinehurst 28374
		Dewey & Kathy Holderfield	

I certify that all information furnished in this application is accurate to the best of my knowledge.

Petitioner's Name: Elizabeth C. LyerlyPetitioner's Signature: Elizabeth C. LyerlyMailing Address: 7672 Hwy 22 Carthage NC 28327Phone Number: (910) 9492111• Property Owner: Elizabeth C. Lyerly• Signature: Elizabeth C. Lyerly• Mailing Address: 7672 Hwy 22 Carthage NC 28327Phone Number: (910) 9492111

• **Property Owner's Signature Is Required Before Application is Accepted.**

Note: If the request is made by a corporation, the names and addresses of all officers in the corporation must be provided. A request for a "Parallel Conditional Use District" must also be accompanied by a letter from the owner or an authorized officer of the corporation indicating their agreement to abide by the conditions of approval imposed by the Town Council. The applicant or his representative is expected to attend all meetings to answer questions concerning the request. The absence of the applicant is sufficient grounds to warrant a deferral of action by the Planning Board and/or the Town Council.

Whispering Pines Animal Hospital

Elizabeth C. Lyerly-Ray, D.V.M.

Elizabeth A. Pelkey, D.V.M.

William N. McDuffie, Jr., D.V.M.

Companion Animal Practice

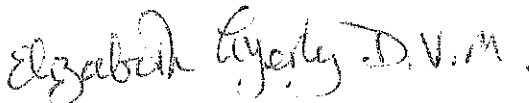
June 3, 2004

To: Members of the Southern Pines Town Council;

I would like to include some additional information to aid in your decision regarding my zoning request. The outdoor exercise areas would be enclosed with a 6' chain-link fence to secure the pets. To provide a visual screen and a noise barrier we would plant a buffer of wax myrtle bushes.

Please see attached photos of the method we currently use to screen our exercise area. Shrubs are 12' high and 12' wide at maturity.

Sincerely,



Elizabeth Lyerly D.V.M.

Whispering Pines Animal Hospital

Elizabeth C. Lyerly-Ray, D.V.M.

Elizabeth A. Pelkey, D.V.M.

William N. McDuffie, Jr., D.V.M.

Companion Animal Practice

NOTES :

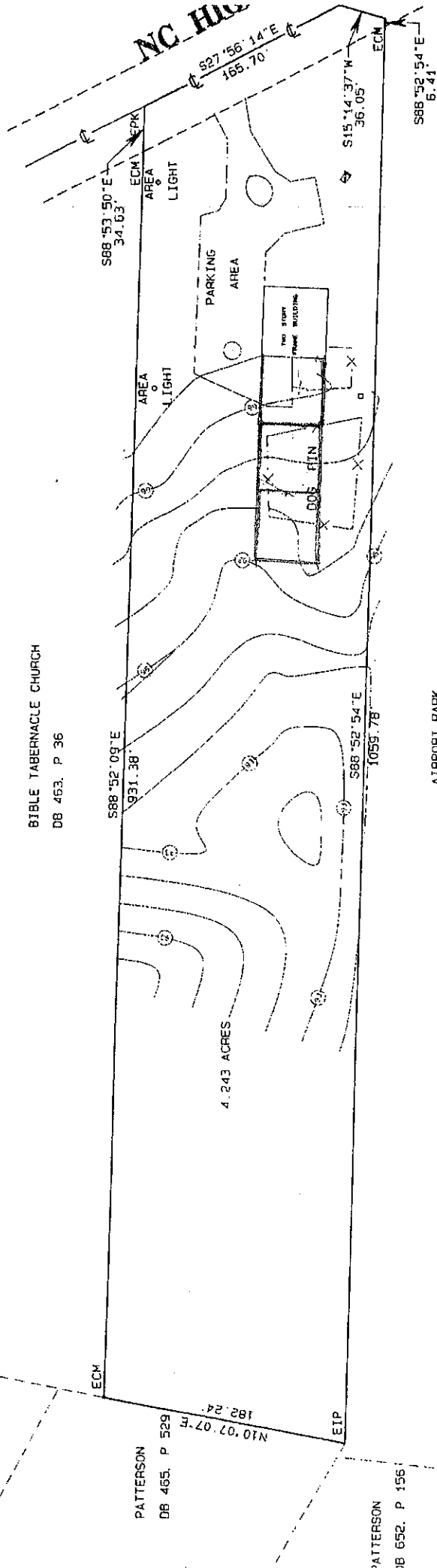
- #2 The existing animal hospital is to be expanded ~~due~~ to an increase in client base since the practice opened in 1993. The expanded area is to include rooms for surgery, ultrasound, intensive care, physical therapy, grooming/bath, offices, examinations, food/supplies, laundry/maintenance, cat condos, dog kennels, as well as covered and open exercise areas.



S PER RECORDED DEED

CONTOURS ARE BASED UP
AN ASSUMED BENCH MARK
100.0 FT AT THE NORTH
CORNER OF THE EXISTING
BUILDING.

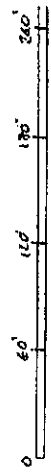
VICINITY SKETCH



SCALE= 1"= 60 FT.
SURVEY FOR

WHISPERING PINES
ANIMAL HOSPITAL

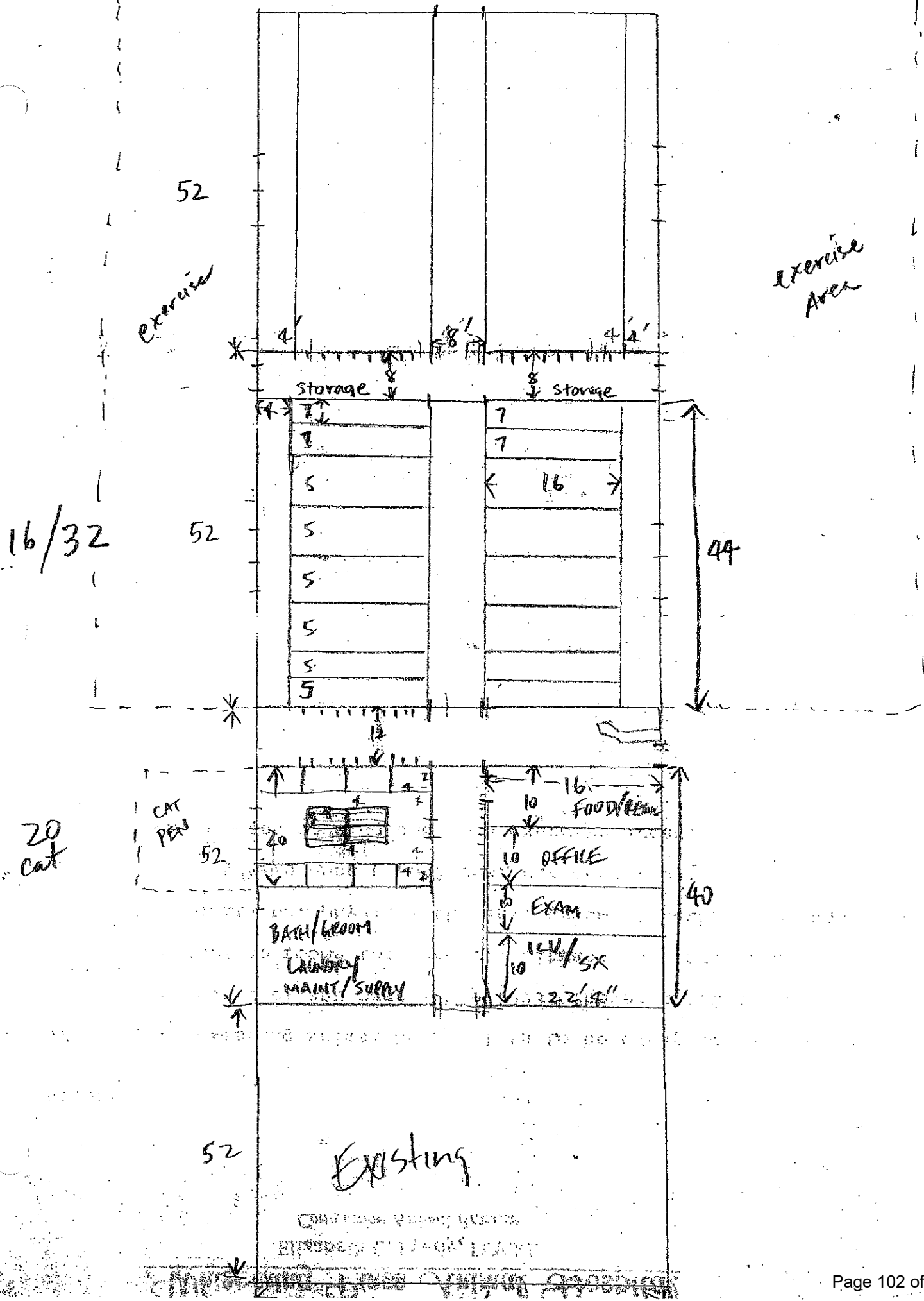
4.25 ACRES
DEED BOOK 1779, PAGE 283
MCNEILL TOWNSHIP
MOORE COUNTY, N. C.
12 JULY, 2002
SCALE 1"= 60 FT.



I, Carl A. Samuelson, P.L.S., certify that this Plat was drawn by me from my actual field survey of the land from references as shown on the plat; that the boundaries not surveyed are clearly indicated as broken lines drawn from references as shown on this plat; that the ratio of decision, as calculated is: 100/100%; that this Plat was prepared in accordance with the law as amended.

I attest my original signature and seal this 12th day of July, 2002.

99 PL A. SAKUJI STN, P I S 45 1-3787
Carl L. Sullivan B



Agenda Item

To: Kyle Sonnenberg, Town Manager
From: ^{BS} Bart S. Nuckols, Planning Director
Subject: Z-05-04 Elizabeth C. Lyerly
Date: June 8, 2004

REQUEST:

Request to rezone 4.24 acres from RR (Rural Residential) to G.B./C.D. (General Business/Conditional District) for a veterinarian clinic with no outside kennels. The property is located on the west side of NC Hwy. 22, between Waynor Road loop.

ANALYSIS:

The current RR district is established as a district in which to allow a variety of single-family residential building types, at very low densities, which are interspersed with large, undeveloped open areas. The regulations of this district are intended to (1) preserve the existing scale and the low-density residential and agricultural character of development on the fringe of the planning region; (2) discourage traditional urban-scale development that requires major utility and street improvements; and (3) encourage single-family detached residential development, Class B manufactured homes on individual lots.

The proposed GB/CB district being offered by the applicant would limit uses to the existing Veterinarian Animal Clinic with no outside kennel with an expansion of the current animal hospital. The applicant is also proposing a site plan showing the expansion plans of the building.

The proposed rezoning is located in the Hwy. 22/Nick's Creek Land Use Plan area. The Land Use Plan has designated this area for a village center which encompasses mixed land use types such as residential, commercial, office/service land uses.

STAFF RECOMMENDATION:

Approve the request. The request complies with the land use plan and the Conditional District rezoning limits the uses to the existing use on site.

PLANNING BOARD RECOMMENDATION:

The Planning Board voted unanimously to recommend the Town Council approve the request.

- Call applicant and ask about fence around exercise facility.

MINUTES

3290

Regular Meeting of the Town of Southern Pines Town Council

June 8, 2004, 7:00 PM, Council Chambers

Present were: Mayor Frank Quis, Mayor Pro Tem Fred Walden, Councilmember Michael Haney, Councilmember David Woodruff, Councilmember Chris Smithson

Absent: None

Call To Order

1. Consent Agenda

- A. Adopt minutes of May 11, 2004 as written.
- B. Representation on Ft. Bragg Regional Land Use Advisory Commission – Bart Nuchols
- C. Dixie Pipeline Agreement for Knoll Rd.
- D. Bulk Water Extension Agreement with Moore County
- E. Annexation – AX-04-04 Jerry and Sandy Mashburn
 - Resolution Directing the Clerk
 - Resolution Calling a Public Hearing
- F. Appointment of Interim Town Manager – Gerald Galloway

Upon motion by Councilmember Haney, seconded by Mayor Pro Tem Walden and carried unanimously, the consent agenda was adopted.

2. Public Hearings

A. 2004/2005 Fiscal Year Budget

Marquita Daniels 240 Maples Rd. voiced concerns for the declining fund balance. She commented she had never seen it that low in the sixteen years she served on the Town Council and asked Council what they would do for money in case of an emergency. She also mentioned concerns for the proposed park to be developed on the corner of Indiana and Bethesda. She mentioned the traffic in the area and asked what could be done to make the park safe for children to play. She added concerns about the proposed project to increase water pressure in the Weymouth area saying that Council should do what is best for the entire town and not "just a few". Ms. Daniels asked Council why the Police Department renovation project went from \$2,000,000 to \$3,000,000.

Jim Crawford 160 Broadmeade Drive agreed with Ms. Daniels comments regarding the proposed park and water pressure projects. He mentioned that a survey was sent to residents in the area with a majority in favor of the park.

Mayor Quis responded to the water pressure project was undecided and that it would be for 120 to 125 homes.

John McInerney 460 Crest Road said the Betty Round's Park was a great success and that he questioned the cost of the proposed park but his questions were answered.

Councilmember Woodruff commented that the budgeted money is a long way from being spent and water pressure concerns are from a safety standpoint. He mentioned the Fire Department's concerns for adequate water pressure in the area when responding to calls.

Upon motion by Councilmember Haney, seconded by Councilmember Woodruff and carried unanimously the public hearing was closed.

Upon motion by Councilmember Haney, seconded by Mayor Pro-Tem Walden and carried unanimously the 2004/2005 Fiscal Year Budget was adopted.

Councilmember Woodruff echoed Ms. Daniels concerns and added that all items will be re-visited before any money is actually spent.

Councilmember Haney added that the tax rate will remain the same.

B. Z-05-04 Elizabeth C. Lyerly

Request to rezone 4.24 acres from RR (Rural Residential) to G.B./C.D. (General Business/Conditional District) for a veterinarian clinic with no outside kennels. The property is located on the west side of NC Hwy. #22 between Waynor Road loop.

Elizabeth Lyerly gave a background on the location. She added she is limited because of size and it impedes her ability to do business.

Councilmember Smithson asked that she describe the outside areas and their usage.

Dr. Lyerly answered that animals would be outside for exercising as it is important for their well-being, and that they would only be out during the day hours. She commented that there were no complaints from the neighboring church. She gave a description of the shrubbery used for visual and sound barriers.

Mayor Quis mentioned that the drawing shows sixteen outdoor areas for animals. He added that Council was being cautious for other neighbors and the shielding of noise.

Dr. Lyerly said that no more than four animals would be out at one time, each in a separate exercise area. She also mentioned that the Bayberries and Evergreens were a noise barrier.

Mayor Quis asked Bart Nuchols what kinds of uses would be allowed on this lot. Mr. Nuchols replied any G.B. would be allowed.

Mayor Quis said that Dr. Lyerly had provided additional pictures of the property and conditions met with the existing screening for noise.

Councilmember Haney added that this would be approved with the condition that it be screened in order to minimize noise.

Bob Cooke 347 Old Dewberry Lane commented on the cleanliness of the veterinary clinic and urged Council to give Dr. Lyerly the zoning.

Joann Gissell 430 Yadkin Run said the clinic is very quiet and well run.

Glenn Gilchrist 38 Plantation Drive agreed with other citizens. He added that the clinic is the "Cadillac of clinics".

Upon motion by Councilmember Woodruff, seconded by Councilmember Smithson and carried unanimously the public hearing was closed.

Upon motion by Councilmember Woodruff, seconded by Councilmember Haney and carried unanimously Z-05-04 Elizabeth C. Lyerly was approved.

C. Z-06-04 Martin and Cook

Request to rezone 5.58 acres from I (Industrial) to G.B./C.D. (General Business/Conditional District) for a veterinary clinic, tack shop, indoor athletic and exercise facility and mini warehouse and storage. The property is located on the northwest side of Valley View Road, southeast of Brothers Road.

Roy Harvel, Realtor said he represented the homeowners. He described the properties uniqueness and requested that "mini-warehouse/storage" be eliminated.

Tom Daniel of Southern Pines Equestrian Association agrees with the re-zoning with the exception of mini-storage.

Joann Gissell commented that it would be an asset to the "carriage people" to have a tack shop.

Glenn Gilchrist agreed adding he has an adjoining farm to the property and this property is perfectly suited for the equestrian community.

Bob Cooke commented he was worried if Council did not vote in favor it would open the door for someone else to build an undesirable building. He added he has had many requests for a tack shop.

Town of Southern Pines
Planning Board Minutes
Regular Meeting, Wednesday, May 19, 2004

The Town of Southern Pines Planning Board met in regular session, 7:00 PM, Wednesday, May 19, 2004 in the Municipal Building, Council Chambers.

Members in attendance: Vice-Chairman, Marshall Glass, Jim Halstead, Bob Howell, Tom Marsh and Lewis Hershey.

Members absent: Chairman Chris Arnold and Elaine Simon.

Staff in attendance: Bart S. Nuckols, Planning Director and Neva Sherry, Secretary to the Planning Board.

Town Council members in attendance: David Woodruff and Chris Smithson.

There were approximately 27 citizens present.

Vice-Chairman Marshall Glass called the meeting to order at 7:00 PM.

The Chairman asked if there were any additions or corrections to the minutes from the April 21, 2004 meeting. There being no comments from the board members, he requested a motion to approve the minutes as written.

Motion to approve the minutes as written was made by Jim Halstead and seconded by Bob Howell. Motion carried unanimously.

Vice-Chair Glass introduced the first agenda item for Public Hearing:

Z-05-04 Elizabeth C. Lyerly

Request to rezone 4.24 acres from RR (Rural Residential) to G.B./C/D (General Business/Conditional District) for a veterinarian clinic with no outside kennels. The property is located on the west side of NC Highway #22 between Waynor Road loop.

Vice-Chair Glass asked Bart Nuckols to comment on the request.

Mr. Nuckols stated the property is currently zoned Rural Residential. The applicant currently has a non-conforming veterinarian clinic located on the site. The proposed General Business/Conditional District request is only for the veterinary clinic with no outside kennels. The applicant has furnished a site plan with the application. The proposed rezoning is located in the Highway 22/Nick's Creek Land Use Plan area. The Land Use Plan has designated this area for a village center, which encompasses mixed land use types such as residential, commercial,

office/service land uses, and therefore, the staff has recommended approval of the request.

The Vice-Chair opened the Public Hearing on the agenda item by calling for anyone wishing to speak in favor of the request to please step forward to speak.

IN FAVOR:

Elizabeth Lyerly, the applicant, spoke in favor of the request. Dr. Lyerly stated that she has had her veterinary practice located on this site for 10 years. During this time, the practice has grown 10% to 12% per year. The current footprint of the building does not allow for continued growth.

Lenore Rittenhouse, 245 Bellhaven Drive, spoke in favor of the request. She stated that she is an employee of Dr. Lyerly. She works as a receptionist at Whispering Pines Animal Hospital. The space is too small. They have had to turn away potential clients because of the lack of space for growth. This is not good for business and is very hard to do.

As no one else present wished to speak in favor or opposition to the request, the Vice-Chairman called for a motion to close the public hearing.

Motion to close the public hearing for Z-05-04 was made by Jim Halstead and seconded by Lewis Hershey. Motion carried unanimously.

The Planning Board members held a brief discussion of the request noting that this request would now bring the non-conforming use into conformity. Vice-Chair Glass called for a motion on the proposal.

Motion to recommend approval of the request to the Town Council was made by Bob Howell and seconded by Lewis Hershey. Motion carried unanimously.

Vice-Chairman Glass introduced the next agenda item before the Planning Board.

Z-06-04 Martin and Cook

Request to rezone 5.58 acres from I (Industrial) to G.B/C.D (General Business/Conditional District) for a veterinary clinic, tack shop, indoor athletic and exercise facility and mini warehouse and storage. The property is located on the northwest side of Valley View Road, southeast of Brothers Road.

Mr. Glass called on Bart Nuckols, Planning Director, to comment on the request.

The proposed request is located in the Industrial district. The request for General Business/ Conditional District lists the following proposed uses of a veterinary clinic, tack shop, indoor athletic facility, and min-warehouse and storage. Mr.



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ZONING MAP AMENDMENT APPLICATION
FOR A CONDITIONAL ZONING DISTRICT
Z-01-24**

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 has reviewed the proposed zoning map amendment—which includes the written staff report, application materials, documentation, and maps showing the proposed district boundaries—and has conducted a public hearing on June 20, 2024, to listen to public comments, ask questions of the Town’s planning staff, and consider zoning map amendment application #Z-01-24.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the proposed amendment to the Town of Southern Pines Zoning Map (i.e., amendment to an existing General Business conditional zoning district under file #Z-05-04) is reasonable, in the public interest, and consistent with the current character of the Waynor Road neighborhood and the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The Planning Board recommends that the Town Council approve the zoning map amendment request for the subject property located on the west side of Highway 22 between both entrances of Waynor Road in the Extraterritorial Jurisdiction (ETJ) of the Town of Southern Pines. The proposed zoning amendment is consistent with the Town of Southern Pines 2040 Comprehensive Plan considering that the request is consistent with Policy 6.6 and Policy 9.3, which call for opportunities to use smart city technology to improve efficiency and the effectiveness of projects and opportunities to support local businesses and entrepreneurship in the community, respectively.

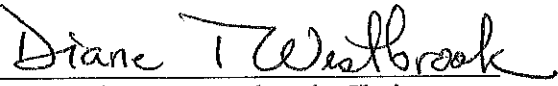
The proposed monopole is consistent with the intent of the Area to Preserve General Framework Map and the Rural Living Conservation and Development Map as well as the Character District Map. The proposed conditional zoning district will retain existing natural resources buffering the tower’s leased area from adjacent properties. Lastly, considering the supplemental materials

provided by the applicant, the Planning Board did not find any adverse impacts on neighboring lands or on general health, safety, and welfare that were not appropriately addressed in the provided materials.

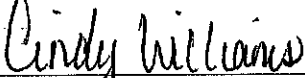
The Planning Board recommends the Town Council adopt this zoning amendment (i.e., #Z-01-24), which amends the conditions on the existing General Business conditional zoning district (i.e., #Z-05-04) with the following voluntary condition.

- 1) Condition 1. Permitted uses are restricted to veterinarian clinic with no outside kennels (i.e., LBCS 2418 veterinary services) and wireless telecommunications towers and antennas taller than 50 feet (i.e., LBCS 4233b) as depicted on site plans submitted with files #Z-05-04 and #Z-01-24, respectively.

ADOPTED this the 20th day of June, 2024.


Diane T. Westbrook, Chairwoman

ATTEST:


Cindy Williams
Secretary to the Planning Board



ORDINANCE #3059
AMEND THE ZONING MAP OF THE TOWN OF SOUTHERN PINES
Z-01-24

THAT WHEREAS, after notice duly given according to law, a public hearing was held before the Town of Southern Pines Town Council at its regular business meeting on July 9, 2024 at 6:00 PM for the purpose of considering and passing of an ordinance amending the Zoning Map of the Town of Southern Pines, North Carolina; and

WHEREAS, after the completion of said public hearing, and upon consideration of the reasonableness of the request, compliance with the criteria for a zoning map amendment found in UDO §2.17.9, as well as consistency with the adopted 2040 Comprehensive Plan, the Southern Pines Town Council approved petition Z-01-24 to amend the Zoning Map of the Town of Southern Pines (i.e., amend the conditions on an existing General Business Conditional Zoning District that was rezoned in 2004 under Town of Southern Pines file No. Z-05-04);

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town of Southern Pines Town Council, in regular session assembled on the 9th day of July, 2024:

Section 1. That the Zoning of the Town of Southern Pines on file in the office of the Town Clerk be amended to reflect that the parcel located on Highway 22 between both entrances of Waynor Road is zoned General Business - Conditional Zoning District with the following final list of conditions on that district:

Condition 1. Permitted uses are restricted to veterinarian clinic with no outside kennels (i.e., LBCS 2418 veterinary services) and wireless telecommunications towers and antennas taller than 50 feet (i.e., LBCS 4233b) as depicted on site plans submitted with files #Z-05-04 and #Z-01-24, respectively; and

Condition 2. For the veterinary services land use:

- 6' chain-link fence shall enclose outdoor pet relief and exercise areas;
- A buffer of wax myrtle bushes for screening land use shall be provided;
- Animal use of outdoor exercise area is limited to daylight hours; and
- No more than four animals can be outside at once.

The subject parcel is described as follows:

That certain tract or parcel of land in McNeill Township, Moore County, North Carolina, fronting on the west side of State Highway No. 22, and located about one-half mile north of the Southern Pines-Pinehurst Airport, adjoining the lands of Bessie C. Clark on the south, the lands of Alex McCrimmon and Amy Goins on the west, the lands of Lessie B. Sullivan on the north and North Carolina State Highway No. 22 on the east, and BEGINNING at an iron pin in the center of the pavement of North Carolina State Highway No. 22, said iron pin is the most southerly and beginning corner of A.P. Johnson's 95.87 Adolphus Blue tract, as recorded in Deed Book 345, at Page 133, in the Moore County Registry; running thence from the beginning as a line of the Blue Tract South 15 degrees 00 minutes West 36.05 feet to an iron stake in the right of way of North Carolina State Highway No. 22; thence as the common line of Lessie B. Sullivan and Bessie C. Clark North 88 degrees 52 minutes 54 seconds West 1066.19 feet to an iron stake, the common corner of Bessie C. Clark, Alex McCrimmon, and Lessie B. Sullivan; thence as the common line of Lessie B. Sullivan and Alex McCrimmon and continuing as the common line of Lessie B. Sullivan and Amy Goins North 10 degrees 09 minutes 12 seconds East 182.26 feet to a concrete monument in the common line of Lessie B. Sullivan and Goins; thence as a new line South 88 degrees 52 minutes 48 seconds East 966.00 feet to an iron pin in the center of the pavement of North Carolina State Highway No. 22, said pin also being in the southwest line of A.P. Johnson's Blue tract; thence, as the Johnson line and as the center of the pavement of the road, South 27 degrees 50 minutes 42 seconds East 165. 70 feet to the BEGINNING, containing 4.25 acres, more or less, and being a portion of Lessie B. Sullivan's 24.56 acre tract as described in Deed dated December 15, 1971, from Joe W. Blue and wife, Mary Lee Jones Blue, recorded in Deed Book

345, at Page 136, and Deed dated December 4, 1975, from Lessie B. Sullivan, Widow, to United Telephone Company of the Carolinas, Inc., recorded in Deed Book 402, at Page 793, of the Moore County Registry.

Section 2. That this Ordinance shall be and shall remain in full force and effect from the date of its adoption until otherwise amended.

Adopted this 9th day of July, 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on July 9, 2024 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

DRAFT

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: AR-01-24, Penick Village 4 Multifamily (i.e., Weymouth Glen Building and 3 Grove Village Buildings), 500 East Rhode Island Avenue

Date: July 9, 2024

I. SUMMARY OF APPLICATION REQUEST

The applicant, John Houck II of RLPS Architects, is requesting an Architectural Compliance Permit for four multifamily apartment buildings on behalf of the legal property owner, Penick Village, Inc. The site is located in an FRR zoning district (i.e., Penick Village continuing care retirement center), and is approved under special use permits CU-01-82, CU-02-83, CU-01-85, CU-03-87, CU-02-90, CU-03-92, CU-07-99, and CU-01-00. Per UDO §5.11.3(A), Penick Village is considered a conforming use and is permitted to reconstruct and expand the continuing care retirement center. The proposed multifamily buildings will not include nursing beds or special services homes. The architectural review is for one 63,374 square foot multifamily residential building with 26 dwelling units (i.e., “Weymouth Glen”) and three 16,141 square foot multifamily residential buildings with six dwelling units each (i.e., “Grove Villas”).

II. PROJECT INFORMATION

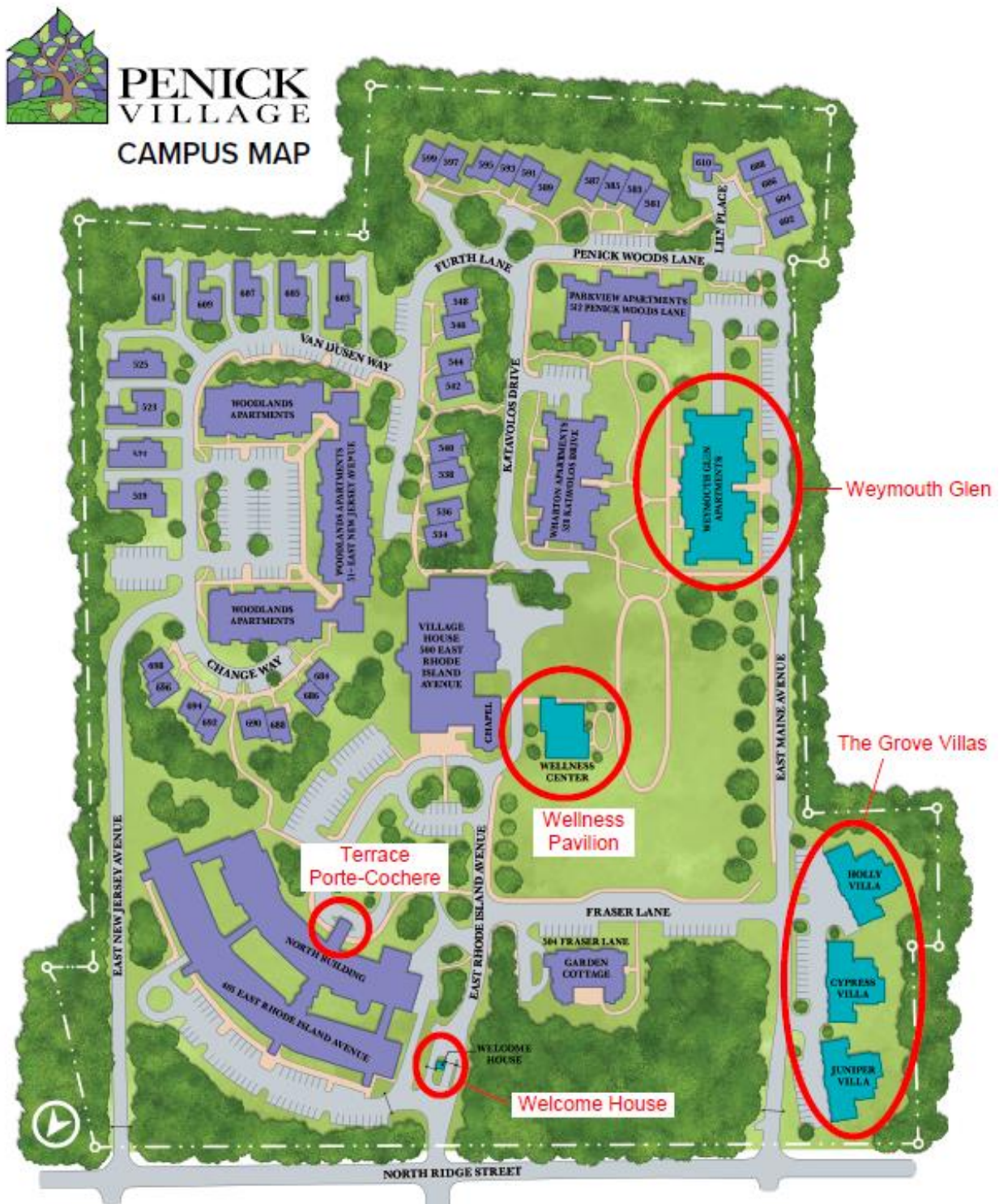
A. Property Owners

PIN 858100680081 (**PARID** 00033227)
Penick Village, Inc
500 East Rhode Island Avenue
Southern Pines, NC 28387

B. Applicants and Authorized Agents

John D. Houck II
RLPS Architects
250 Valleybrook Drive
Lancaster, PA 17601

Figure 1. Proposed Site Layout Plan with Conceptual Landscaping for Penick Village Campus



III. TOWN COUNCIL REVIEW

On June 11, 2024, at the Town Council regular meeting, Planning staff presented staff's recommendation for approval with deviations and conditions. Following staff's presentation, the applicant and authorized agent John Houck II, on behalf of Penick Village, Inc., addressed Planning's conditions. The applicant stated that the property owner was amenable to the condition regarding foundation plantings. The applicant also shared paint colors to show that there would be variation in building color between the proposed Weymouth Glen and the existing Warton and Parkview apartment buildings. The Town Council agreed that there would be sufficient variation to satisfy UDO requirements, and so that proposed condition in the June 11, 2024, staff report was removed.

The applicant stated, "I believe that the ordinance reads that garages are not supposed to face the public streets and they're supposed to face interior lot lines". However, UDO §4.10.4(I) states, "Garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with sections 4.3.4 and 4.3.5." The applicant, ultimately, requested less dense landscaping of the garage bays based on resident safety considering that the Grove Villas face a private road (East Maine Avenue) and the "interior lot" since all of the Penick Village continuing care and retirement community campus is on one lot.

Regarding building articulation, the applicant stated that building materials and colors break up elevations for both the Grove Villas and the Weymouth Glen where there are widths of just above 50 feet without 5-foot articulation. The applicant stated that the Grove Villas garages are part of the reason why the front elevations have two 53-foot segments without a 5-foot projection on the front elevation, as any additional projection would add space to each of those units' apartments and garages. Chip Cromartie and Tony Bornhorst addressed the Town Council, as well. The Applicant proposed a "roof gesture over the garage doors" to break up the flat plane created by the garage doors, and the Town Council agreed that that would be acceptable with improved landscaping.

Weymouth Glen's left and right elevations, which have a 60-foot segment without five feet of articulation was then discussed. The Applicant stated that the underground parking garage layout (i.e., the width of parking spaces and drive aisles) necessitates the uninterrupted segment on the left and right elevations. Applicant handed out a document showing additional roof projections and proposed an accent siding with a different color on the right (i.e., non-garage entrance) elevation. After the Applicant finished his presentation, Planning staff shared drafted conditions and clarified UDO language. Town Council, Applicant, and Planning staff discussed drafted conditions, continued the application to the work session, and settled on the following tasks:

- Remove proposed Condition 3;
- Receive updated elevation drawings showing added elements discussed that improve multifamily buildings' articulation issues mentioned previously; and
- Slightly reduce screening/buffering requirements of the Grove Villas garage bays to address safety concerns in a way that fulfills the buffering intent.

The Applicant requested a continuance from the June 25th Work Session to the July 9th Regular Meeting, which was approved at the June 25th Work Session.

IV. STAFF REVIEW

1. **Review Process.** Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. **Application Review Dates**

Application Submitted: **May 1, 2024**

Additional Materials Submitted: **May 13, 2024**

Additional Materials Submitted: **June 19, 2024**

Additional Materials Submitted: **July 1, 2024**

Application Incomplete: **May 6, 2024**

Application Complete: **May 14, 2024**

Town Council Regular Meeting: **June 11, 2024**

Town Council Work Session: **June 25, 2024 (Continued)**

Town Council Regular Meeting: **July 9, 2024**

3. **Additional Staff Analysis**

The following table compares the June 11th proposed elevations and site plan to the July 9th proposed elevations and site plan addressing issues of noncompliance outlined in the June 11, 2024, staff report, and as discussed in the June 11, 2024, Town Council regular meeting summarized previously.

Table 1. Comparison of Previous and Current Editions of AR-01-24

June 11 th Version	July 9 th Version
GROVE VILLAS ARTICULATION	
An addition of 1.5 feet of articulation was added to the 2 nd and 6 th segments of the front elevations (i.e., 2 nd and 5 th dwelling units shown in red clouds), which is still two feet short of the five-foot minimum articulation required.	
	

WEYMOUTH GLEN ARTICULATION

The addition of two feet of articulation and a change in color of the fiber cement siding were added to the central segment of the right and left elevations shown in the red cloud, which is still three feet short of the five-foot minimum articulation required.

Right Elevation

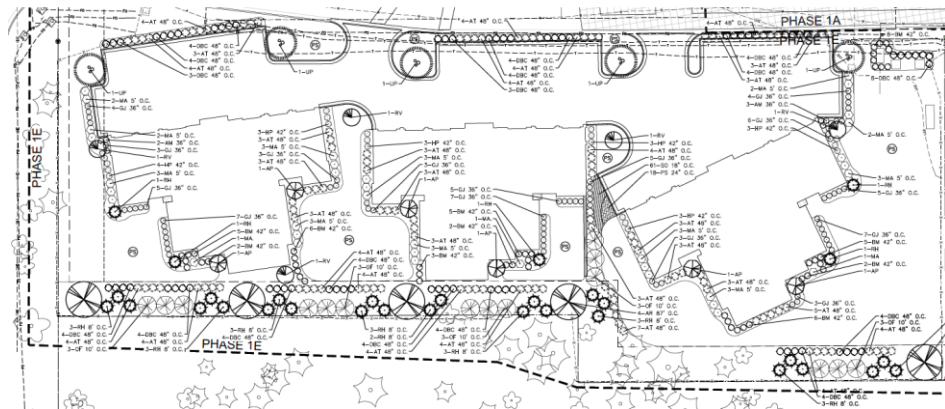


Left Elevation

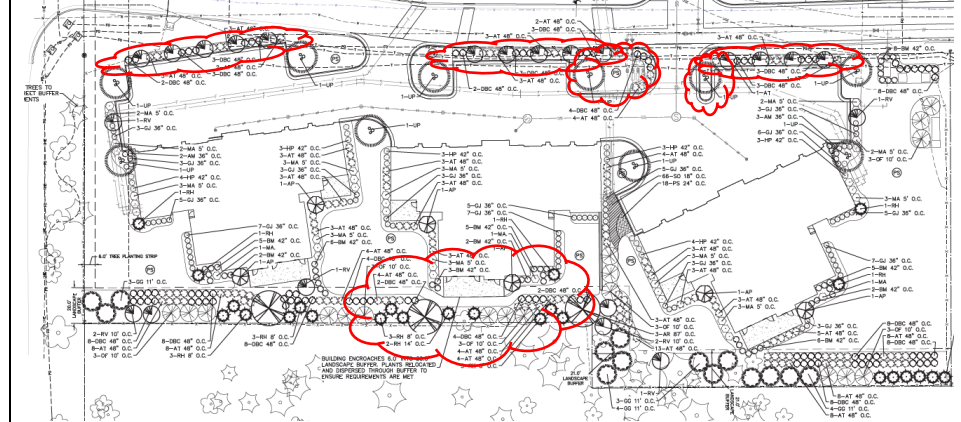


GROVE VILLAS GARAGE BAY BUFFERING

Regarding safety, the Property Owner's Chief Executive Officer, Chip Cromartie, wrote a letter addressing safety concerns related to dense landscaping in front of the Grove Villas (see Attachment 2). A representative for the Applicant, Rob Will of McGill Associates, modified the landscaping and planting strips along East Maine Avenue to create a more effective buffer between the Villas' garage bays and the views from North Ridge Street and East Maine Avenue. The buffer planting rates are still less than the what is required in UDO Exhibit 4-4, but appear to have balanced the Property Owners' concern for safety with the UDO's intent to buffer or screen garage bays from the streets and dwelling units.



- 3- to 4-foot planting strips along E. Maine Ave. in front of Cypress and Holly Villas
- 25 exterior parking spaces (of which 3 are handicap accessible) and 18 interior parking spaces for 43 total off-street parking spaces, 3 over the minimum required



- Addition of 14 Ruby Vase Parrotia trees, at least 8-feet tall at time of planting (according to submitted landscaping plan)
- 6-foot and 10.33-foot planting strips along E. Maine Ave. in front of Cypress Villas and Holly Villas, respectively
- Cypress Villa building goes beyond 80% of the required 20-foot rear buffer (thus, noncompliant with 4.3.4(B)(3)) by two feet
- 24 exterior parking spaces (of which one is handicap accessible) and 18 interior parking spaces for 42 total off-street parking spaces, two over the minimum required

4. Staff Recommendation

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

- (A) *For Buildings with ten thousand (10,000) square feet or more of Gross Floor Area or that do not comply with the commercial Building design standards in Section 4.10, the application is consistent with the applicable Comprehensive Plan goals and policies;*
- (B) *The application substantially conforms with the applicable Multi-Family or commercial design standards and other applicable provisions of the UDO;*
- (C) *The application is consistent with applicable conditions of prior Development Approval.*

Considering these criteria, Planning Staff recommend approval of AR-01-24 with the following deviations and conditions:

- **Deviation 1.** Regarding UDO §4.10.4 (C) Building Materials, all elevations of Weymouth Glen and each Grove Villa multifamily building may have less than 80% brick building materials considering that the Town Council previously approved similar variations in building materials during the approval of file #AR-01-19 and #AR-16-14 and the buildings are screened from view from off-campus public streets, walkways, and residential districts as shown in Attachment 6 of the July 9, 2024 staff report (linked below).
- **Deviation 2.** Regarding UDO §4.10.4(I) Garage Bays, the three Grove Villa multi-family residential buildings may include reduced landscape buffering along East Maine Avenue, as shown in Attachment 4 of the July 9, 2024 staff report (linked below, i.e., Sheets C-102 and L-102 dated June 2024) and may allow the Cypress Villa to be no more than six feet into the rear 20-foot buffer if properly undulated to meet the total required planting rates in UDO Exhibit 4-4 Minimum Planting Required in Buffers, which will be reviewed in detail during Site Plan Review.
- **Deviation 3.** Regarding UDO §4.10.8 (B) Multifamily Setbacks, Orientation, and Lot Standards, each Grove Villa multifamily building may be setback more than 15 feet from East Maine Avenue and the intervening distance without common open space considering that there is significant open space provided in the rear of each building and Condition 1 will require screening be planted along East Maine Avenue.
- **Deviation 4.** Regarding UDO §4.10.8(C)(1) Multifamily Variations Between Structures, each Grove Villa and the Weymouth Glen-like multifamily buildings may have the same height, setback, roofline, trim, and building size, considering that they all vary in color.
- **Deviation 5.** Regarding non-compliance with multifamily façade articulation standards (i.e., UDO §4.10.8.C.3), the Weymouth Glen multifamily building may have no less than two feet of articulation on the central segment of the right

and left elevations where there is a 60-foot segment without 5 feet of articulation if there is a change in color on the fiber cement siding (as shown on Attachment 3 of the July 9, 2024 staff report, linked below). The Grove Villa multifamily buildings may have no less than three feet of articulation on the 2nd and 6th segments of the front elevations (i.e., 2nd and 5th dwelling units) of each building where there are two 53-foot segments without 5 feet of articulation (as shown on Attachment 3 of the July 9, 2024, staff report).

- **Condition 1.** Regarding non-compliance with multifamily foundation planting standards (i.e., UDO §§4.10.8.C.6), each Grove Villa multifamily building shall include areas for foundation planting (as shown by the applicant's color building renderings in Figure 5 of Attachment 3 to the June 11, 2024, staff report).

IV. ATTACHMENTS PROVIDED BY THE APPLICANT

1. Safety-Related Concern Narrative Submitted on June 19, 2024
2. Updated Building Elevations and Renderings for Weymouth Glen and the Grove Villas Submitted June 19, 2024
3. Updated Site Plan Submitted July 1, 2024

Reference Materials from June 11, 2024 Staff Report

- [Application and Authorized Agent Form](#)
- [Applicant Narrative](#)
- [Exterior Color Building Renderings](#)
- [Exterior Elevations](#)
- [Site Layout](#)
- [Prior Development Approval, Building Precedents, and Screening](#)

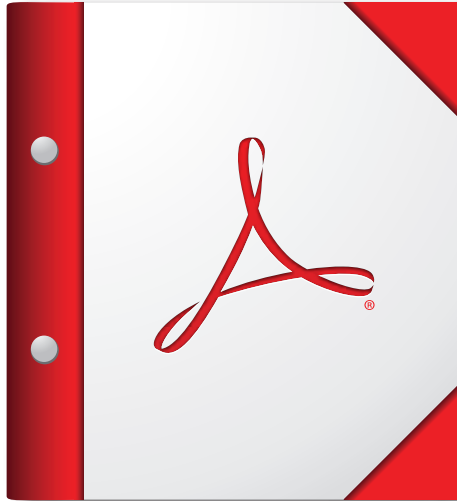
V. TOWN COUNCIL ACTION

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26, the multifamily building design requirements per UDO §4.10.8 and prior development approvals.

The Town Council may make one of the following motions or any alternative they wish.

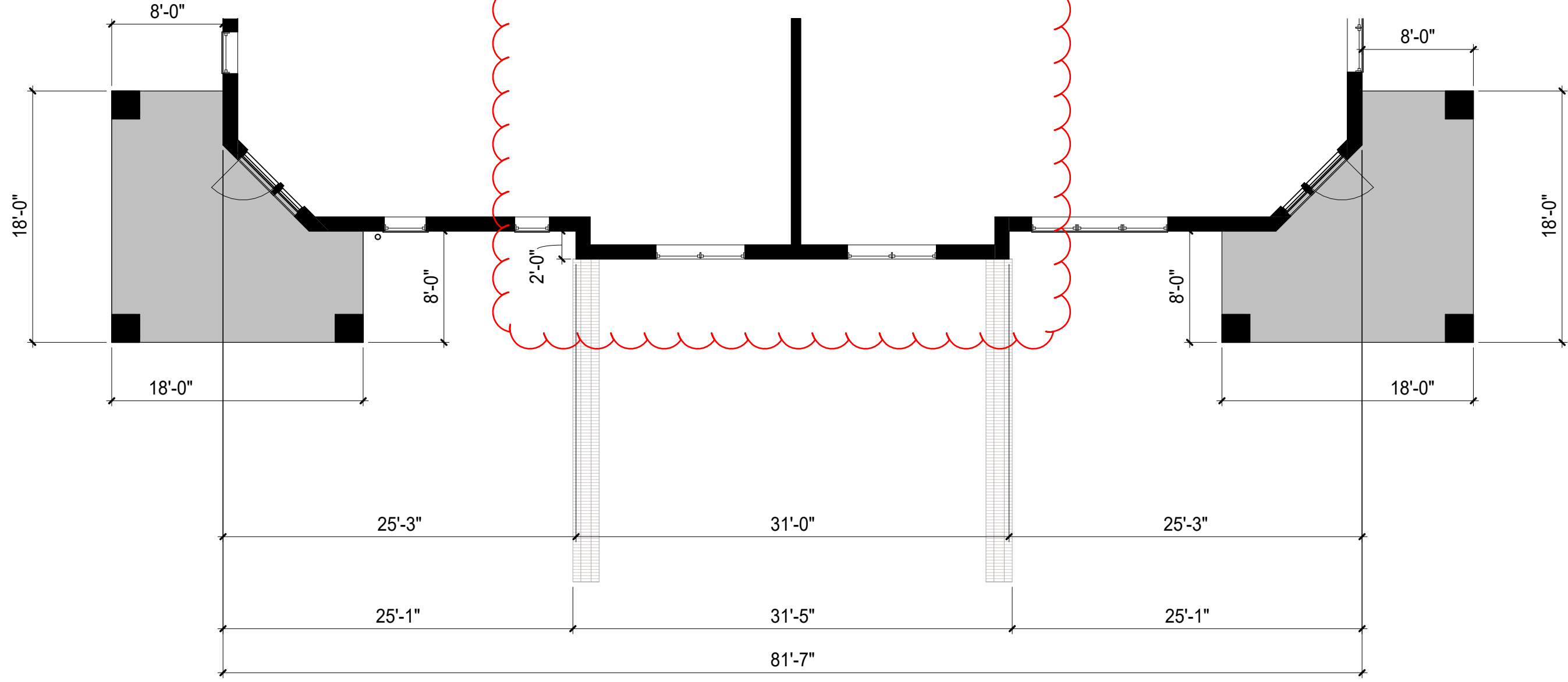
I move to:

1. Approve AR-01-24;
2. **Approve AR-01-24 with the 5 deviations and 1 condition as written in the July 9, 2024, staff report.**
3. Deny AR-01-24.



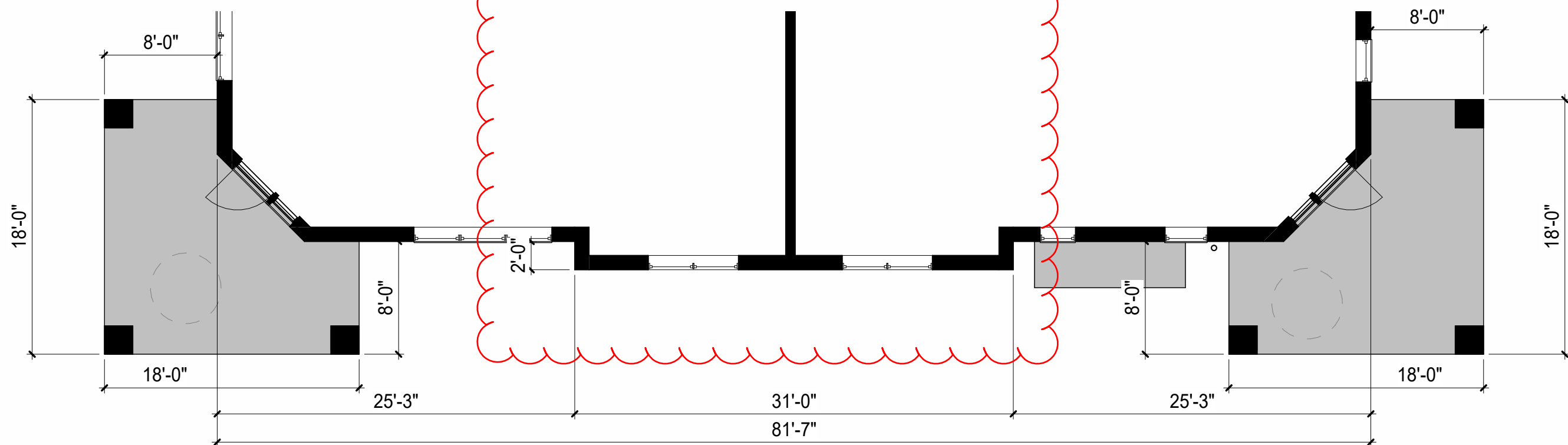
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LEFT ELEVATION FACING PENICK WOODS LANE

36% BRICK, 64% CEMENT BOARD SIDING

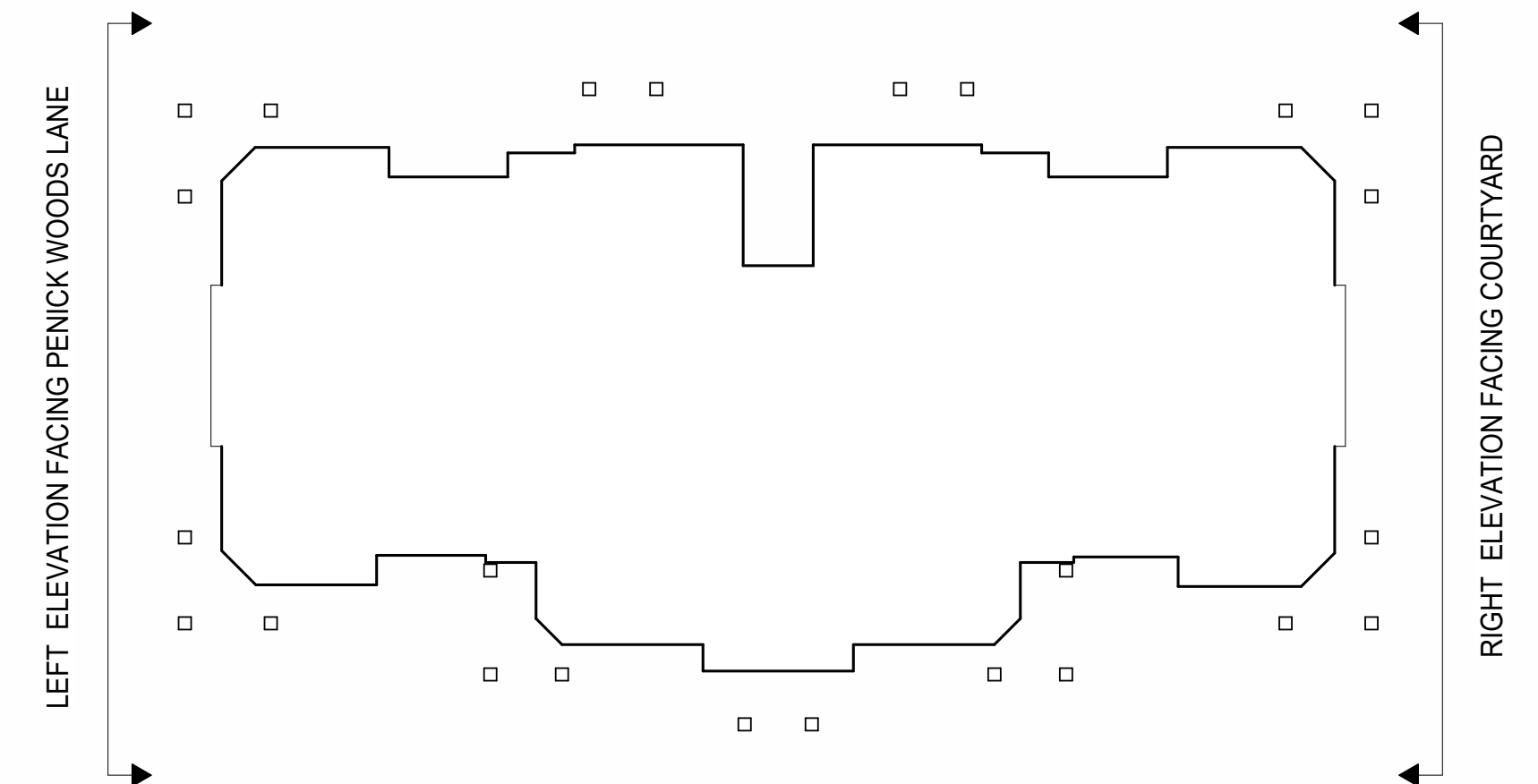


RIGHT ELEVATION FACING COURTYARD

32% BRICK, 68% CEMENT BOARD SIDING

ASPHALT SHINGLES - WEATHERED WOOD	FIBER CEMENT SIDING - SW6381 ANJOU PEAR
BRICK TYPE - 1: STANDARD FACE BRICK	FIBER CEMENT SIDING - SW6133 MUSLIN
	FIBER CEMENT SIDING - SW7734 OLIVE GROVE

EXTERIOR MATERIAL LEGEND



KEY PLAN



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CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE BEFORE PROCEEDING WITH THE WORK

CD PHASE - NOT FOR CONSTRUCTION

rlps ARCHITECTS

RLPS ARCHITECTS, LLP
250 VALLEYBROOK DRIVE
LANCASTER, PA 17601

PHONE: 717-560-9501
www.rpls.com

PROJECT NAME:
**WEYMOUTH
GLEN FOR
PENICK VILLAGE**

PROJECT ADDRESS:
**500 EAST RHODE ISLAND
AVENUE, SOUTHERN PINES,
NC 28387**

REVISIONS		
NO.	DATE	DESCRIPTION

DRAWING TITLE:
**EXTERIOR
ELEVATIONS 2**

SCALE: AS NOTED
DRAWN BY: J.J.E.
COORDINATED BY: J.J.E.
CHECKED BY: ---
APPROVED BY: C.P.K.

VOLUME
4 OF 6

DRAWING NO:
PR-12

COMMISSION NO: 2021023
DATE: 9 OCTOBER 2023



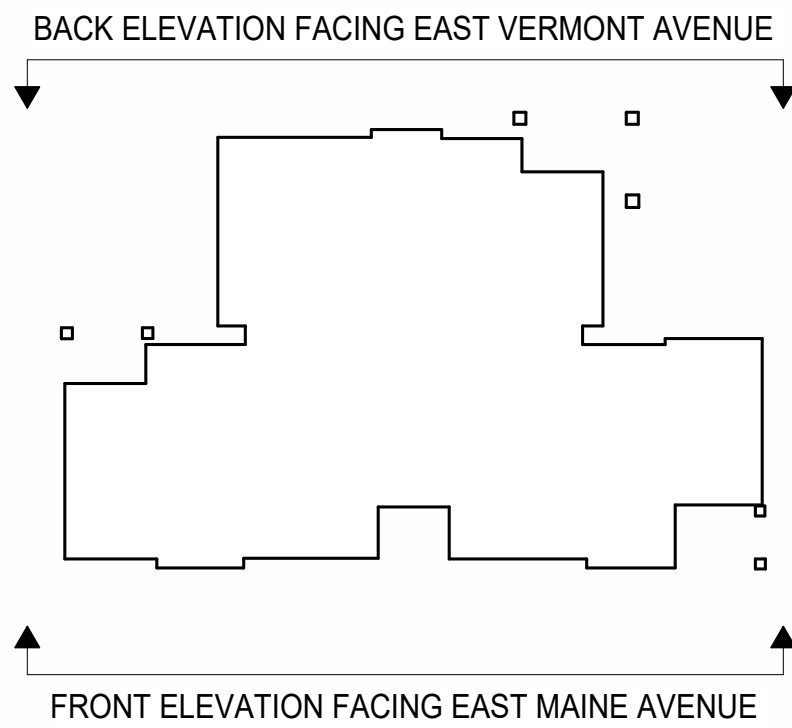
FRONT ELEVATION FACING EAST MAINE AVENUE

33% BRICK, 67% CEMENT BOARD SIDING



BACK ELEVATION FACING EAST VERMONT AVENUE

0% BRICK, 100% CEMENT BOARD SIDING



KEY PLAN

	ASPHALT SHINGLES - WEATHERED WOOD		FIBER CEMENT SIDING - SW7019 GAUNTLET GRAY *NOT SHOWN JUNIPER VILLA
	BRICK TYPE - 1: STANDARD FACE BRICK		FIBER CEMENT SIDING - SW2851 SAGE GREEN LIGHT *NOT SHOWN CYPRESS VILLA
	FIBER CEMENT BOARD AND BATTEN SIDING - WHITE		FIBER CEMENT SIDING - SW9660 TARRAGON *NOT SHOWN HOLLY VILLA

EXTERIOR MATERIAL LEGEND



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CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE BEFORE PROCEEDING WITH THE WORK

QUALITY REVIEW NOT FOR CONSTRUCTION

rlps ARCHITECTS

RLPS ARCHITECTS, LLP
250 VALLEYBROOK DRIVE
LANCASTER, PA 17601

PHONE: 717-560-9501
www.rlps.com

PROJECT NAME:
JUNIPER VILLA FOR PENICK VILLAGE

PROJECT ADDRESS:
500 EAST RHODE ISLAND AVENUE, SOUTHERN PINES, NC 28387

REVISIONS		
NO.	DATE	DESCRIPTION

DRAWING TITLE:
EXTERIOR ELEVATIONS

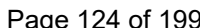
SCALE: AS NOTED

DRAWN BY: J.J.E.
COORDINATED BY: JDH
CHECKED BY: ---
APPROVED BY: CPK

VOLUME
5 OF 6

DRAWING NO:
PR-7

COMMISSION NO: 2021023
DATE: 27 JUNE 2024



PHASE 1
REDEVELOPMENT
PENICK VILLAGE
SOUTHERN PINES, NORTH CAROLINA



SHEET

C-102

GENERAL NOTES:

- LANDSCAPE CONTRACTOR TO VISIT THE SITE AND ACCEPT THE CONDITIONS PRIOR TO BIDDING AND PLANT MATERIAL INSTALLATION.
- LANDSCAPE CONTRACTOR TO VERIFY ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY PLANT MATERIAL. UTILITY LINES SHOWN ON DRAWINGS ARE FOR GENERAL REFERENCE AND MAY NOT BE ALL INCLUSIVE.
- LANDSCAPE CONTRACTOR TO PROTECT ALL EXISTING STRUCTURES DURING INSTALLATION OF PLANT MATERIAL.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL FINE GRADING OF LAWN AND PLANTING AREAS DISTURBED DURING CONSTRUCTION. REMOVE ALL TEMPORARY SEEDING/STABILIZATION, STONES, GRAVEL, AND ALL EXTRANEOUS DEBRIS INCLUDING ROOTS AND LIMBS.
- ALL PLANT BEDS TO BE TILLED AND AMENDED TO A DEPTH OF 12". THE ENTIRE AREA IS TO BE COVERED WITH 3" CLEAN PINESTRAW MULCH IMMEDIATELY AFTER PLANTING.
- ALL BEDS TO CONSIST OF 1 PART EXISTING SOIL, 1 PART FRIABLE SOIL, AND 1 PART SOIL CONDITIONER. ALL PLANT BEDS SHOULD BE TILLED IN THEIR ENTIRETY. NO PIT PLANTING OF BEDS WILL BE ACCEPTED.
- LANDSCAPE CONTRACTOR SHALL FURNISH ALL QUANTITIES NECESSARY TO COMPLETE PLANTINGS AS SHOWN/LOCATED ON DRAWINGS. QUANTITIES SHOWN ON PLANT LIST ARE FOR CONVENIENCE OF CONTRACTORS AND ARE BELIEVED TO BE SUBSTANTIALLY CORRECT, BUT ACCURACY OF QUANTITIES IN LIST IS NOT GUARANTEED.
- LANDSCAPE CONTRACTOR TO GUARANTEE ALL PLANT MATERIAL AND WORK FOR A PERIOD OF ONE YEAR FROM ACCEPTANCE OF WORK BY OWNER.
- ANY PLANT MATERIAL SUBSTITUTIONS OR ADJUSTMENTS ARE TO BE REQUESTED IN WRITING TO THE OWNER. NO SUBSTITUTIONS WILL BE PERMITTED WITHOUT WRITTEN NOTICE BY THE OWNER.
- ALL PLANT MATERIAL TO CONFORM TO THE CURRENT EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK".
- ALL TREES PLANTED IN GRASS AREAS SHALL HAVE A 4" DIAMETER MULCH RING.
- ALL GRASS TO PLANT BED BORDERS ARE TO BE NEATLY EDGED WITH A VERTICAL 'V-CANNEL' EDGE.
- ALL TREES SHALL BE SPECIMEN QUALITY AND WELL SHAPED.
- ALL TREES OF THE SAME VARIETY SHALL MATCH IN SHAPE, FORM, AND SIZE WHERE THEY ARE TO BE INSTALLED IN GROUPS, ROWS, OR AS STREET TREES.
- MINOR SHIFTING AND ADJUSTING OF PROPOSED TREE LOCATIONS MAY BE REQUIRED DUE TO EXACT LOCATION OF UNDERGROUND UTILITIES. LANDSCAPE CONTRACTOR TO CONTACT LANDSCAPE ARCHITECT PRIOR TO RELOCATION.
- PRIOR TO SEEDING, LANDSCAPE CONTRACTOR IS TO CONTACT GENERAL CONTRACTOR FOR VERIFICATION THAT ALL LAND DISTURBING ACTIVITY HAS BEEN COMPLETED.
- LANDSCAPE CONTRACTOR TO SEED ALL AREAS PER SPECIFICATIONS. ADD FERTILIZER AND LIME AS RECOMMENDED BY SOIL TEST. ALL NEWLY SEEDED AREAS SHOULD BE STAKED OFF FROM PEDESTRIANS AND VEHICLES FOR A PERIOD OF THREE WEEKS.
- LANDSCAPE CONTRACTOR TO OBTAIN GRADING PLAN FOR COORDINATION OF FINAL GRADES.

PLANTING SCHEDULE*									
SYM.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	*CALIPER	HEIGHT	SPREAD	NOTES	
TREES									
AP	6	Acer palmatum 'Bloodgood'	Bloodgood Japanese Maple	B&B	1.5" MIN.	8' Min.	4' Min.	--	
AR	3	Acer rubrum 'October Glory'	October Glory Red Maple	B&B	2" MIN.	12' Min.	5' Min.	--	
GG	14	Thuja standishii x plicata 'Green Giant'	Green Giant Arborvitae	B&B	--	12' Min.	4' Min.	--	
RH	26	Ilex x 'Robin'	Robin Holly	B&B	--	8' Min.	4' Min.	--	
RV	22	Parrotia persica 'Ruby Vase'	Ruby Vase Parrotia	B&B	2" MIN.	8' Min.	3' Min.	--	
TT	x	Chionanthus retusus 'Tokyo Tower'	Tokyo Tower Fringe Tree	B&B	1.5" MIN.	8' Min.	1' Min.	--	
UP	10	Ulmus parvifolia 'Bosque'	Bosque Elm	B&B	2" MIN.	10' Min.	4' Min.	--	
SHRUBS									
AM	5	Aronia melanocarpa 'Ground Hog'	Ground Hog Chokechery	1 Gal.	--	4" Min.	24" Min.	--	
AT	126	Rhododendron 'Autumn Twist'	Autumn Twist Encore Azalea	3 Gal.	--	24" Min.	24" Min.	--	
BC	x	Buddleia 'Blue Chip Jr.'	Blue Chip Jr. Butterfly Bush	3 Gal.	--	10" Min.	12" Min.	--	
BM	44	Buxus microphylla 'Wintergreen'	Wintergreen Boxwood	--	--	30" Min.	24" Min.	--	
DBC	88	Distylium 'Blue Cascade'	Blue Cascade Distylium	3 Gal.	--	30" Min.	24" Min.	--	
GJ	68	Gardenia jasminoides 'Frostproof'	Frostproof Gardenia	3 Gal.	--	36" Min.	18" Min.	--	
HP	20	Hydrangea paniculata 'Bobo'	Bobo Hydrangea	3 Gal.	--	24" Min.	24" Min.	--	
MA	35	Fothergilla major 'Mount Airy'	Mount Airy Fothergilla	3 Gal.	--	36" Min.	20" Min.	--	
OF	18	Osmanthus fragrans	Fragrant Osmanthus	--	--	5' Min.	3' Min.	--	
PP	x	Loropetalum chinense 'Purple Pixie'	Purple Pixie Loropetalum	3 Gal.	--	12" Min.	20" Min.	--	
ORNAMENTAL GRASSES/PERENNIALS									
LB	x	Pennisetum alopecuroides 'Little Bunny'	Little Bunny Fountain Grass	1 Gal.	--	--	--	--	
LC	x	Lantana camara 'Ham and Eggs'	Ham and Eggs Lantana	1 Gal.	--	--	--	--	
SO	66	Hemerocallis 'Stella d'Oro'	Stella d'Oro Daylily	1 Gal.	--	--	--	--	
GROUNDCOVERS									
PS	18	Phlox subulata 'Snowflake'	Snowflake Creeping Phlox	4"	--	--	--	--	

PS Permanent Seeding

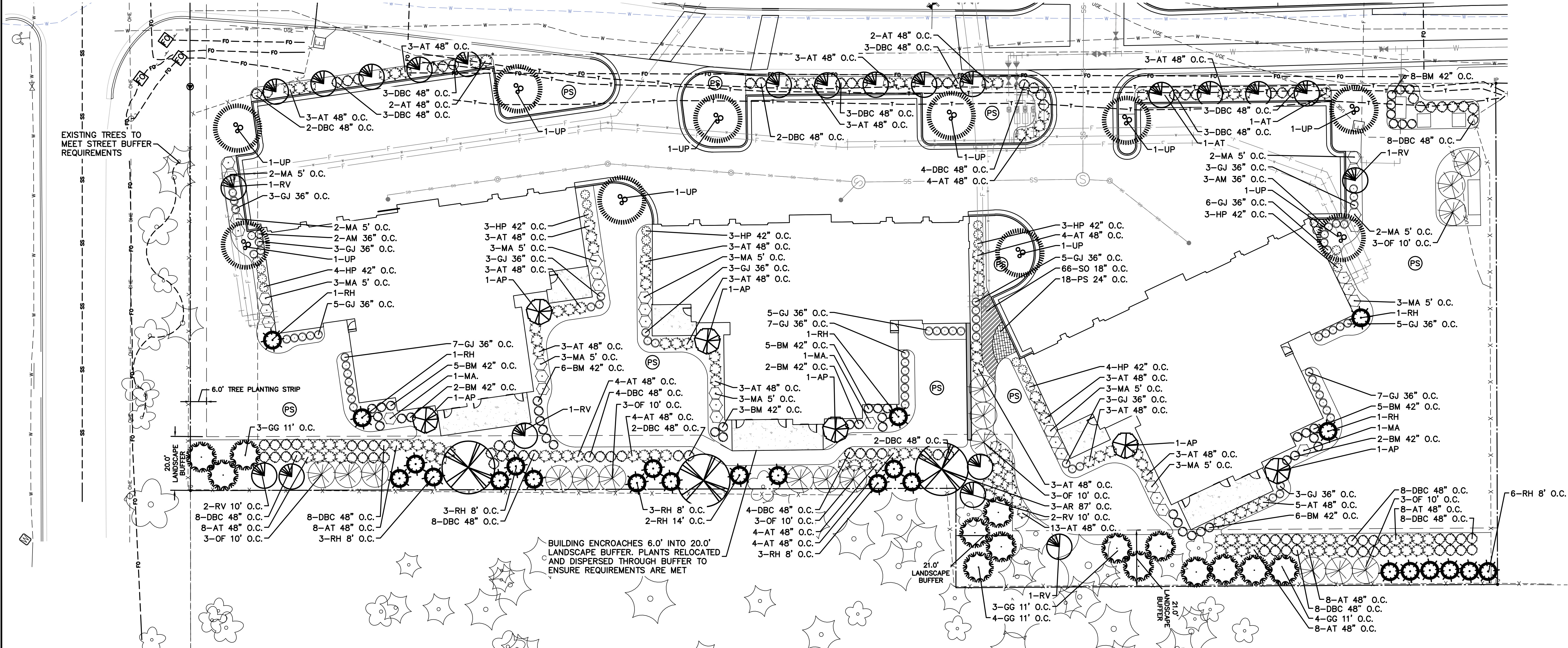
* This Plant Schedule Applies to Sheet L-102 Only.

REQUIRED LANDSCAPE:

STREET TREES, MIN. 6.0' WIDE PLANTING STRIP: 1 LARGE TREE PER 30 LF
REQUIRED: 175 TOTAL LF = 6 LARGE TREES
PROVIDED: 9 EXISTING TREES IN ROW (PER UDO 4.3.3 ITEM 4)

VEHICLE USE AREA INTERNAL PARKING LOT PLANTINGS: 1 LARGE TREE PER 250 SF, 1 SMALL TREE PER 125 SF, 1 EVERGREEN SHRUB PER 35 SF
REQUIRED: 15% OF 14,290 SF = 2,144 SF = 9 LARGE TREES, 17 SMALL TREES, AND 61 EVERGREEN SHRUBS
PROVIDED: 10 LARGE TREES, 16 SMALL TREES, AND 61 EVERGREEN SHRUBS

PROPERTY BUFFER (20' WIDE): 1 LARGE TREE PER 400 SF (50% EVERGREEN), ONE SMALL TREE PER 400 SF (20-30% DECIDUOUS), ONE SHRUB PER 75 SF (MAX 30% DECIDUOUS)
REQUIRED: 10,413 SF = 26 LARGE TREES (13 EVERGREEN), 26 SMALL TREES (MIN 5 OR MAX 8 DECIDUOUS), 139 SHRUBS
PROVIDED: 9 EXISTING LARGE TREES, 14 EVERGREEN LARGE TREES, 4 DECIDUOUS LARGE TREES, 5 DECIDUOUS SMALL TREES, 21 EVERGREEN SMALL TREES, 143 SHRUBS

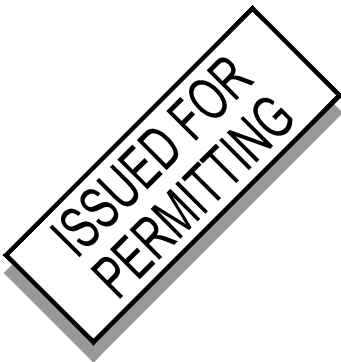


TOWN OF SOUTHERN PINES
PWA 450107575768
PWA 36710
DEED BOOK 431, PAGE 264

ISSUED FOR PERMIT
- FOR REVIEW PURPOSES ONLY -
DO NOT USE FOR
CONSTRUCTION



55 Broad Street
Asheville, NC 28801
828.252.0575
NC Firm License # C-0459
mcgillassociates.com



NO.	DATE	BY	DESCRIPTION
A	06-03-2024	MSK	ISSUED FOR PERMIT

PHASE 1
REDEVELOPMENT
PENICK VILLAGE
SOUTHERN PINES, NORTH CAROLINA

20 0 10 20 40 GRAPHIC SCALE DIVISION VALUE = 20 FEET (ORIGINAL SIZE: 24"x36")	
OFFICE MANAGER M. CATHEY	DESIGNER K. DURRANT
PROJECT MANAGER R. WILL	REVIEWER J. FORD

VILLAS LANDSCAPE PLAN			
DATE JUNE 2024	PROJECT # 23.01903	FUNDING # N/A	

SHEET
L-102

Agenda Item

To: Reagan Parsons, Town Manager
From: Gene Ruiz, Planner II
Subject: AR-07-24, Pinnacle Storage Southern Pines Phase II
Date: July 9, 2024

I. SUMMARY OF APPLICATION REQUEST

The applicant, BW Architecture, is requesting an Architectural Compliance Permit on behalf of the legal property owner Longleaf Pines, LLC for a 46,640 square foot two story commercial self-storage building. The new building is Phase II of Pinnacle Storage. The address is 240 Bell Avenue which is located in the General Business (GB) zone. The surrounding streets are US 1 HWY South, Shaw Avenue and South Bennett Street.

II. PROJECT INFORMATION

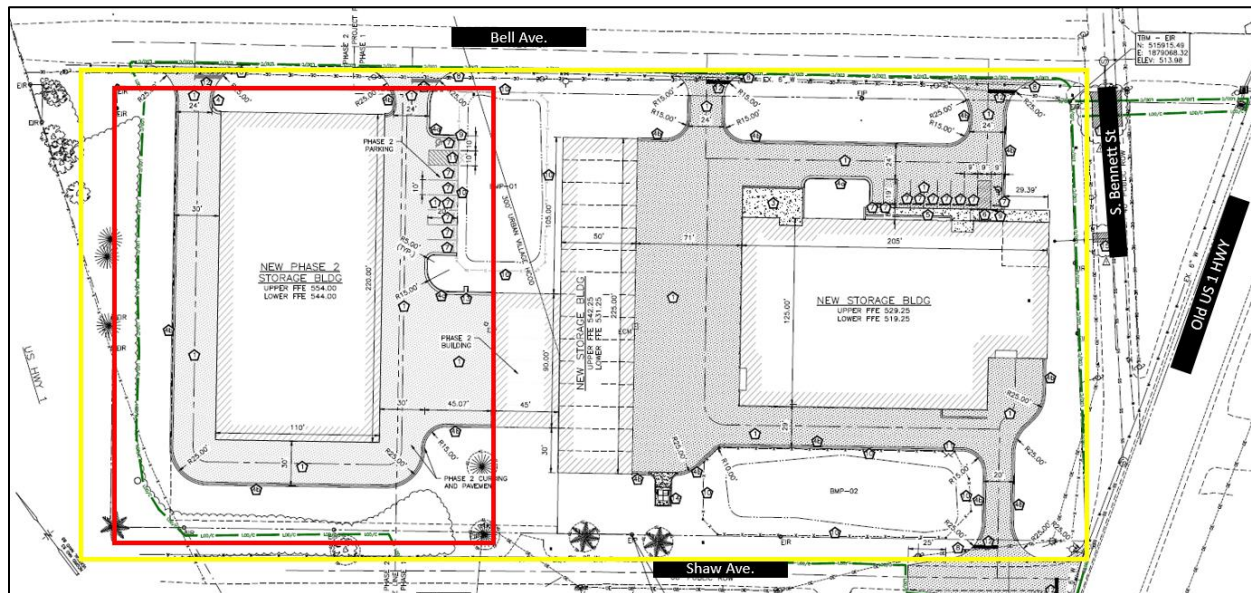
A. Property Owners

PIN: 857100865141 (**PARID** 00047591)
PIN: 857100859879 (**PARID** 00046695)
Longleaf Pines, LLC
324 Greenville Avenue
Wilmington, NC 28403

B. Applicants and Authorized Agents

BW Architecture
100a Oakmont Drive
Greenville, NC 27858

Figure 1. Proposed Site Layout Plan Pinnacle Storage Phase II (Yellow box Pinnacle Storage / Red box Phase II building).



The subject property is located off of 240 Bell Ave. The subject property is zoned GB. The broader neighborhood is primarily a GB district with some residential uses.

Figure 2: Zoning and Vicinity Map (Yellow box Pinnacle Storage / Red box Phase II building).



Figure 3. Drone pictures of the site (Red box).



III. STAFF REVIEW

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

2. Application Review Dates

Application Submitted: **May 30, 2024**

Application Complete: **June 25, 2024**

Town Council Regular Meeting: **July 9, 2024**

3. Staff Comments based on Building Design Requirements per UDO §4.10.4

Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*. See comments below for three areas of non-compliance. Compliance for signage will be determined during sign permit review since UDO §4.10.4 (J) states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.

- UDO §4.10.4 (B)(2) *states the width of Buildings or Building segments shall not be more than twice the Building height. (3) Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of Building segments.*

Elevation 301.2 (as depicted on attached Building Elevations) that faces Old US Hwy 1 does not have any building segmentation which is required per UDO §4.10.4. Applicant has provided screening for the mechanical equipment

(HVAC units) on the roof top. However, building segmentation per UDO §4.10.4(B) is a separate requirement from mechanical equipment screening found in UDO §4.10.4(H). Planning staff advised the applicant of this deficiency and requested revisions demonstrating compliance. However, the applicant stated that the previous building was approved without segmentation and wants the same consideration.

The primary Phase 1 building did have segmentation on the north, east and south facades when approved per AR-07-21 in 2021. Only the west elevation of the primary building that faces the interior of the property was formally approved without the required building segmentation. After further review of AR-07-21, building elevations for what wound up being a second storage building in Phase I of the development were not provided by the applicant nor reviewed by staff. This second building has a row of 15 garage bays that face internally but that are partially visible from Old US Highway 1 and South Bennett Street. This appears to be an omission by the applicants and was not identified by planning staff when reviewing the submitted site plan (that showed two buildings) and the building elevations (that only showed one building). This oversight does not create a basis for further noncompliance in subsequent phases.

In the current phase, the portion of the building facing Old US Highway 1 with 19 garage bays lacks segmentation. The building is located at the back of the property and faces internally, but due to property slope will also likely be partially visible from Old US Highway 1 and South Bennett Street. The applicant stated if required for approval they will install false parapet to comply. See email correspondence in (Attachment 5). Staff recommends that the Town Council continue AR-07-24 to the August 13, 2024 Regular Meeting so that the applicant may submit revised elevations for 301.2 (facing Old US Highway 1) that appear similar to 301.4 and that comply with UDO §4.10.4(B) since the applicant has not provided a valid reason not to do so in Phase II.

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

The rear elevation, elevation 301.4 as depicted on attached Building Elevations, that faces US HWY 1 does not meet the 80% brick building materials standard. The façade currently has 73% brick and 27% EIFS and other material. All other elevations meet or exceed the UDO §4.10.4 (C) standard. In this case, the elevation will not be seen from the highway due to the dense vegetation and buffering in that area and will only have limited view from Bell Avenue. Per UDO 4.10.4(C)(2), alternative materials may be used for “walls that are screened and not visible from any public street, walkway, or residential zoning district.” The approved site plan for Phase 1 (ZP- 08-21) has a significant

amount buffer to screen that façade. The approved site plan shows a 40ft planted buffer that will provide sufficient screening to minimize view from Bell Avenue. Given the use of the dense vegetation from US Hwy 1 and the added buffer, planning staff can recommend granting the deviation see (Attachment 6).

- UDO §4.10.4 (D)(3) *In other zoning districts, windows and doors shall comprise at least twenty-five (25) percent of street-facing Building façades between the elevations of two (2) and ten (10) feet above the grade of the Building entry.*

This project is not compliant with this section as there are no windows on the street facing façades. These elevations are depicted on attachment 3; right elevations 301.3 faces Bell Avenue and left elevation 301.1 faces Shaw Ave. Applicant claims building is not compliant due to grade and building construction constraints as explained in their narrative (Attachment 2). The applicants could use shadow box windows to achieve the architectural intent of UDO §4.10.4(D)(3). However, given the proposed use of the building and security concerns planning staff can support the approval of a deviation from the window requirement provided the non-compliant facades are screened. Planning staff and applicant agree to add landscape screening on elevation 301.3 which faces Bell avenue in lieu of windows. At this time applicant has not provided an updated landscaping plan to present to the Town Council for review, but is currently working with a landscape architect to prepare a plan demonstrating screening to comply with UDO §4.10.4(D) for Elevation 301.3. Elevation 301.1, that faces Shaw Avenue, already has a significant amount of landscaping that will reduce visibility of the façade from the street, per approved landscaping sheets (from ZP-08-21, Attachment 6).

4. Staff Recommendation

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

- (A) *For Buildings with ten thousand (10,000) square feet or more of Gross Floor Area or that do not comply with the commercial Building design standards in Section 4.10, the application is consistent with the applicable Comprehensive Plan goals and policies;*
- (B) *The application substantially conforms with the applicable Multi-Family or commercial design standards and other applicable provisions of the UDO;*
- (C) *The application is consistent with applicable conditions of prior Development Approval.*

Considering these criteria, at this time Planning Staff recommend a continuance of AR-04-24 with instructions from the Town Council to comply with the planning staff's request for the following information:

1. Revised building elevations depicting compliant building segmentation on Elevation 301.2, and
2. A site plan depicting landscape screening to which the applicants have agreed of Elevation 301.3 (in addition to landscape screening of Elevation 301.1 depicted on approved site plans) as a substitute for required windows covering 25% of the street-facing facades.

If the Town Council does not wish to continue the application, planning staff recommend the following deviations and conditions:

- **Deviation 1.** Regarding UDO §4.10.4 (C) Building Materials, the elevation facing US Highway 1 may be 73% brick as depicted in Elevation 301.4 because it will not be visible from US Highway 1 per the approved site and landscaping plan.
- **Deviation 2.** Regarding UDO §4.10.4 (D)(3) Windows, the building facades facing Bell Avenue and Shaw Avenue may have no windows based on the nature and use of a storage facility. However, both facades shall be screened using landscaping and a copy of a site plan depicting landscaping compliant with UDO §4.3.5 shall be provided to the planning staff and required planting shall be installed prior to issuance of a Certificate of Occupancy.
- **Condition 1.** That Elevation 301.2 be segmented in accordance with UDO §4.10.4(B)(3) and that a copy of a revised building elevation depicting compliance be provided to the planning staff prior to the staff certifying zoning compliance for a building permit.

III. ATTACHMENTS PROVIDED BY THE APPLICANT

1. Completed Application, including Appointment of Agent Form
2. Applicant Narrative
3. Exterior Building Renderings (Revised June 28, 2024)
4. Site Layout (May 30, 2024)
5. Email correspondence
6. Pinnacle Previously Approved Landscape Plan

IV. TOWN COUNCIL ACTION

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26, the commercial building design requirements per UDO §4.10.4 and prior development approvals.

The Town Council may make one of the following motions or any alternative they wish.

I move to:

1. Continue AR-07-24 per the planning staff's written recommendation contained in the staff report;
2. Approve AR-04-24;
3. Approve AR-04-24 with the following deviations and conditions:

4. Deny AR-04-24.



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Pinnacle Storage Southern Pines Phase II

Street Address: 240 Bell Ave.

PIN: 857100859879 & 8571000865141 Parcel ID: 00046695 & 0047591 Zoning: GB

Type of building (retail, office, etc.): Commercial (self storage) Total square footage: 46,640 sf

Applicant:

Name: BW Architecture

Email: brad@bwarchitecture.info Phone: 252-355-1300

Mailing Address: 100a Oakmont Dr. Greenville, NC 27858

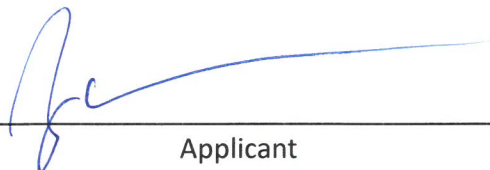
Legal Property Owner(s), if different from Applicant:

Name(s): Longleaf Pines LLC

Email: robert@roberthighdevelopment.com Phone: 910-790-9490

Mailing Address: 324 Greenville Ave. Wilmington, NC 28403

Date: 5.30.2024


Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), Robert High, hereby appoint(s) Leah Kaminski as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property 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:

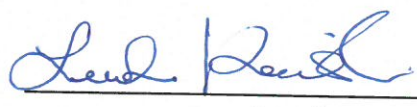
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance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

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

Signed this 30th day of May, 2024.



Property Owner
Robert High for Longleaf Pines Storage, LLC

Property Owner


Agent
Leah Kaminski for Robert High Development, LLC.

APPOINTMENT OF AGENT

The undersigned owner(s), Robert High, hereby appoint(s) Bradley Williams as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property 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 issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

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

Signed this 28th day of May, 2024.



Property Owner
Robert High of Longleaf Pines Storage, LLC

Property Owner


Agent
BRADLEY WILLIAMS
BW ARCHITECTURE PLLC

May 30, 2024

Town of Southern Pines
125 SE Broad St
Southern Pines, NC 28387

RE New Self-Storage Accessory Building- 240 Bell Avenue (Phase II Building)
UDO Compliance Narrative

Project Description:

Pinnacle Storage- Southern Pines is a two-story accessory building totaling 46,640 sq. ft. of area. The site is sloped with the West elevation expressed as a single-story building with exterior doors. All four elevations are brick, with some stucco accents. The North and South elevations face a public way, while the East and West elevations face the interior of the site. Differences in parapet height, brick color, stucco accents and offsets are used to give the building composition the appearance of vertical elements as opposed to horizontal.

The proposed building is consistent with applicable comprehensive plan goals and substantially conforms with the commercial design standards as called out in the UDO. This is the second building on site and the site plan was previously submitted and approved. Construction on Phase I is underway.

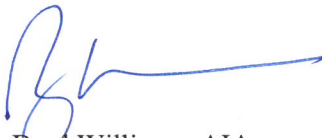
Building Design Requirements:

- A. Building Orientation and Entries:
 - a. The primary customer entrance for the business is located in the existing Phase I building. Phase II buildings customer entrances are all on interior facing exterior walls.
 - b. Customer entries do not exceed 100 feet.
- B. Building Dimensions:
 - a. Building segments do not exceed 66'-6" (twice the building height)
 - b. Building segments are defined by the use of change in materials and rooflines.
- C. Building Materials:
 - a. Two brick colors comprise 80% of the front facing façade.
 - a. Other materials such as stucco do not exceed 20% of the front facing façade.
 - b. No alternative materials are used on the entire building. Similar materials as listed above are used around the rest of the building in similar proportions.
- D. Windows
 - a. There are no windows on the first floor of street facing facades due to grade and building construction constraints but these facades will have vegetative screens.
- E. Awnings:

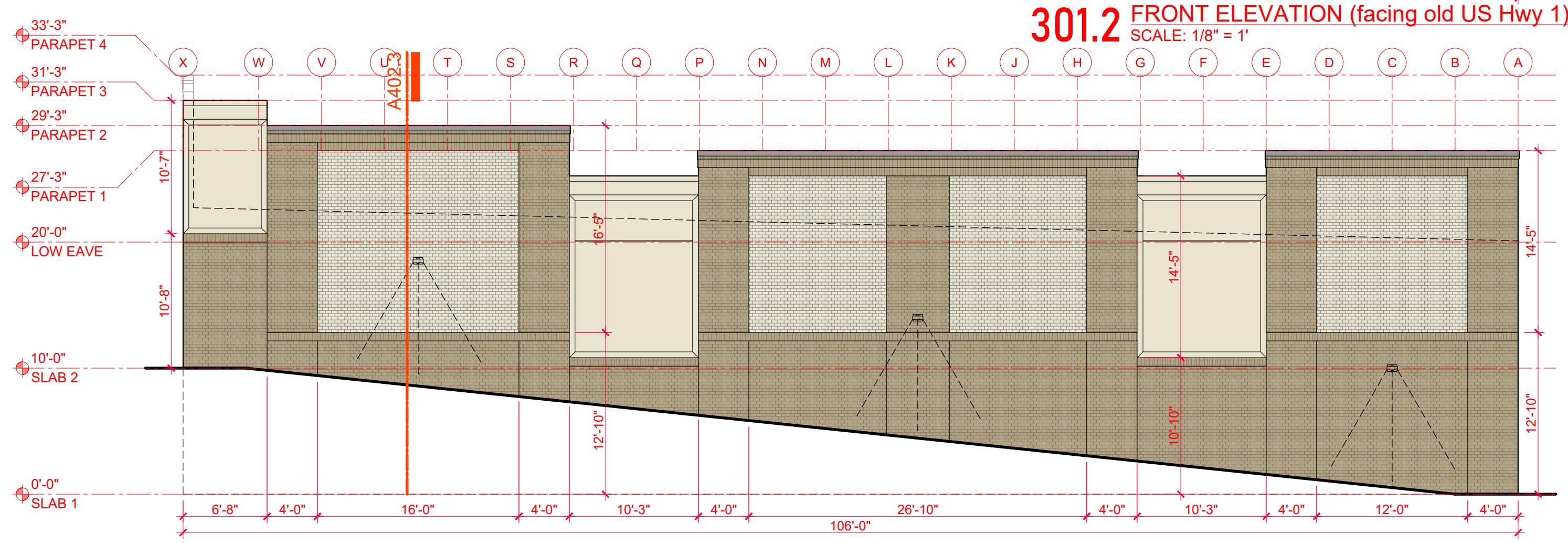
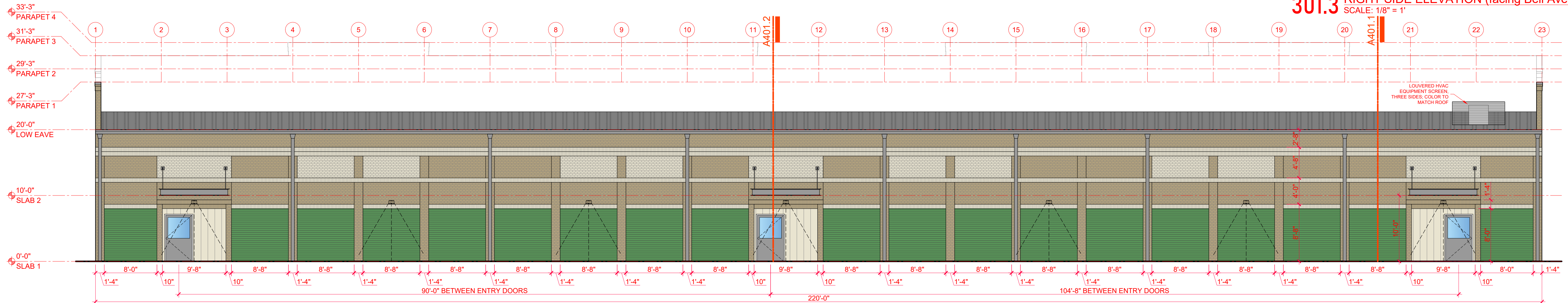
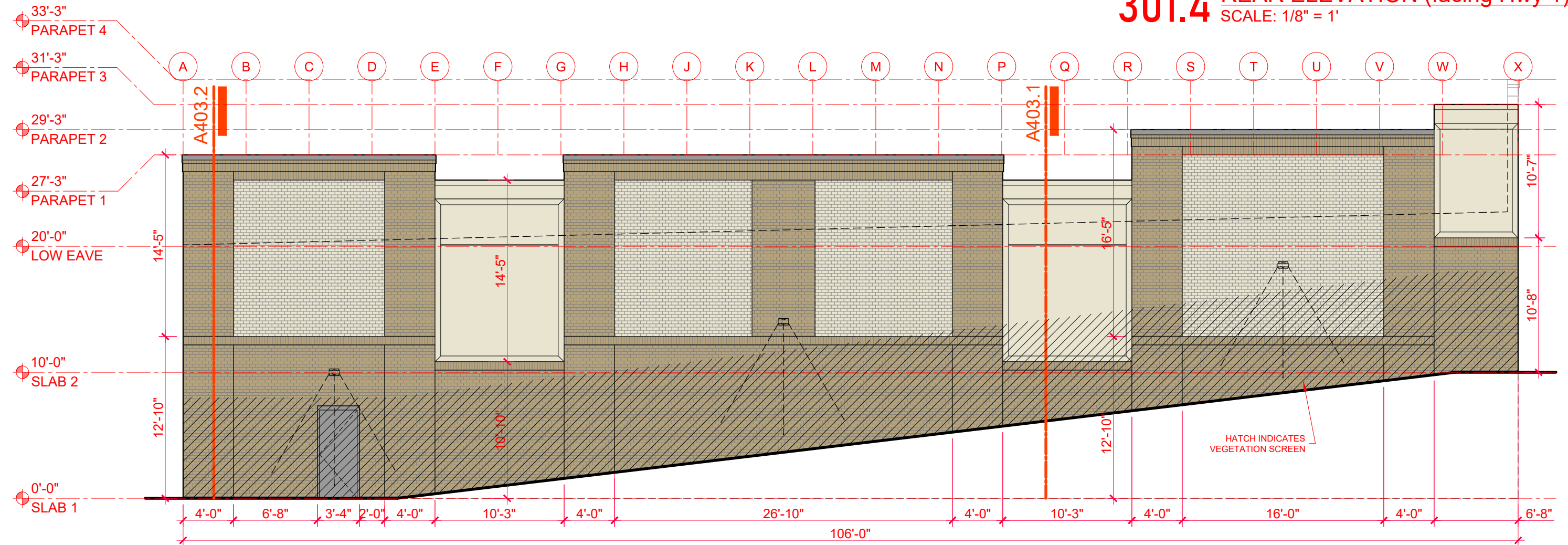
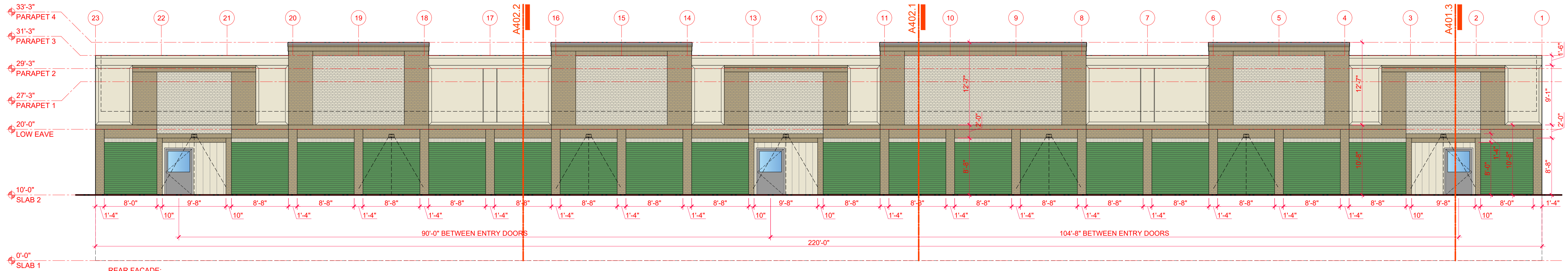
- a. three-foot-deep flat metal canopies have been utilized to add shadow lines at the customer entries.
- F. Galleries, and Arcades:
 - a. There are no awnings, galleries or arcades at the front facing façade.
- G. Roofs:
 - a. The building has a parapet wall, the longest uninterrupted length is 35'-0"
- H. Mechanical Equipment:
 - a. Mechanical equipment will be located on the roof, concealed behind the parapet wall and will not be visible from the front and sides of the building.
- I. Loading Zones and Garage Bays:
 - a. There are garage bays on the East and West elevation facing the interior of the site.
- J. Signage:
 - a. All signage will comply with the standards in section 4.6.

Please let us know if you have any questions or need additional information about the building design.

Best Regards,



Brad Williams, AIA
BW Architecture



Material Legend

Owner acknowledges and agrees that Robert High Development, LLC (RHD) [and its architect BW Architecture, PLLC] have retained all ownership and other rights, title and interests in and to all conceptual, working and final drawings, plans and specifications (collectively, Plans and Specifications) relating to the Project (including without limitation architectural and engineering drawings, plans and specifications), and any and all of its proprietary rights embodied therein or related thereto. Except in connection with the construction, ownership, operation and management of the Project by Owner, this Agreement shall not grant Owner any vested right, title or interest in or to any of the Plans and Specifications or any patents (issued or pending), trademarks, service marks, trade names, copyrights, licenses, licensed or other proprietary rights of RHD or any such rights granted by third parties or other professionals to RHD.

The Plans and Specifications and any contents of any documents or information embodied therein or relating thereto shall not be used, reproduced or copied, in whole or in part, without the prior, written permission of BW Architecture and RHD.

File: L:\RH0-21.01 Bell Ave Storage\600 - Drawings\810 Design Drawings\02 Civil\RH0-21.01 - C-03 LAYOUT.dwg, By: Frank, Plotted: Wed Apr 13, 2022 at 1:42pm

SITE KEY NOTING:		
SYMBOL	DESCRIPTION	SHEET REFERENCE
	INSTALL ASPHALT PAVEMENT	SEE SHT. D-01, #1
	INSTALL CONCRETE PAVEMENT	SEE SHT. D-01, #2
	INSTALL 24" CONCRETE CURB AND GUTTER	SEE SHT. D-01, #3
	INSTALL 24" ROLLED CONCRETE CURB AND GUTTER	SEE SHT. D-02, #3
	INSTALL CONCRETE SIDEWALK WITH TURNDOWN	SEE SHT. D-01, #4
	INSTALL IN-LINE HANDICAP RAMP	SEE SHT. D-01, #5
	INSTALL PRECAST WHEELSTOP	SEE SHT. D-01, #6
	INSTALL "STOP" SIGN	SEE SHT. D-01, #7, 8
	INSTALL HANDICAP PARKING SIGN	SEE SHT. D-01, #9
	INSTALL 4' HIGH BLACK VINYL COATED CHAIN LINK FENCE	SEE SHT. D-02, #1
	INSTALL 8' WIDE 4' HIGH DOUBLE SWING GATE (4' GATES)	SEE SHT. D-02, #2
	INSTALL PAVEMENT MARKINGS AS PER PLANS	SEE SHT. D-02, 1205.01
	INSTALL CONCRETE DRAINAGE FLUME	SEE SHT. D-01, #10
	INSTALL DUMPSTER ENCLOSURE	SEE SHT. D-02A, #1
	OPEN, CUT AND PATCH FOR UTILITIES	SEE SHT. D-02, TOSP R6

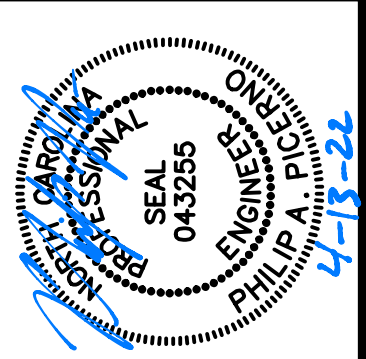
NOTES:

- ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON SHEET C-01 SHALL APPLY TO THIS PLAN.
- ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR WITH THE SURVEYOR OF RECORD PRIOR TO BEGINNING CONSTRUCTION. BENCHMARKS ARE THREE EIPS. THE FIRST IS LOCATED AT THE PROPERTY CORNER AT THE INTERSECTION OF BELL AVE AND BENNETT ST AND HAVING AN ELEVATION OF 513.98'. THE SECOND LOCATED AT THE SOUTHERN PROPERTY CORNER OF THE NATH PROPERTY AT SHAW AVE AND HAVING AN ELEVATION OF 534.23'. THE THIRD LOCATED AT THE NORTHERN PROPERTY CORNER OF THE NATH PROPERTY AT SHAW AVE AND HAVING AN ELEVATION OF 538.33'.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN OF SOUTHERN PINES STANDARDS AND SPECIFICATIONS.
- CONTRACTOR SHALL ENSURE THAT THE EXISTING UTILITIES ARE LOCATED AND MARKED PRIOR TO INSTALLATION OF NEW UTILITIES.

HIGHWAY CORRIDOR OVERLAY:

PHASE 2 BUILDING AREA SHALL NOT EXCEED 30.0% OF THE HIGHWAY CORRIDOR OVERLAY AREA.

REVISIONS			
SYM.	DESCRIPTION	DATE	BY
△	ADDED OPEN, CUT & PATCH LOCATIONS	04/13/22	FDW



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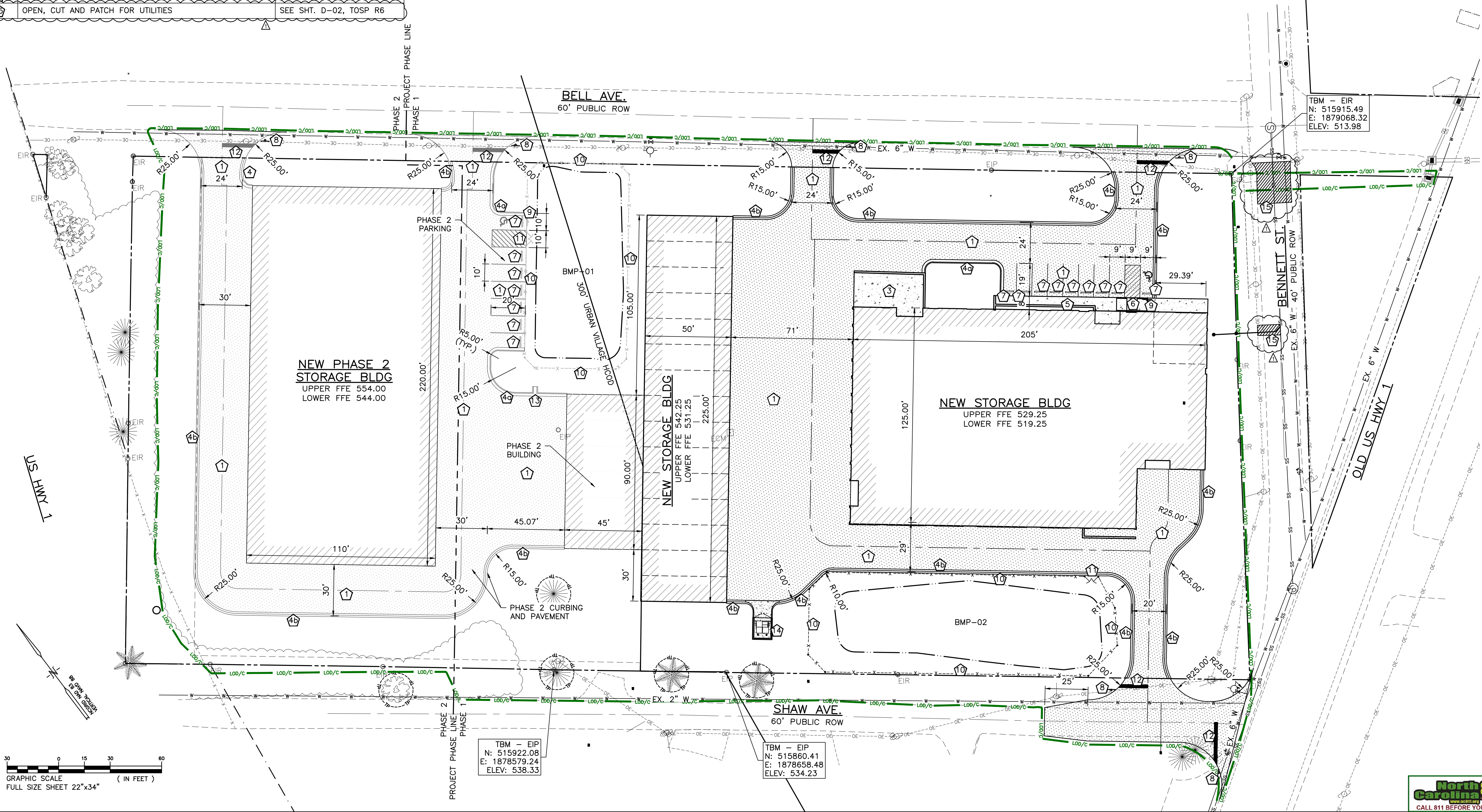
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SITE LAYOUT PLAN

BELL AVENUE
STORAGE FACILITY

DATE: MAY, 2021
DESIGNED: FDW
DRAWN: FDW
CHECKED: TAC
NO.
C-03

Southern Pines, North Carolina



From: [Jason Sherrill](#)
To: [Gene Ruiz](#)
Cc: [Will Clevenger](#); [Rob High](#); [Leah Kaminski](#); [Tim Carpenter](#); [Bradley Williams](#)
Subject: Southern Pines Phase II
Date: Friday, June 28, 2024 1:46:53 PM
Attachments: [image001.png](#)
[SPII A-301 Exterior Elevations-A-301.pdf](#)

Hey Gene, attached is the revised Southern Pines Phase II Exterior elevations for your use in the town meeting on Tuesday. Below is a list of everything we discussed over the last few days that are reflected on the plans:

1. Changed elevation tags to read Right, Left, Front, Rear, and what street they face.
2. Changed roll-up garage doors to "Fern Green" to match existing building.
3. Added roof material to material legend to say "Color to match existing building roof."
4. Added metal canopy to the material legend
5. Added calculations for façade materials to each elevation.
6. Added overall building dimensions to all elevations.
7. Added rooftop screening around HVAC units. We understand that they may require us to install a false parapet but we want to see if they will allow screening @ the rooftop units only since no false parapet was required on the first phase building.
8. Added Hatch on right elevation to show vegetation screening since no windows. I spoke with Tim Carpenter, the civil engineer, and he said he could revise his landscaping plan to show the vegetation screen but he wouldn't be able to provide it before the meeting (vacation). Hopefully they will be okay with it being covered on the elevations knowing the landscaping plan will be revised. We shall see.

Gene, I want to thank you so much for all your help with this. It speaks volumes about your department!

I will be on vacation all next week but if you have any questions I will be checking my email. You can also contact our Architect Brad Williams (copied). Have a wonderful Fourth of July! Thanks!

Jason Sherrill

Senior Designer



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PHASE 1 REQUIREMENTS

4.3.3 STREET TREES: 541 IF STREET FRONTAGE

541 IF (MINUS DRIVES & TRAFFIC VISIBILITY ZONES)

- (A) PLANTING RATE: 1 LARGE TREE PER 30 IF FRONTAGE
(1) 541 / 30 = 18 STREET TREES REQUIRED (TOTAL)
18 STREET TREES PROVIDED (18 NEW)

4.3.4 BUFFERS: HCO URBAN VILLAGE BUFFER (PHASE 1): N/A

4.3.4 BUFFERS: HCO URBAN VILLAGE BUFFER

(6) RESIDENTIAL BUFFER REQUIRED PLANTS: N/A

4.3.4 BUFFERS: RESIDENTIAL (NON-HCO BUFFER): N/A

4.3.5 LANDSCAPE SCREENS

(A) SCREEN DUMPSTER PAD AREA AND ROLL-UP DOORS

4.3.6 LANDSCAPING for VEHICLE USE AREAS

(A) PERIMETER LANDSCAPING (153 LF IF PERIMETER FRONTAGE)

- (1) 1 LARGE TREE PER 30 IF OF PARKING FRONTAGE
153 IF / 30 = 5 LARGE TREES REQUIRED
5 LARGE TREES PROVIDED

- (2) 1 EVERGREEN SHRUB PER 3 IF OF PARKING FRONTAGE
153 IF / 3 = 51 EVERGREEN SHRUBS REQUIRED
51 SHRUBS PROVIDED

(B) INTERNAL LANDSCAPING (5330sf VEHICLE USE AREA)

- (1) LANDSCAPE AREA = 15% VEHICLE USE AREA
5,330sf x .15 = 800sf LANDSCAPE AREA REQUIRED
1,100sf LANDSCAPE AREA PROVIDED

- (2) 1 LARGE TREE PER 250 sf OF REQUIRED LANDSCAPE AREA
800sf/250 = 3 LARGE TREES REQUIRED
3 LARGE TREES PROVIDED

- (3) SMALL TREES MAY BE SUBSTITUTED FOR LARGE TREES AT A
RATE OF 2 SMALL TREES/ 1 LARGE TREE: NO SMALL TREES USED

- (4) 1 EVERGREEN SHRUB PER 35sf REQUIRED LANDSCAPE AREA
800f / 35 = 23 EVERGREEN SHRUBS REQUIRED
23 EVERGREEN SHRUBS PROVIDED

- (5) 20% VEHICLE ACCOMMODATION AREA SHADED
5330sf x .20 = 1,066sf SHADED AREA
1066f / 707sf = 2 TREES REQUIRED
2 TREES PROVIDED

PHASE 2 REQUIREMENTS

4.3.3 STREET TREES: 290 IF STREET FRONTAGE

290 IF (MINUS DRIVES & TRAFFIC VISIBILITY ZONES)

- (A) PLANTING RATE: 1 LARGE TREE PER 30 IF FRONTAGE
(1) 290 / 30 = 10 STREET TREES REQUIRED (TOTAL)
10 STREET TREES PROVIDED (10 NEW)

4.3.4 BUFFERS: HCO URBAN VILLAGE BUFFER

(D) BUFFER AREA REQUIREMENTS:

- (1) 40' FRONT YARD BUFFER (296 IF)
296' IF x 40' = 11,480sf BUFFER AREA REQUIRED
11,480sf BUFFER AREA PROVIDED
(2) 5' SIDE YARD BUFFER (550 IF, TOTAL)
550' x 5' = 1,206sf (DRIVES & TRAFFIC SAFETY ZONES) =
1,544sf BUFFER AREA REQUIRED
1,544sf BUFFER AREA PROVIDED
(3) 36' RESIDENTIAL BUFFER: N/A

(4) FRONT BUFFER REQUIRED PLANTS

A. LARGE TREES: 1 / 400sf BUFFER

11,480 / 400 = 29 LARGE TREES REQUIRED

29 LARGE TREES PROVIDED

B. SMALL TREES: 1 / 400sf BUFFER

11,480 / 400 = 29 SMALL TREES REQUIRED

29 SMALL TREES PROVIDED

C. SHRUBS: 1 / 75sf BUFFER AREA:

11,480 / 75 = 153 SHRUBS REQUIRED

153 SHRUBS PROVIDED

(1) SIDE BUFFER REQUIRED PLANTS

A. LARGE TREE: 1 / 400sf BUFFER

1,544 / 400 = 4 TREES REQUIRED

4 TREES PROVIDED

B. SMALL TREES: 1 / 400sf BUFFER

1,544 / 400 = 4 SMALL TREES REQUIRED

4 SMALL TREES PROVIDED

C. SHRUBS: 1/50sf BUFFER

1,544 / 50 = 31 SHRUBS REQUIRED

31 SHRUBS PROVIDED

PHASE 2 REQUIREMENTS (CONTINUED)

4.3.4 BUFFERS: HCO URBAN VILLAGE BUFFER

(6) RESIDENTIAL BUFFER REQUIRED PLANTS: N/A

4.3.4 BUFFERS: RESIDENTIAL (NON-HCO BUFFER): N/A

4.3.5 LANDSCAPE SCREENS: N/A

4.3.6 LANDSCAPING for VEHICLE USE AREAS

(A) PERIMETER LANDSCAPING (20 LF IF PERIMETER FRONTAGE)

- (1) 1 LARGE TREE PER 30 IF OF PARKING FRONTAGE
20 IF / 30 = 1 LARGE TREES REQUIRED
1 LARGE TREES PROVIDED

- (2) 1 EVERGREEN SHRUB PER 3 IF OF PARKING FRONTAGE
20 IF / 3 = 7 EVERGREEN SHRUBS REQUIRED
7 SHRUBS PROVIDED

(B) INTERNAL LANDSCAPING (5180sf VEHICLE USE AREA)

- (1) LANDSCAPE AREA = 15% VEHICLE USE AREA
5,180sf x .15 = 777sf LANDSCAPE AREA REQUIRED
806sf LANDSCAPE AREA PROVIDED

- (2) 1 LARGE TREE PER 250 sf OF REQUIRED LANDSCAPE AREA
777sf/250 = 3 LARGE TREES REQUIRED
3 LARGE TREES PROVIDED

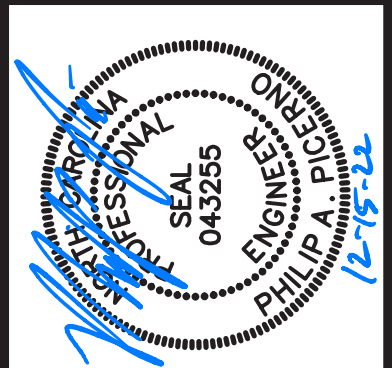
- (3) SMALL TREES MAY BE SUBSTITUTED FOR LARGE TREES AT A
RATE OF 2 SMALL TREES/ 1 LARGE TREE: NO SMALL TREES USED

- (4) 1 EVERGREEN SHRUB PER 35sf REQUIRED LANDSCAPE AREA
777f / 35 = 22 EVERGREEN SHRUBS REQUIRED
23 EVERGREEN SHRUBS PROVIDED

- (5) 20% VEHICLE ACCOMMODATION AREA SHADED
5,180sf x .20 = 1,036sf SHADED AREA
1066f / 707sf = 2 TREES REQUIRED
2 TREES PROVIDED

NOTE:
SODDED AREAS ARE TO EXTEND TO PROPERTY LINE
LIMITS. ANY DISTURBED AREAS OUTSIDE OF PROPERTY
LINE ARE TO BE SEEDED TO MATCH EXISTING TURF IN
THAT AREA

REVISIONS			
SYM.	DESCRIPTION	DATE	BY
	REVISE LANDSCAPE AND IRRIGATION PHASE 1 LIMITS	12/15/22	WLS



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LKC

LANDSCAPE PLAN

BELL AVENUE
STORAGE FACILITY

DATE: MAY, 2021
DESIGNED: FDW
DRAWN: FDW
CHECKED: TAC
NO.

L-01

- PHASE 2 PLANTING
- 33- LONGLEAF PINE (SPACING VARIES), TYP. SYM.
 - 10- NELLIE STEVENS HOLLY (SPACING VARIES), TYP. SYM.
 - 62- DWARF BURFORD HOLLY (4' O.C.), TYP. SYM.
 - 61- G.G. GERBING AZALEA (4' O.C.), TYP. SYM.
 - 61- LINEBACKER DISTYLUM (4' O.C.), TYP. SYM.
 - 9- CLOUD NINE DOGWOOD (VARIOUS SPACING), TYP. SYM.
 - 14- LITTLE GEM MAGNOLIA (SPACING VARIES), TYP. SYM.

NEW STORAGE BLDG
UPPER FFE 554.00
LOWER FFE 544.00

DOCK DOORS ALONG
LENGTH OF WALL

- PHASE 2 PLANTING
- 4-PRINCETON ELM (20' O.C.)
 - 24-G.G. GERBING AZALEA (4' O.C.)
 - 6-DWARF BURFORD HOLLY (4' O.C.)
 - 14- NELLIE STEVENS HOLLY (7.5' O.C.)

SOD

DO NOT PLANT WITHIN UTILITY
EASEMENT (TYP.)

- PHASE 2 PLANTING
- 6- SEEDLEES SWEETGUM (30' O.C.)
 - 1- NUTTALL OAK (30' O.C.)

NOTE: SEE DEMOLITION PLAN FOR TREE PROTECTION LOCATION
AND DETAIL SHEET FOR INSTALLATION DETAILS.

NEW STORAGE BLDG
FFE 531.25

PHASE 2 LANDSCAPE LIMITS

PHASE 1 LANDSCAPE LIMITS

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IRRIGATION EQUIPMENT SCHEDULE			
	EQUIPMENT DESCRIPTION	MFG. MODEL #	REMARKS
1	1" WATER METER		BY UTILITY CONTRACTOR, SEE UTILITY PLAN
1	1" REDUCED PRESSURE BACKFLOW PREVENTER		BY UTILITY CONTRACTOR, SEE UTILITY PLAN
4	1" BRASS MANUAL SHUT-OFF VALVE		INSTALL IN 12" VALVE BOX
3	3/4" QUICK COUPLER	RAINBIRD 3RC	INSTALL IN 12" VALVE BOX
3	QUICK COUPLER KEYS	RAINBIRD 33DK	PRESENT TO OWNER
4	1" DRIP ZONE VALVE	RAINBIRD XCZ-100-PEB-LC	INSTALL IN 12" VALVE BOX
900 lf	3/4" PVC PIPE		CLASS 200, USE TO CONNECT ISOLATED DRIP AREAS TOGETHER IN EACH DRIP ZONE
2000 lf	1" PVC PIPE		CLASS 200
200 lf	4" PVC PIPE SLEEVE		SCH. 40 PVC
TBD	EMITTER TUBING	RAINBIRD XFS-CV	INSTALL IN VALVE BOX
1	ELECTRIC CONTROLLER	RAINBIRD ESP-LXME	STATIONS, MOUNT ON STAINLESS STEEL PEDESTAL AND CABINET.
1	RAIN SENSOR	RAINBIRD WR2RFC-WR2	WIRELESS RAIN/FREEZE SENSOR

- EQUIPMENT LIST DOES NOT INCLUDE QUANTITY FOR EMITTER TUBING AND MISCELLANEOUS DRIP IRRIGATION EQUIPMENT (PUNCH-IN EMITTERS, STAKES, ... ETC.). IRRIGATION CONTRACTOR TO DETERMINE AMOUNT OF EMITTER TUBING REQUIRED TO PROVIDE IRRIGATION TO ALL NEWLY PLANTED LANDSCAPE PLANTS AS OUTLINED IN THE IRRIGATION DRIP ZONE NOTES.
- IRRIGATION CONTRACTOR TO DETERMINE AMOUNT OF EQUIPMENT FOR EACH PHASE AS NEEDED.

- SCOPE: THE SYSTEM IS DESIGNED TO BE AUTOMATICALLY CONTROLLED FROM A CENTRAL LOCATION. WATER SUPPLY IS FROM MAIN LINES AND IRRIGATION CONTRACT BEGINS AT POINT OF CONNECTION AS NOTED ON PLAN.
- DESIGN IS BASED ON 10 GPM AND 30 PSI MINIMUMS. IRRIGATION CONTRACTOR TO VERIFY BEFORE INSTALLATION AND INFORM THE LANDSCAPE ARCHITECT OF ACTUAL RESIDUAL PRESSURE AND GPM, AT POINT OF CONNECTION, PRIOR TO ANY INSTALLATION.
- IRRIGATION CONTRACTOR SHALL COORDINATE LOCATION OF DRIP LINES AND EMITTERS WITH LANDSCAPE CONTRACTOR SO PIPE LAYOUT DOES NOT INTERFERE WITH BED AND TREE PLANTING. OBTAIN A COPY OF THE LANDSCAPE PLAN PRIOR TO CONSTRUCTION TO AID IN THE IRRIGATION SYSTEM LAYOUT.
- PIPE LOCATIONS SHOULD BE INSTALLED AS SHOWN ON PLAN WHENEVER POSSIBLE. REFLECT DEVIATIONS OF PIPE LAYOUT FROM THE PLAN ON THE AS-BUILT DRAWINGS. THE MAIN LINE MAY BE PLACED IN THE SAME TRENCH WITH THE LATERAL LINE WHEN POSSIBLE. PLACE PIPES IN 4" PVC SLEEVE (UNLESS OTHERWISE NOTED) WHEN PIPE GOES THROUGH WALLS OR UNDER PAVEMENT. PLACE ALL CONTROL WIRES IN A SEPARATE 3/4" SLEEVE OUTSIDE THE 4" SLEEVE. ALL PIPE TO BE PLACED BELOW FREEZE LINE OR 12" DEEP, WHICHEVER IS GREATER.
- IRRIGATION CONTRACTOR TO DESIGN LAYOUT FOR SPRAY ZONES IN SODDED AREAS IF THE OWNER DESIRES IRRIGATION FOR TURF AREAS. PROVIDE SHOP DRAWINGS OF IRRIGATION OF PROPOSED SPRAY IRRIGATION LAYOUT AS NEEDED.

IRRIGATION GENERAL NOTES

- TREE AND SHRUB DRIP AREAS SHALL BE IRRIGATED WITH DRIP TUBING WITH 1GPH PUNCH-IN EMITTERS.
1-3 GALLON PLANTS: 1 EMITTER PER ROOT BALL
5-10 GALLON PLANTS: 2 EMITTERS PER ROOT BALL LOCATED ON OPPOSITE SIDES
4' -8' TREE: 2 TO 3 EMITTERS DEPENDING ON SPECIES AND EXPOSURE
10' -14' TREES: 3 TO 4 EMITTERS DEPENDING ON SPECIES AND EXPOSURE
- PERENNIAL AND ANNUAL DRIP AREAS SHALL BE IRRIGATED WITH DRIP TUBING WITH 1GPH INLINE EMITTERS WITH A 12" O.C. SPACING.
- POTS SHALL BE IRRIGATED WITH MULTI-OUTLET EMITTERS PER DETAIL.
- DRIP LINES SHALL BE KEPT 4"-6" FROM TRUNK TO PREVENT FUTURE GIRDLING OF PLANT. EMITTERS SHALL DRIP DIRECTLY ON ROOT BALL.

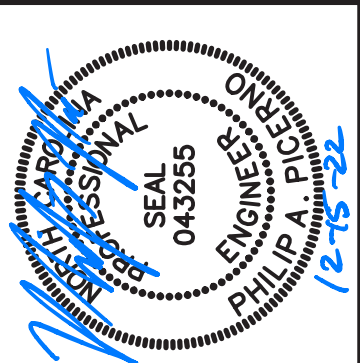
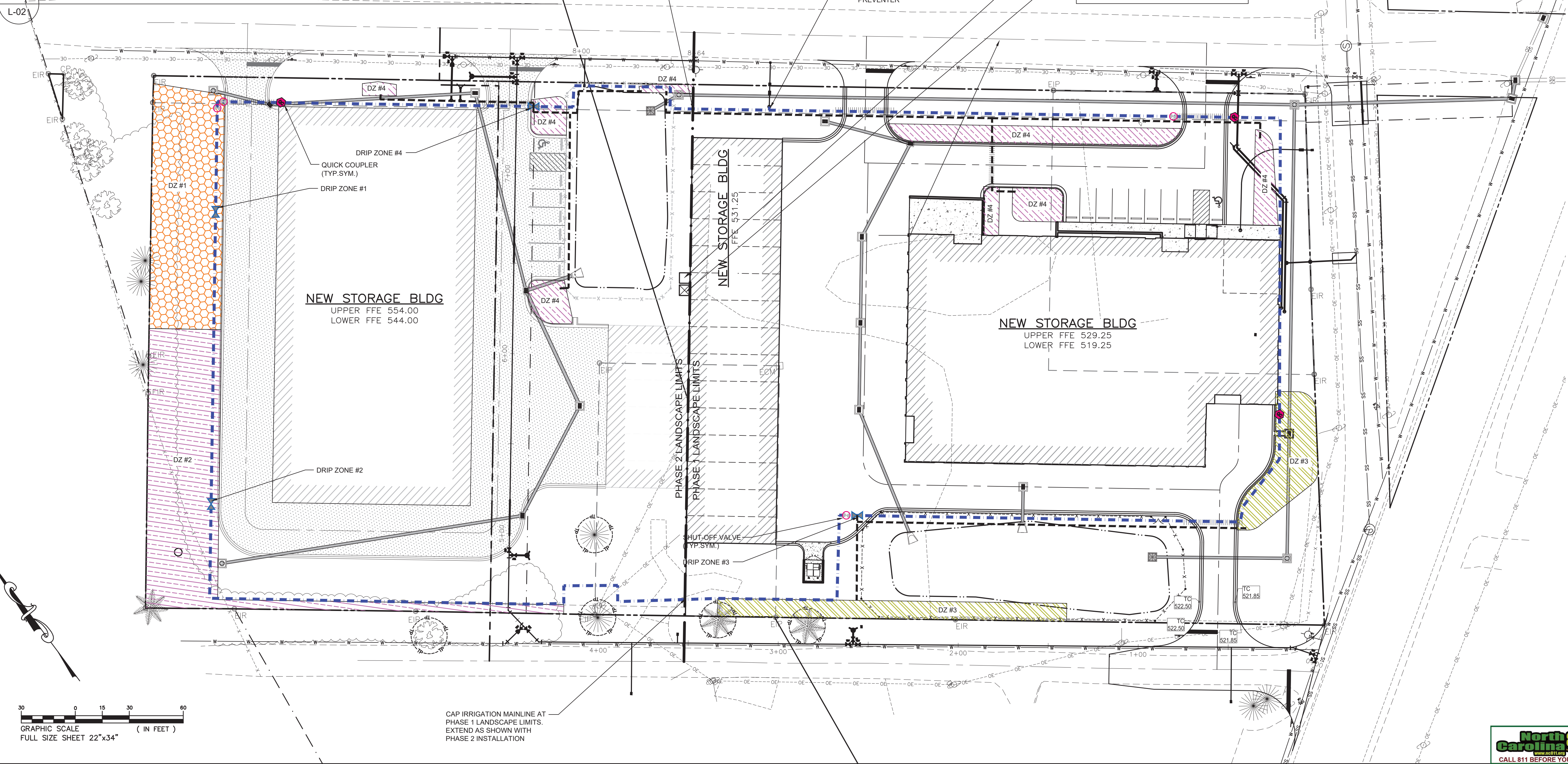
IRRIGATION DRIP ZONE NOTES

REVISIONS			
SYM.	DESCRIPTION	DATE	BY
	REVISE LANDSCAPE AND IRRIGATION PHASE 1 LIMITS	12/15/22	WLS

SYMBOL	DESCRIPTION
	1" ELECTRIC DRIP ZONE
	3/4" QUICK COUPLER ASSEMBLY
	2" MANUAL BRASS SHUT-OFF VALVE
	1" PVC PIPE
	3/4" PVC PIPE
	DRIP ZONE INDICATOR PATTERN
	DRIP ZONE INDICATOR PATTERN
	DRIP ZONE INDICATOR PATTERN

IRRIGATION LEGEND

IRRIGATION EQUIPMENT SCHEDULE (PHASE 1 & 2)



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LKC

IRRIGATION PLAN

BELL AVENUE
STORAGE FACILITY

Southern Pines, North Carolina

DATE: MAY, 2021
DESIGNED: FDW
DRAWN: FDW
CHECKED: TAC
NO.

L-02



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PLANT SCHEDULE (PHASE 1)			
QTY	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
5	CARPINUS 'CAROLINIANA	AMERICAN HORNBEAM	3" CAL., 10'-12' HT.MIN.
7	QUERCUS NUTTALLII	NUTTALL OAK	3" CAL., 12'-14' HT MIN.
3	ULMUS AMERICANA 'PRINCETON'	PRINCETON ELM	3" CAL., 12'-14' HT.
SMALL TREES			
10	CORNUS KOUSA	KOUSA DOGWOOD	2" CAL., 8'-10' HT.MIN.
55	ILEX x NELLIE R STEVEN'S	NELLIE STEVENS HOLLY	2" CAL., 6'-7' HT. MIN.
2	LAGERSTROEMIA INDICA 'CATAWBA'	CATAWBA CREPE MYRTLE	6'-7' HT.MIN., MULTI STEM
ORNAMENTAL SHRUBS			
20	AZALEA x HYBRIDA 'G.G. GERBING'	G.G. GERBING AZALEA	18"-24" HT.
10	ILEX CORNUTA 'BURFORDII NANA'	DWARF BURFORD HOLLY	24"-30" HT.
44	ILEX VOMITORIA 'NANA'	DWARF YAUPON HOLLY	18"-24" HT.
GRASSES & GROUNDCOVERS			
TURF (SQUARE FEET)			
19500	CYNODON DACTYLON 'TIFTUF'	TIFTUFF BERMUDA GRASS	SOD

PLANT SCHEDULE (PHASE 2)			
QTY	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
6	LIQUIDAMBAR STYRACIFLUA ROTUNDILOBA	SEEDLESS SWEETGUM	3" CAL., 12'-14' HT.MIN.
33	PINUS PALUSTRIS	LONGLEAF PINE	3" CAL., 10'-12' HT.
1	QUERCUS NUTTALLII	NUTTALL OAK	3" CAL., 12'-14' HT MIN.
4	ULMUS AMERICANA 'PRINCETON'	PRINCETON ELM	3" CAL., 12'-14' HT.
SMALL TREES			
9	CORNUS FLORIDA 'CLOUD NINE'	CLOUD NINE DOGWOOD	2" CAL., 8'-10' HT.MIN.
24	ILEX x NELLIE R STEVEN'S	NELLIE STEVENS HOLLY	2" CAL., 6'-7' HT. MIN.
14	MAGNOLIA GRANDIFLORA 'LITTLE GEM'	LITTLE GEM MAGNOLIA	2" CAL., 6'-7' HT. MIN.
ORNAMENTAL SHRUBS			
85	AZALEA x HYBRIDA 'G.G. GERBING'	G.G. GERBING AZALEA	18"-24" HT.
61	DISTYLUM 'PIDIST-IV' PP25984	LINEBACKER DISTYLUM	18"-24" HT.
68	ILEX CORNUTA 'BURFORDII NANA'	DWARF BURFORD HOLLY	24"-30" HT.
GRASSES & GROUNDCOVERS			
TURF			
13600	CYNODON DACTYLON 'TIFTUF'	TIFTUFF BERMUDA GRASS	SOD

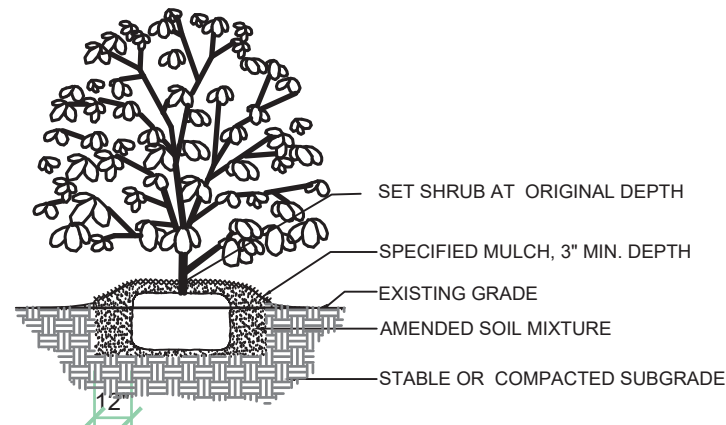
1 PLANT SCHEDULES

L-03

- THE CONTRACTOR SHALL MAKE ARRANGEMENTS WITH COMPETENT RELIABLE SOURCES TO ENSURE THAT AN ADEQUATE SUPPLY OF THE REQUIRED PLANT MATERIAL IS AVAILABLE. THIS SHALL BE COMPLETED A MINIMUM OF THREE MONTHS PRIOR TO PLANTING TIME TO ALLOW FOR PLANT COLLECTIONS, STORAGE, AND PREPARATION. CONTRACTOR IS RESPONSIBLE FOR INSTALLING ALL PLANT MATERIAL IN THE APPROPRIATE SEASON FOR EACH PLANT TYPE.
- ALL PLANT MATERIAL RECEIVED FROM COMMERCIAL NURSERIES SHALL CONFORM TO THE CURRENT ISSUE OF THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, EXCEPT WHERE OTHERWISE SPECIFIED.
- ALL PLANT MATERIAL, UNLESS OTHERWISE SPECIFIED, SHALL BE UNIFORMLY BRANCHED AND HAVE A VIGOROUS ROOT SYSTEM. PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS AND FREE FROM DEFECTS, DECAY, ABRASIONS OF THE BARK, PLANT DISEASES, INSECT PEST EGGS, AND ALL FORMS OF INFESTATIONS. ALL PLANT MATERIAL SHALL BE FRESH, FREE FROM TRANSPLANT SHOCK OR VISIBLE WILT. UNHEALTHY STOCK IS UNACCEPTABLE. PLANTS FROM COLD STORAGE ARE UNACCEPTABLE.
- PLANT MATERIAL SHALL BE INSPECTED BY THE OWNER'S REPRESENTATIVE UPON ARRIVAL AT THE PROJECT SITE. THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REJECT OR ACCEPT ANY PLANT MATERIAL FOLLOWING FINAL INSPECTION.
- THE FINAL LOCATION AND ORIENTATION OF ALL PLANT MATERIAL AS WELL AS THE LOCATION OF ALL PLANTING ZONES WILL BE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE. CONTRACTOR MAY BE RESPONSIBLE FOR REPLANTING ANY PLANT MATERIAL INSTALLED WITHOUT APPROVAL BY THE OWNER'S REPRESENTATIVE.
- THE OWNER'S REPRESENTATIVE SHALL HAVE FINAL APPROVAL FOR THE SELECTION OF SPECIES SUBSTITUTIONS USED IN PLANTINGS. ALL REQUESTS FOR SUBSTITUTIONS MUST BE APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
- OSMOCOTE, NUTRICOTE, OR OTHER CONTROLLED RELEASE COMMERCIAL GRADE GRANULAR FREE FLOWING (18-6-12) FERTILIZER SHALL BE APPLIED IN EACH PLANTING HOLE ACCORDING TO MANUFACTURER'S LABEL OR OTHER SPECIFICATIONS. THE SELECTION OF FERTILIZER AND ALL APPLICATION SPECIFICATIONS SHALL BE APPROVED BY OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL BE REQUIRED TO GUARANTEE AND MAINTAIN ALL PLANT MATERIAL FOR A PERIOD OF ONE YEAR AFTER DATE OF ACCEPTANCE OF FINISHED PLANTING IN ACCORDANCE WITH THE APPROPRIATE SECTION OF THE SPECIAL PROVISIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING CONDITIONS AS A RESULT OF ITS WORK PERFORMED DURING THE CONTRACT PERIOD.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONFIRMING ALL PLANT QUANTITIES FOR BIDDING PURPOSES.
- PLANT LOCATIONS ARE APPROXIMATE. FIELD STAKING SHOULD BE DONE TO AVOID UNDERGROUND UTILITIES.
- PROVIDE CONTINUOUS PINE STRAW MULCH (3" THICK) IN ALL SHRUB AND TREE AREAS AND AT THE BASE OF SPECIMEN TREES IN A 6' MINIMUM DIAMETER.
- SIZES OF PLANT MATERIAL IN PANT SCHEDULE ARE TO BE CONSIDERED MINIMUMS.
- ALL UTILITIES SHALL BE LOCATED AND MARKED IN FIELD PRIOR TO INSTALLATION OF PLANTS. NO PLANTS SHALL BE LOCATED ABOVE UTILITIES OR WITHIN EASEMENTS UNLESS SHOWN OTHERWISE.
- DURING THE INSTALLATION OF NEW TREES, THE LANDSCAPE CONTRACTOR MUST MAINTAIN A MINIMUM DISTANCE OF 10' SEPARATION BETWEEN NEWLY PLANTED TREES AND LIGHT POLE BASES.

2 PLANTING GENERAL NOTES

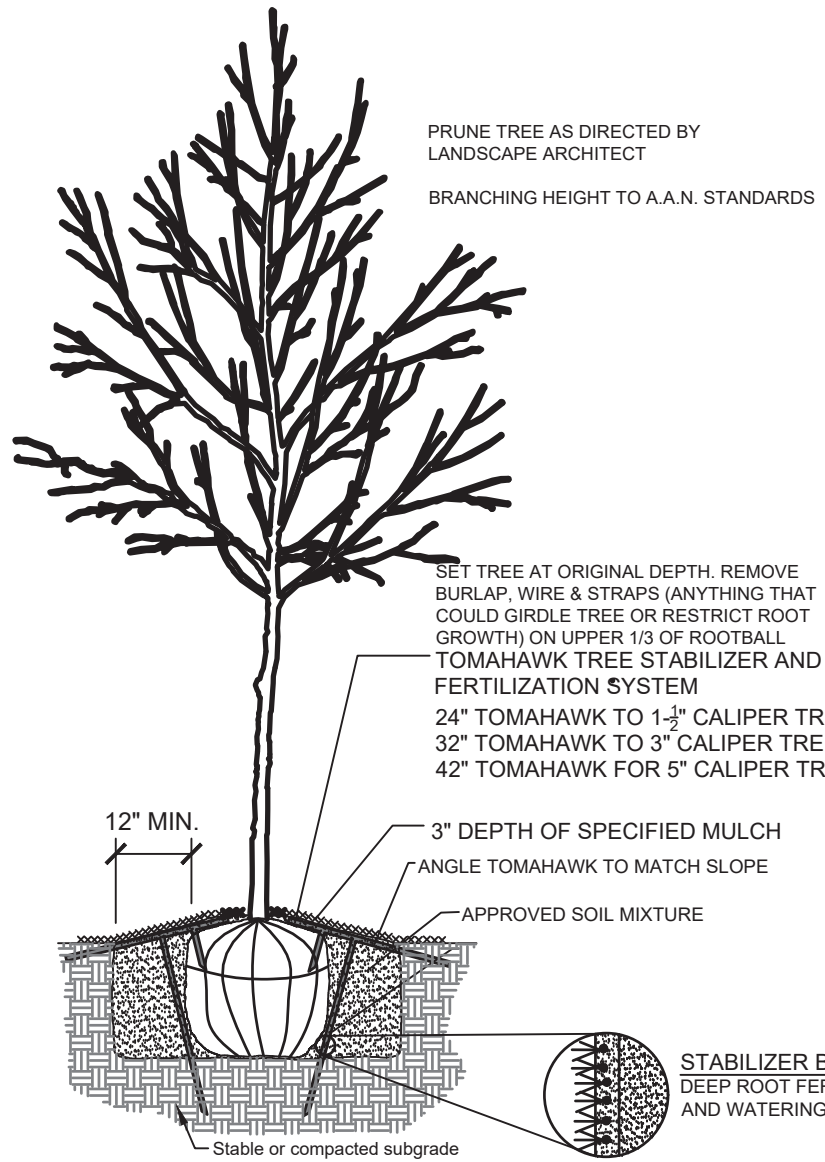
L-03



3 SHRUB PLANTING DETAIL

L-03

NOT TO SCALE



4 TREE PLANTING DETAIL

L-03

NOT TO SCALE

TOMAHAWK™ TREE STABILIZER SPECIFICATION

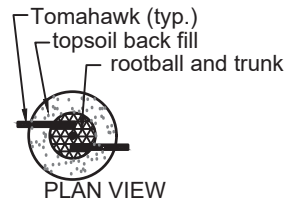
MANUFACTURER: BORDER CONCEPTS, INC.
P. O. BOX 471185
CHARLOTTE, NORTH CAROLINA 28247
TOLL FREE: 800-845-3343
FAX: 704-541-5610
WWW.BORDERCONCEPTS.COM
INFO@BORDERCONCEPTS.COM

DESCRIPTION: TOMAHAWK™ TREE STABILIZER AND FERTILIZATION SYSTEM TO BE PROVIDED BY BORDER CONCEPTS, INC.

RECOMMENDED SIZES TO USE:
24" TSS - FOR USE ON TREES UP TO 1.5" CALIPER TREE
32" TSS - FOR USE ON TREES UP TO 3" CALIPER TREE
42" TSS - FOR USE ON TREES UP TO 5" CALIPER TREE
+ALWAYS USE DRIVING TOOL (INCLUDED IN EACH CASE) TO INSTALL
+NOTCHED FOR GUYING IN EXTREME WINDS

NOTE: IN CERTAIN CONDITIONS SUCH AS HEAVY WINDS, LOOSE SOIL CONDITIONS, HEAVY FOLIAGED TREES, OR LARGER DIAMETER TREES 3 OR 4 TOMAHAWK™ SHOULD BE INSTALLED.
DETERMINE THE CORRECT SIZE TOMAHAWK™ BY MEASURING THE ROOT BALL SIZE.
THE OUTSIDE LONG SUPPORT SHOULD EXCEED AT LEAST 8" OF UNDISTURBED SOIL BELOW THE ROOT BALL.

INSTALLATION:
INSTALL PER PLANS OR DETAIL AND AS PER MANUFACTURER'S RECOMMENDATIONS



- FINISH GRADE
- STANDARD VALVE BOX WITH COVER:
RAIN BIRD VB-STD
- WATERPROOF CONNECTION:
RAIN BIRD DB SERIES
- VALVE ID TAG
- 30-INCH LINEAR LENGTH OF WIRE,
COILED
- 1" x 3/4" REDUCING COUPLING
(INCLUDED IN XCZ-LF-100-PRF KIT)
- PRESSURE REGULATING FILTER:
RAIN BIRD PRF-100-RBY (INCLUDED
IN XCZ-LF-100-PRF KIT)
- LATERAL PIPE
- PVC SCH 40 FEMALE ADAPTOR OR
REDUCER
- REMOTE CONTROL VALVE:
RAIN BIRD LFV-100 (INCLUDED IN
XCZ-LF-100-PRF KIT)
- PVC SCH 40 TEE OR ELL TO MANIFOLD
- 3-INCH MINIMUM DEPTH OF 3/4-INCH
WASHED GRAVEL
- MANIFOLD PIPE AND FITTINGS

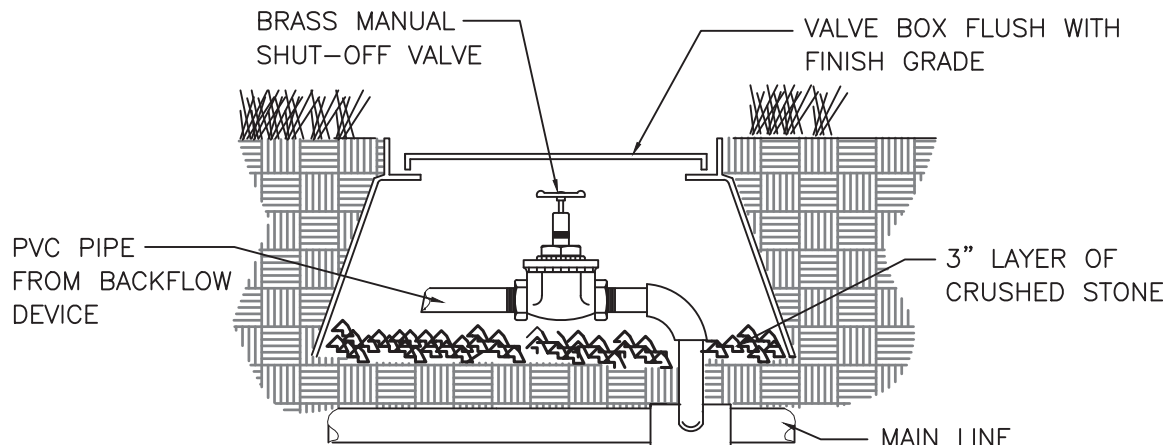
SIDE VIEW

TOP VIEW

5 IRRIGATION ELECTRIC VALVE DETAIL (DRIP ZONE)

L-03

Not to scale

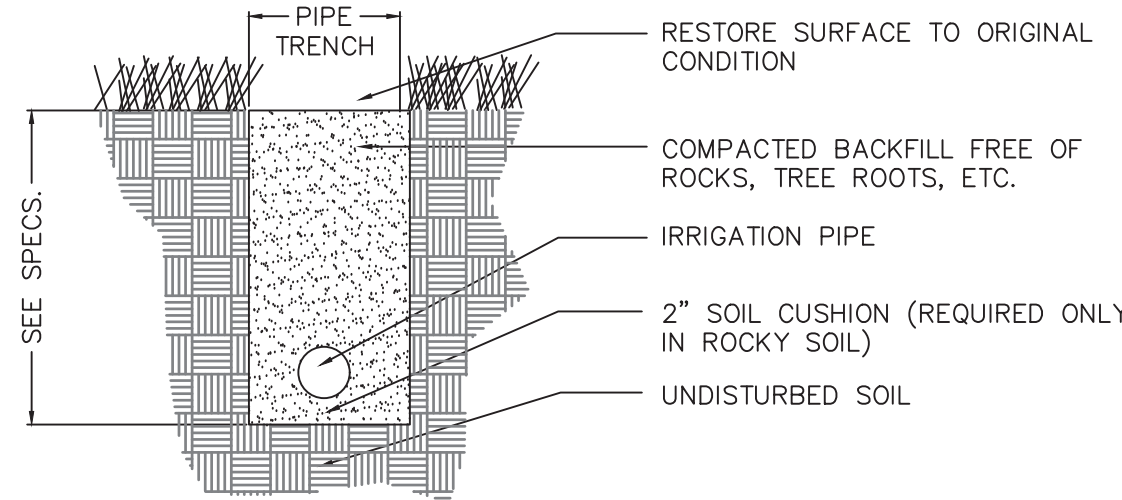


6 SHUT-OFF VALVE DETAIL

L-03.4

Not to scale

REVISIONS			
SYM.	DESCRIPTION	DATE	BY
	REVISE LANDSCAPE AND IRRIGATION PHASE 1 LIMITS	12/15/22	WLS

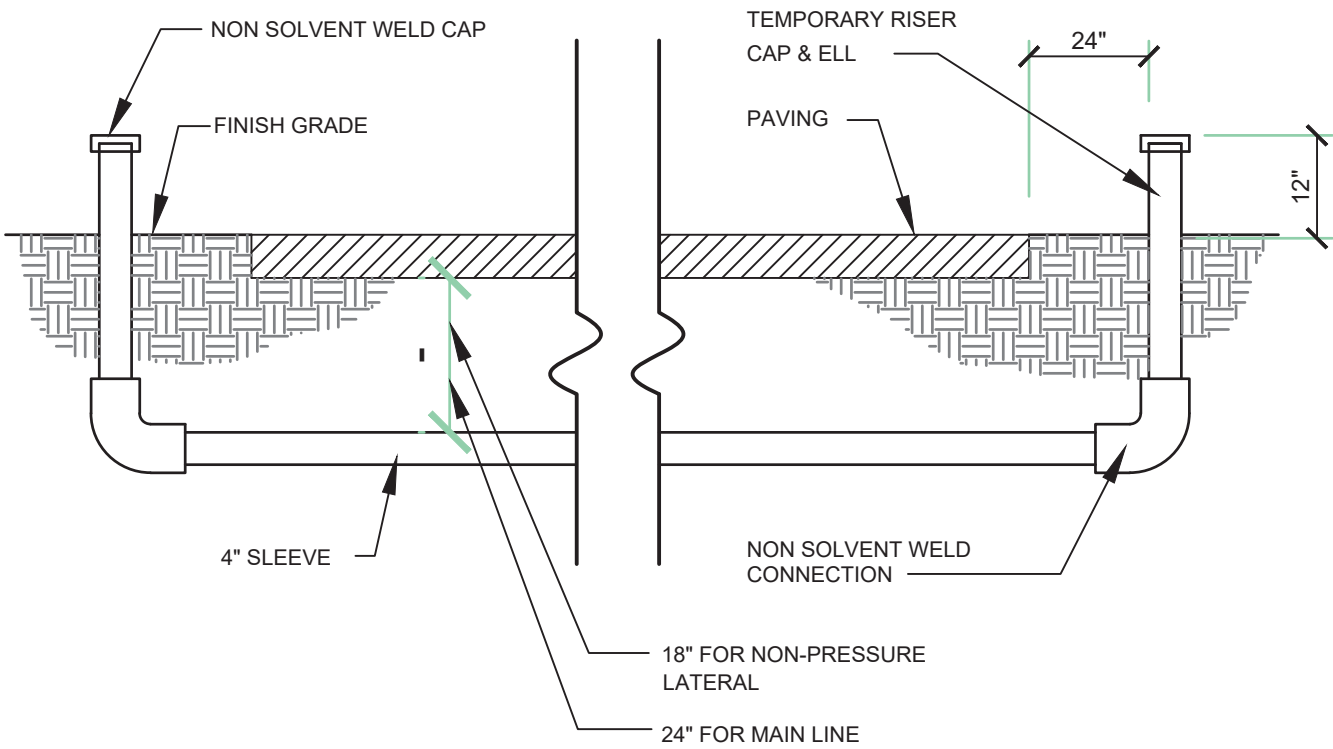


NOTE: PROVIDE PVC SLEEVE (4" OR AS NOTED)
WHEN PIPE GOES UNDER PAVING OR THROUGH
WALLS.

7 PIPE INSTALLATION DETAIL

L-03

Not to scale

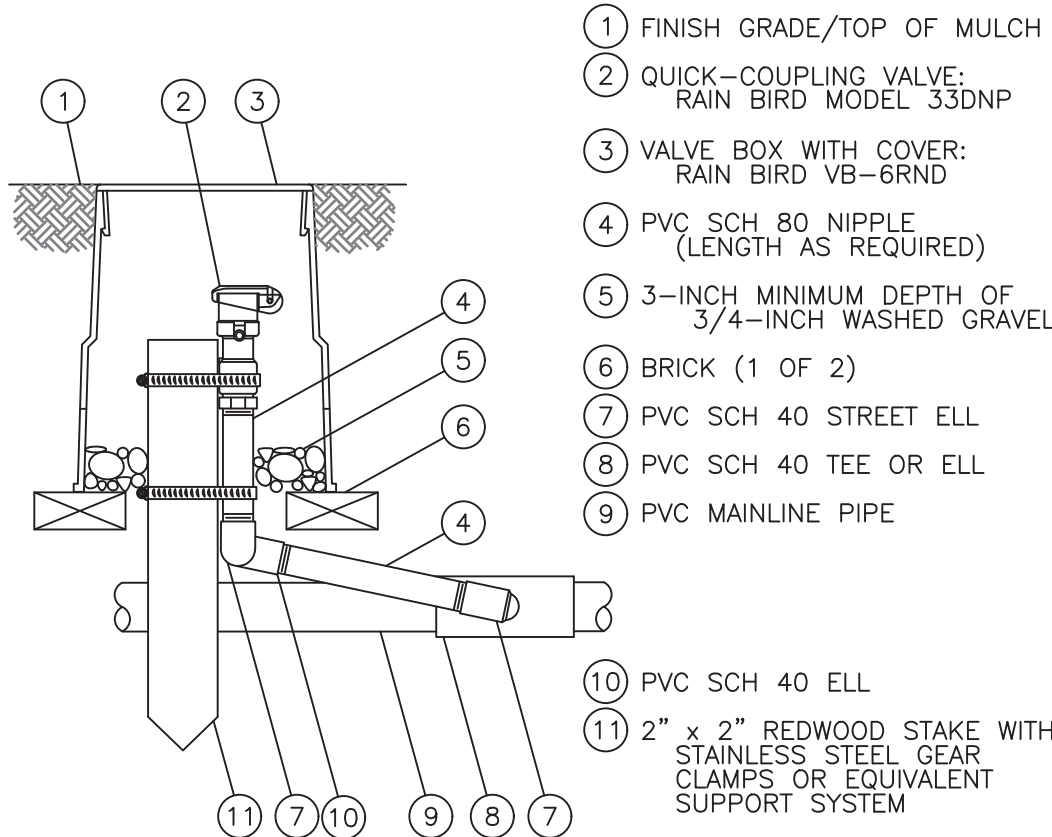


- ALL SLEEVES SHALL BE HIGH IMPACT, TYPE 2110, 4" SCHEDULE 40 PVC.
- EACH SLEEVE LOCATION AS SHOWN ON SITE PLAN SHALL HAVE FOUR (2) SLEEVES INSTALLED AT EACH LOCATION.

8 IRRIGATION SLEEVE DETAIL

L-03

Not to scale

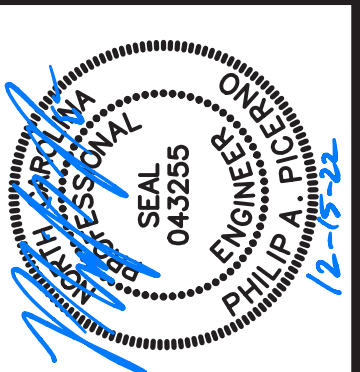


NOTE:
FURNISH FITTINGS AND PIPING NOMINALLY SIZED IDENTICAL TO
NOMINAL QUICK COUPLING VALVE INLET SIZE.

9 QUICK COUPLER DETAIL

L-03

Not to scale



LKC Engineering, plc
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkceengineering.com
License No. P-1095

Engineering
Landscape Architecture
Surveying

LKC

LANDSCAPE & IRRIGATION
DETAILS

BELL AVENUE
STORAGE FACILITY

Southern Pines, North Carolina

DATE: MAY, 2021
DESIGNED: FDW
DRAWN: FDW
CHECKED: TAC
NO.



L-03

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: AR-08-24, Moore County Humane Society Animal Shelter, Southeast Corner of Waynor Road and Highway 22 Intersection

Date: July 9, 2024

I. SUMMARY OF APPLICATION REQUEST

The applicant, Corky Kern of Sanstar Enterprises, is requesting an Architectural Compliance Permit for a 19,705-square foot animal services and boarding center/shelter on behalf of the legal property owner, Humane Society of Moore County, Inc. The site is located in a Planned Development zoning district without a Conceptual Development Plan. According to a Settlement Agreement between Humane Society of Moore County, Inc. and the Town of Southern Pines, animal services and boarding is considered a by-right use and is permitted on the parcel without a Conceptual Development Plan. The proposed shelter will include adoption facilities, education center, administration offices, animal clinic, intake area, and exterior play and exercise yards. Intake/holding areas includes 16 large indoor/outdoor dog runs, 14 indoor dog runs, eight cat rooms, and six cat “condos.”

II. PROJECT INFORMATION

A. Property Owners

PIN 858400012072 (**PARID** 20070748)
Humane Society of Moore County, Inc.
PO Box 203
Southern Pines, NC 28388

B. Applicants and Authorized Agents

Corky Kern
Sanstar Enterprises
5355 NC Highway 22
Carthage, NC 28327

Figure 1. Proposed Site Layout Plan for Moore Humane Society Campus (full-size version attached to this report)

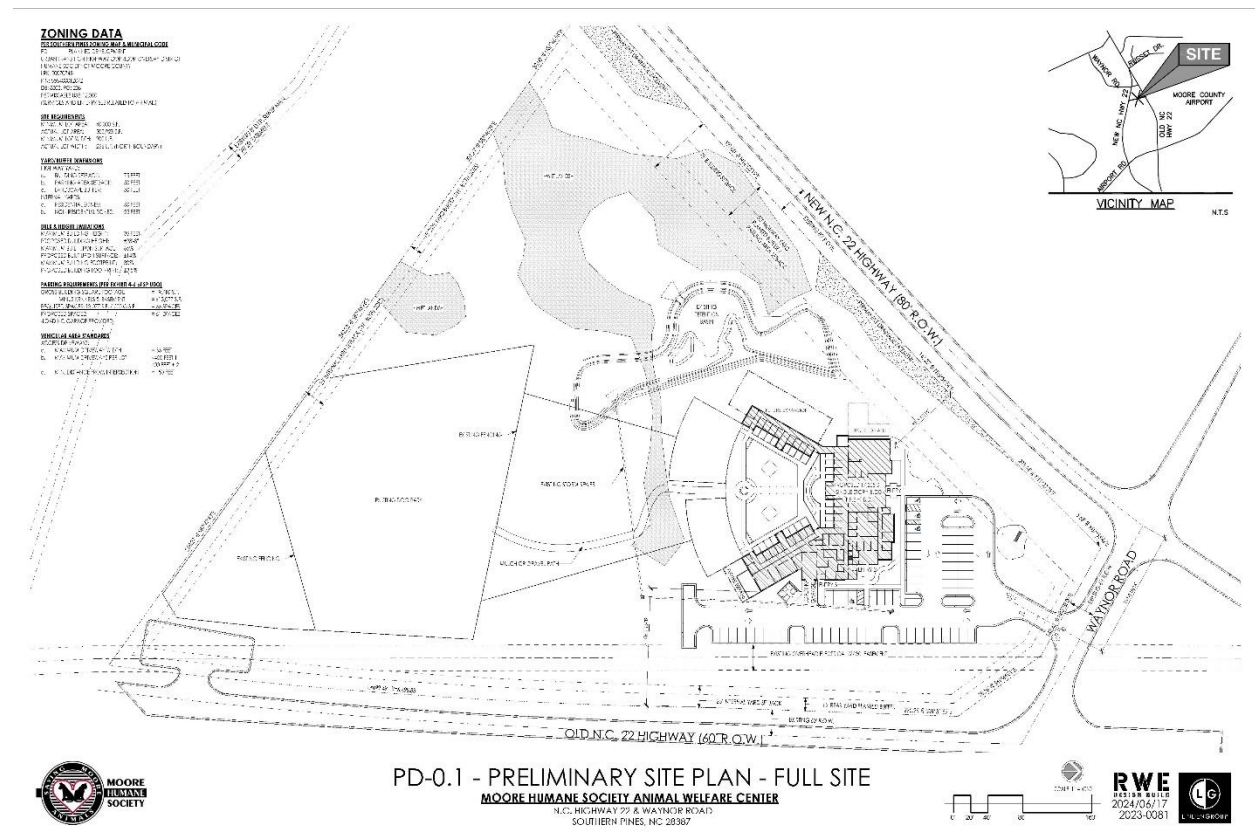
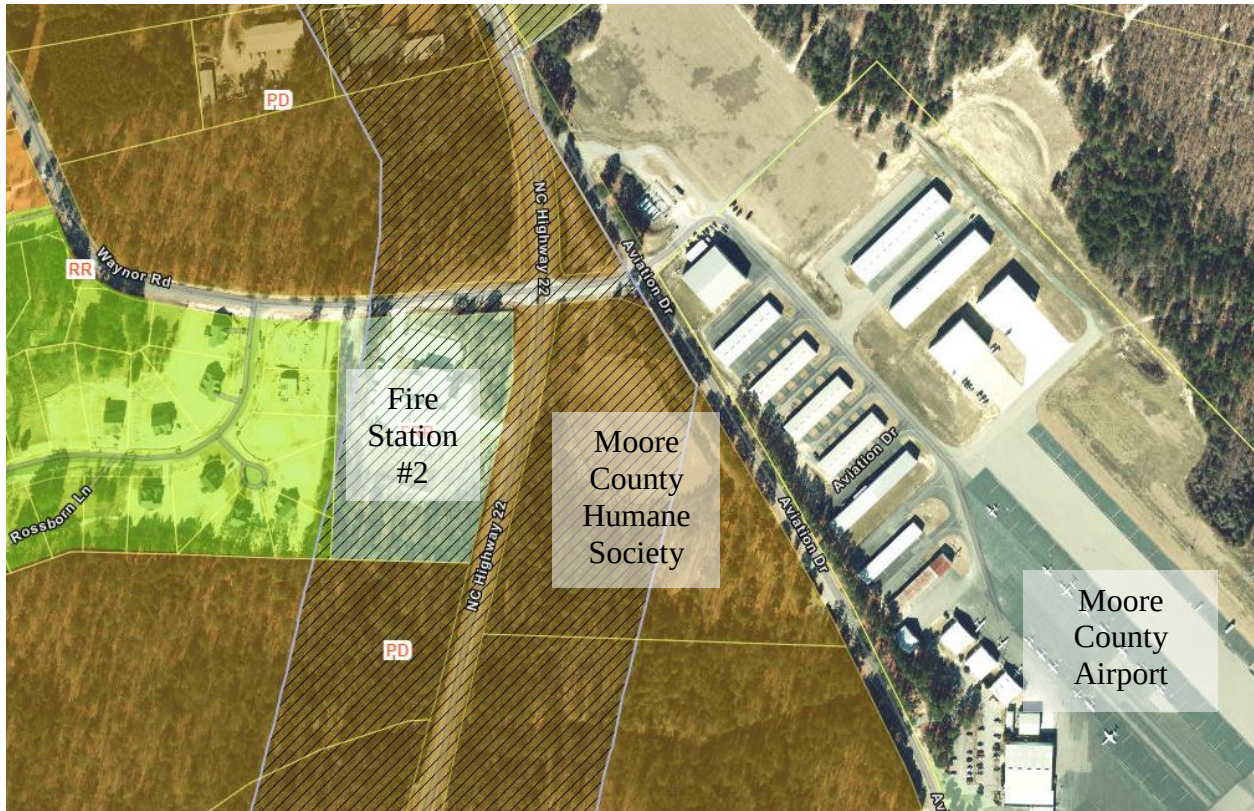


Figure 2. Zoning and Vicinity Map for Property.



III. STAFF REVIEW

1. **Review Process.** Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. **Application Review Dates**

Application Submitted: **June 3, 2024**

Additional Materials Submitted: **June 17, 2024**

Application Incomplete: **June 10, 2024**

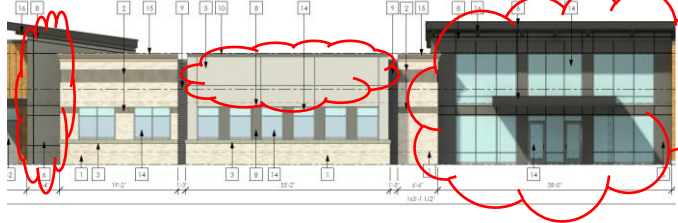
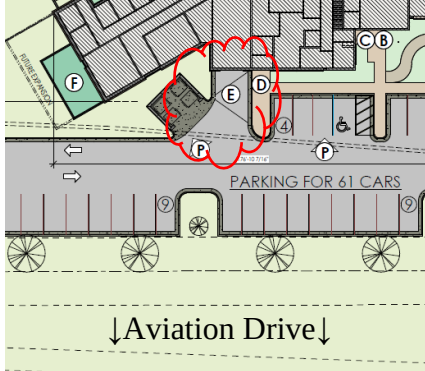
Application Complete: **June 24, 2024**

Town Council Regular Meeting: **July 9, 2024**

3. **Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4**

Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*. See staff comments for two areas of non-compliance in the table below. Compliance for signage requirements will be determined during sign permit review for UDO §4.10.4 (J), which states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.

Table 1. AR-08-24 Areas of Noncompliance

	Description of Noncompliance:	Image Reference:
Building materials (§4.10.4.C)	The following elevations have less than 80% brick: • North Elevation (51% brick, 48% ACM¹) • East Elevation 1 (28% brick, 72% ACM) • South Elevation 2 (74% brick, 26% “profile panel”²) • South Elevation 3 (64% brick, 36% “profile panel”) • South Elevation 4 (74% brick, 26% “profile panel”)	ACM  “Profile Panel” 
Building loading zones and garage bays (§4.10.4.I)	The garage bay to the loading/storage area as shown in Attachment 5 faces Old Highway 22 (currently Aviation Drive), which is a state road. The site plan does not show sufficient buffering or screening between the loading bay and Aviation Drive.	

4. Staff Recommendation

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

- (A) *For Buildings with ten thousand (10,000) square feet or more of Gross Floor Area or that do not comply with the commercial Building design standards in Section 4.10, the application is consistent with the applicable Comprehensive Plan goals and policies;*
- (B) *The application substantially conforms with the applicable Multi-Family or commercial design standards and other applicable provisions of the UDO;*

¹ Aluminum composite material, a three-layer material made with a plastic core and aluminum paneling on both sides

² Profile panel is a “masonry alternative” whose description is TBD

(C) *The application is consistent with applicable conditions of prior Development Approval.*

Considering these criteria, Planning Staff recommend approval of AR-08-24 with the following deviations and conditions:

- **Deviation 1.** Regarding UDO §4.10.4 (C) Building Materials, due to the institutional nature of the land use, the location of the building within the community and the overall size of the property and location of the building on the property, the building elevations may contain the percentages of brick as depicted on the submitted building elevations because the building will not be visible from a public street with appropriate screening.
- **Condition 1.** Regarding UDO §4.10.4 (C) Building Materials, the following elevations shall be screened from off-site view using either undisturbed existing vegetation or in accordance with the landscape screen standards of the UDO Landscaping Code:
 - North Elevation (51% brick, 48% ACM);
 - East Elevation 1 (28% brick, 72% ACM);
 - South Elevation 2 (74% brick, 26% “profile panel”);
 - South Elevation 3 (64% brick, 36% “profile panel”); and
 - South Elevation 4 (74% brick, 26% “profile panel”).
- **Condition 2.** Regarding UDO §4.10.4(I) Garage Bays, the loading bay facing Aviation Drive shall be screened or buffered in accordance with the landscape screens or landscape buffer standards of the UDO Landscaping Code.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT

1. Settlement Agreement Between Town of Southern Pines and Humane Society of Moore County Allowing Animal Shelter as a By-Right Use
2. Application and Authorized Agent Form
3. Applicant Narrative
4. Building Elevations and Renderings
5. Site Layout

V. TOWN COUNCIL ACTION

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4.

The Town Council may make one of the following motions or any alternative they wish.

I move to:

1. Approve AR-08-24;

2. **Approve AR-08-24 with one deviation and two conditions as written in the July 9, 2024, staff report.**
3. Deny AR-08-24.

STATE OF NORTH CAROLINA
COUNTY OF MOORE

HUMANE SOCIETY OF MOORE COUNTY,

Petitioner,

vs.

TOWN OF SOUTHERN PINES and THE
SOUTHERN PINES TOWN COUNCIL, THE
HONORABLE FRANK QUIS, Mayor of the
Town of Southern Pines, in his official
capacity, DAVID WOODRUFF, FRED
WALDEN, CHRIS SMITHSON, and MIKE
HANEY, Members of the Town of Southern
Pines Town Council, in their official
capacities; BART NUCKOLS, Director of
Town Planning for the Town of Southern
Pines, in his official capacity, and TRAVIS
MORGAN, Town Engineer for Southern
Pines, in his official capacity,

Respondents.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No. 06 CvS 00537

SETTLEMENT AGREEMENT

The Petitioner, Humane Society of Moore County ("Humane Society") and the Respondents ("Town") have agreed to a settlement of all matters in dispute between them arising out of the Petition and Orders filed in this cause as well as previous actions between the same parties designated by the court as 00-CvS-618 and 02-CvS-23 and desire to enter into this Agreement to memorialize their mutual agreements.

RECITALS:

A. The disputes between the Humane Society and the Town relate the desire of the Humane Society to build an animal services facility with outside kennels (the "Facility") on property which the Humane Society bought from Alan Wakeman identified as Parcel No. 20040163 by the Moore County Tax Office and containing 12.5 acres (the "Property").

B. The Humane Society has received an Offer to Purchase the Property from Forest Creek Holdings, LLC and has identified a parcel of property bounded by Waynor Road (SR1897), NC Hwy 22 and new NC Hwy 22 currently owned by Chandler Clark Family Limited Partnership and containing 12.47 acres (the "New Property") as property on which it proposes to build its Facility.

C. The Town believes that the New Property is much better suited for the Facility than the Property and is willing to enter into this Settlement Agreement resolving all of the disputes between the Town and the Humane Society with the assurance by the Town that, the Property being zoned in the extraterritorial jurisdiction of the Town as part of the Nick's Creek Watershed District shall not require additional permits or approvals from the Town with respect to zoning and may be used by the Humane Society for the Facility, subject to standard approvals and requirements of building and land disturbance permits.

NOW THEREFORE, in consideration of the terms and conditions set forth herein and to resolve all litigation between these parties, the Town and the Humane Society agree as follows:

1. The Humane Society shall acquire the New Property and sell the Property to Forest Creek Holdings, LLC.

2. The Town has determined and agrees that the New Property is properly zoned for the use by the Humane Society for the Facility for animal services with outside kennels which use shall be appropriate and is a permitted use under the Unified Development Ordinance ("UDO") of the Town with no further zoning permits or approvals to be required by the Town. The Town and its employees, officials and agents shall take no position inconsistent with this determination.

3. The Town agrees that any future amendment to the UDO or changes in the zoning use of other parcels in the vicinity of the New Property shall not affect the rights of the Humane Society to continue use the New Property for the Facility.

4. The Humane Society shall in the ordinary course apply for and complete necessary requirements in order to obtain building and land disturbance permits in accordance with the requirements of the UDO and state building code, but shall not be required to obtain any other permits or approvals with respect to zoning.

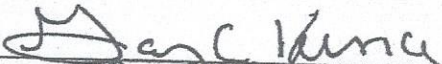
5. Upon acquisition of the New Property by the Humane Society, the parties will file a Stipulation of Dismissal of the pending action(s).

6. Each party shall bear its own costs and expenses, including attorney's fees in connection with all matters up to and including the execution of this Agreement.

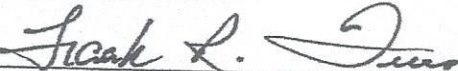
7. The terms, provisions and conditions of this Agreement shall be binding upon the parties hereto, their respective successors and assigns. Any causes of action based on a breach of this Agreement shall survive the termination of this Agreement. This Agreement may be executed by the parties in any number of counterparts, each of which shall be deemed to be an original. This Agreement shall be construed and interpreted under the laws of the State of North Carolina. The parties hereby declare and represent in making this Agreement that each is executing this Agreement making a settlement based upon their independent review with the advice and consent of counsel.

8. This Agreement constitutes the entire Agreement of the Humane Society and the Town. All prior understandings, representations and agreements are merged into this Agreement and shall not be modified except by written instrument signed by the parties.

HUMANE SOCIETY OF MOORE COUNTY

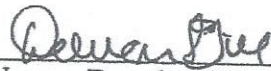
By: 
Print Name: GARY C. KUNCLE
Title: PRESIDENT

TOWN OF SOUTHERN PINES

By: 
Printed Name: FRANK R. QUIST
Title: Mayor

By: 
Print Name: REAGAN D. PARSONS
Title: Town Manager

APPROVED:

By: 
Print Name: Douglas Gill
Title: Town Attorney



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Moore Humane Society

Street Address: Highway 22 & Waynor Road

PIN: 858400012072 Parcel ID: 20070748 Zoning: PD

Type of building (retail, office, etc.): Animal Shelter/Humane Society Total square footage: 22,432 sf

Applicant:

Name: Corky Kern

Email: corky@sanstarenterprises.com Phone: (910)947-2631

Mailing Address: 5355 NC-22 Carthage, North Carolina 28327

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

Name(s): HUMANE SOCIETY OF MOORE COUNTY

Email: corky@sanstarenterprises.com Phone: (910)947-2631

Mailing Address: PO BOX 203

Date: 4/24/2024


Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), Corky Kern, hereby appoint(s) Michael Matthys, architect as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property 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 issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

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

Signed this 31st day of May, 2024.

HUMANE SOCIETY OF MOORE COUNTY
Corky Kern


Property Owner

Property Owner

Michael Matthys, architect
Linden Group Architects


Agent



06-17-2024

Planning Department
Town of Southern Pines
801 SE Service Road,
Southern Pines, NC 28387

RE: **Moore Humane Society – Highway 22/Waynor Road** -Architectural
Compliance Narrative
LGI# 2023-0081

Dear Southern Pines Planning Department:

On behalf of Moore Humane Society we are submitting details for the proposed new Animal Shelter Facility located at Highway 22 and Waynor Road. The proposed 1 story building includes approximately 17,205 square feet plus a 2,500 square foot basement. The project includes Dog and Cat holding and adoption facilities, education center, administration, animal clinic, intake area and exterior play and exercise yards. Holding includes 16 large indoor/outdoor dog runs, 14 indoor dog runs, 8 cat rooms, 6 cat condos, Kitten room and intake cages. The current site plan includes 61 spaces including 3 handicapped.

Please find the following narrative demonstrating compliance with UDO 2.26.7 and UDO 4.10.4

4.10.4A Orientation and Entries

The front of Buildings shall face and have the primary customer entry facing that street.

- The building's primary entry is oriented North towards the intersection of 22 and Waynor Road.

4.10.4B Building Dimensions

In other districts, the width of Buildings or Building segments shall not be more than twice the building height.

- The Average proposed building height ranges from 18'-0" to 23'. This section indicates building segments should be no more than twice the building height which is 36'-0" – 46'-0". The Width of all

building segments represented on the proposed elevations are less than twice the height.

4.10.4C Building Materials

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

- The predominant exterior material of the proposed building is brick. Other accent materials, excluding glazing, cover approximately 19% overall with breakdown per façade listed on the elevations. The North elevation and East Elevation exceed the limit. The interior courtyard elevations are provided but not part of the requirement. Street facing accent materials include Silver Aluminum Composite panel (ACM), Dark Grey ACM, and Wood Look ACM. Non street courtyard facing building accent materials include corrugated metal panel and concrete masonry unit.

4.10.4D Windows

Windows and doors shall comprise at least twenty-five (25) percent of street-facing Building façades between the elevations of two (2) and ten (10) feet above the grade of the Building entry.

- The proposed building prominent street facing north elevation (facing Waynor Road and NC 22 has been designed with 43% glazing between 2' and 10'. West elevation facing Old NC 22 Hwy has been designed with 27% glazing between 2' and 10'. East elevation facing NEW NC 22 Hwy has been designed with 26% glazing between 2' and 10'. These values exceed the minimum required 25% required.

4.10.4E Awnings

Awnings are encouraged

- Flat painted steel awning canopies are included in the proposed design at the public entry points.

4.10.4F Galleries and Arcades

Galleries and arcades are encouraged and may encroach up to



six (6) feet into any street Side Setback but may not encroach into public Right-of-Way.

- The proposed design does not utilize Galleries or Arcades. Along street facing façade we have organized window openings and brick detailing to model architectural rhythm created by traditional arcades.

4.10.4G Roofs

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

- The proposed design includes parapets with cornices at brick walls. Design also includes changes in parapet height to create interest and accentuate major public entrances of the building.

4.10.4H Mechanical Equipment

Mechanical equipment shall be screened from view from the street and shall not be located between the street and the Building.

- Mechanical units are proposed as roof mounted equipment and will be screened from view from the street by parapets and mechanical screen walls.

4.10.4I Loading Zones and garage bays

Garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with sections 4.3.4 and 4.3.5.

- The proposed lot has frontage on three sides making it difficult to orient service entry/garage doors away from public street. The site plan prioritizes exposure to New NC 22 Highway and Waynor Road. Service entry/garage doors are located oriented towards Old NC Highway 22. Trash and service door are screened by landscaping to either side and an extended landscape parking island across drive isle to the west.

4.10.4J Signage

Signage shall comply with the standards in section 4.6 and any applicable zoning district standards.

4.6.7. Total Sign Area

(D) Other Commercial Districts. Subject to the other provisions of this section, the maximum Sign area permitted on any Lot in a commercial district other than the GB district or I district shall be determined by multiplying the number of feet of street frontage of the Lot by one-half (0.5) feet. However, in no case may the total Sign area exceed one-hundred (100) square feet.

- The proposed lot street frontage is approximately 2050'. $2050' \times 0.5 = 1,024$ square feet of allowable signage, however in no case may sign area exceed 100 s.f. There are 2 proposed Building Wall signs. The main entry sign faces New NC 22 Hwy and Waynor Road is 80s.f. The secondary sign face Old NC 22 Hwy and Waynor Road is 19 s.f. Together the two signs 99s.f. which is under the total maximum sign area of 100s.f.

4.6.8. Freestanding Sign Area

A single side of a Freestanding Sign may not exceed thirty-five (35) square feet on Lots with less than four-hundred (400) feet of frontage and fifty (50) square feet on Lots with four-hundred (400) or more feet of frontage on the street toward which the Sign is primarily oriented.

All Freestanding Signs shall be of a shape that the ratio between the maximum and minimum dimensions shall not exceed 2 to 1.

- Proposed Freestanding signage is 2 sided and is 45 s.f. per side. This is less than the maximum 50 square feet for lots with 400 or more feet of frontage.



- The shape of the proposed free standing sign is 11' wide and 10' high. This does not exceed the 2 to 1 maximum allowed ratio.

4.6.9. Number of Signs Allowed

Except as authorized by this section, no Development shall have more than one (1) Freestanding Sign.

Only one (1) Wall Sign and one (1) Logo Emblem Sign per establishment are permissible except as authorized in this section.

A second Wall Sign may be established if the business has frontage on more than one street.

- The proposed building has 2 proposed wall sign and one free standing sign. Two wall signs are being utilized to communicate the function of each entry. The UDO permits our parcel to utilize two wall sign due to frontage on three Streets. The main entry sign faces New NC 22 Hwy and Waynor Road is 80s.f. The secondary sign face Old NC 22 Hwy and Waynor Road is 19 s.f. Together the two signs 99s.f. which is under the total maximum sign area of 100s.f.

4.6.10. Sign Location and Height Requirements

No part of a Freestanding Sign may exceed a height, measured at average grade at the base of the Sign, established in Exhibit 4-9.

Exhibit 4-9: Maximum Sign Height District Height

All residential districts and uses 7 feet

All non-residential districts and uses 10 feet

Additional Sign height restrictions for Lots located within an airport hazard overlay district are established section 3.6.7.

- Proposed wall signs are within height requirements.
- Proposed Free Standing sign is 9'-6" from adjacent grade which is less then the maximum 10 feet.

Sincerely,
LINDENGROUP Inc.



Michael Matthys
Architect
Linden Group Architects, PC

6 of 6

<<FileName>>

ARCHITECTURE - LAND PLANNING - INTERIOR DESIGN - LANDSCAPE ARCHITECTURE
10100 ORLAND PARKWAY, SUITE 110, ORLAND PARK, IL 60467 - P: 708.799.4400, F: 708.799.4434 - www.lindengroupinc.com

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

MATERIAL TAKEOFF LIST - ELEVATION NORTH

MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	1,155 S.F.	51%
ACM 1 - LIGHT	348 S.F.	15%
ACM 2 - DARK	285 S.F.	12%
ACM 3 - ACCENT	498 S.F.	21%
PROFILE PANEL - TBD	-	-
WINDOWS	843 S.F.	-
DOORS	-	-
TOTALS (EXCLUDES WINDOWS & DOORS)	2,286 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

MATERIAL TAKEOFF LIST - ELEVATION EAST 1

MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	574 S.F.	28%
ACM 1 - LIGHT	589 S.F.	28%
ACM 2 - DARK	382 S.F.	18%
ACM 3 - ACCENT	533 S.F.	26%
PROFILE PANEL - TBD	-	-
WINDOWS	368 S.F.	-
DOORS	112 S.F.	-
TOTALS (EXCLUDES WINDOWS & DOORS)	2,078 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

MATERIAL TAKEOFF LIST - ELEVATION EAST 2

MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	794 S.F.	95%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	40 S.F.	5%
PROFILE PANEL - TBD	-	-
WINDOWS	156 S.F.	-
DOORS	-	-
TOTALS (EXCLUDES WINDOWS & DOORS)	834 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

MATERIAL TAKEOFF LIST - ELEVATION SOUTH 1

MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	702 S.F.	95%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	40 S.F.	5%
WINDOWS	40 S.F.	-
DOORS	32 S.F.	-
TOTALS (EXCLUDES WINDOWS & DOORS)	742 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

MATERIAL TAKEOFF LIST - ELEVATION SOUTH 2

MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	1,610 S.F.	74%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	587 S.F.	26%
WINDOWS	-	-
DOORS	96 S.F.	-
TOTALS (EXCLUDES WINDOWS & DOORS)	2,197 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

MATERIAL TAKEOFF LIST - ELEVATION SOUTH 3

MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	1,180 S.F.	64%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	669 S.F.	36%
WINDOWS	536 S.F.	-
DOORS	-	-
TOTALS (EXCLUDES WINDOWS & DOORS)	1,849 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

MATERIAL TAKEOFF LIST - ELEVATION SOUTH 4

MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	1,610 S.F.	74%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	587 S.F.	26%
WINDOWS	-	-
DOORS	96 S.F.	-
TOTALS (EXCLUDES WINDOWS & DOORS)	2,197 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

MATERIAL TAKEOFF LIST - ELEVATION SOUTH 5

MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	417 S.F.	100%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	-	-
WINDOWS	-	-
DOORS	-	-
TOTALS (EXCLUDES WINDOWS & DOORS)	417 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

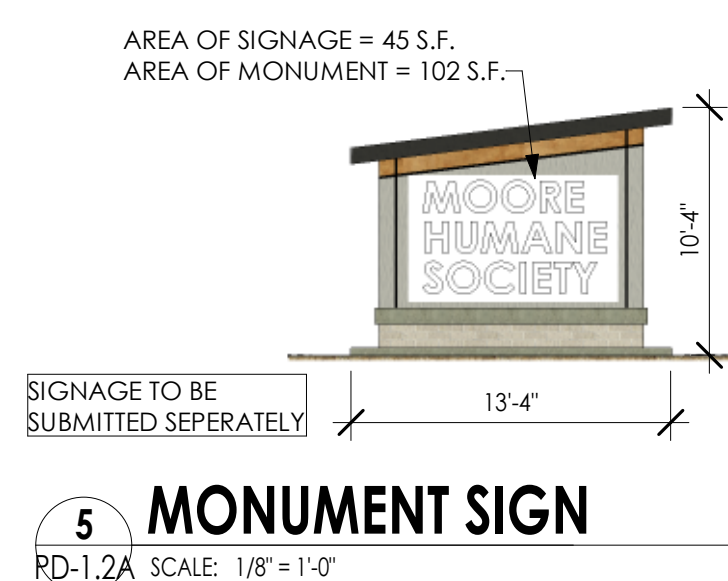
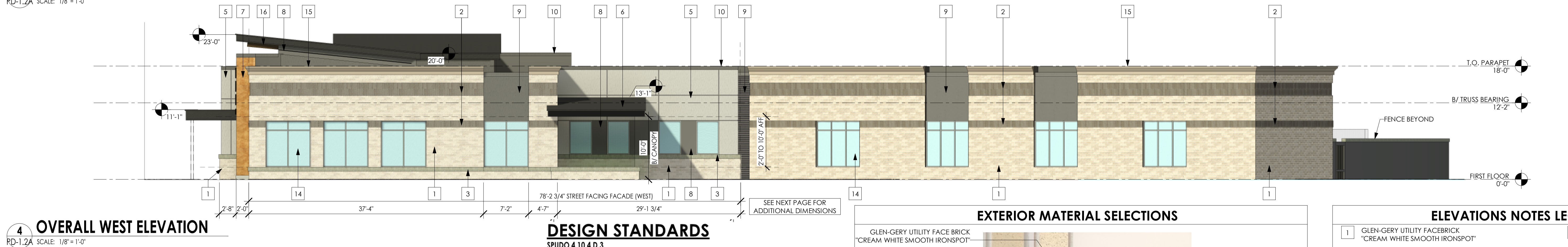
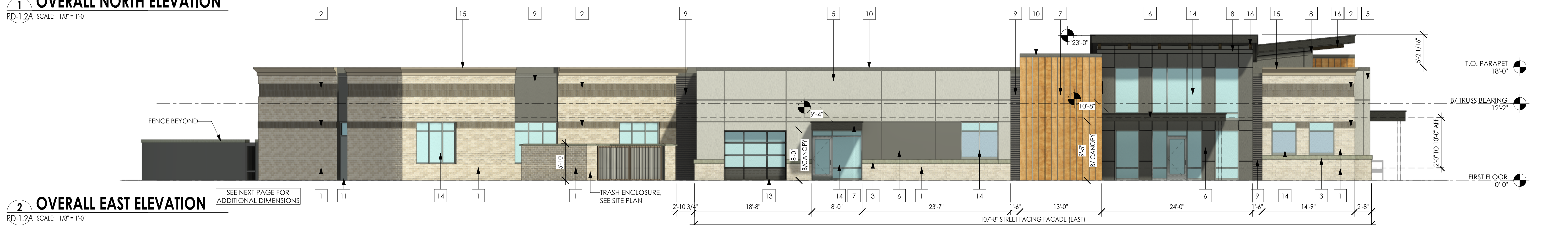
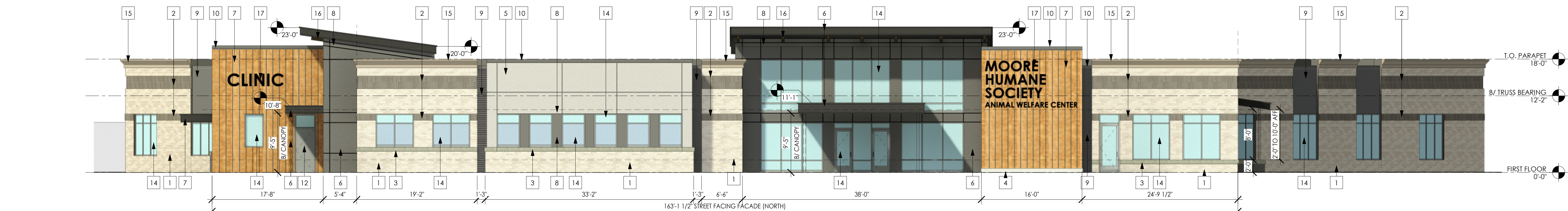
MATERIAL TAKEOFF LIST - ELEVATION WEST 1

MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	978 S.F.	80%
ACM 1 - LIGHT	162 S.F.	13%
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	88 S.F.	7%
WINDOWS	288 S.F.	-
DOORS	32 S.F.	-
TOTALS (EXCLUDES WINDOWS & DOORS)	1,228 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

MATERIAL TAKEOFF LIST - ELEVATION WEST 2

MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	1,584 S.F.	95%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	80 S.F.	5%
WINDOWS	208 S.F.	-
DOORS	-	-
TOTALS (EXCLUDES WINDOWS & DOORS)	1,664 S.F.	100%



DESIGN STANDARDS

SPUDO 4.10.4.D.3

IN OTHER ZONING DISTRICTS, WINDOWS AND DOORS SHALL COMPRISE AT LEAST TWENTY-FIVE (25) PERCENT OF STREET-FACING BUILDING FACADES BETWEEN THE ELEVATIONS OF TWO (2) AND TEN (10) FEET ABOVE THE GRADE OF THE BUILDING ENTRY."

NORTH FACADE (SEE 2/PD-1.2)

STREET FACING BLDG FACADE S.F. (@ 2' - 10')	= 1,305 S.F.
STREET FACING BLDG FACADE GLAZING S.F. (@ 2' - 10')	= 560 S.F.
PERCENTAGE OF GLAZING IN STREET FACING FACADE	= 243%

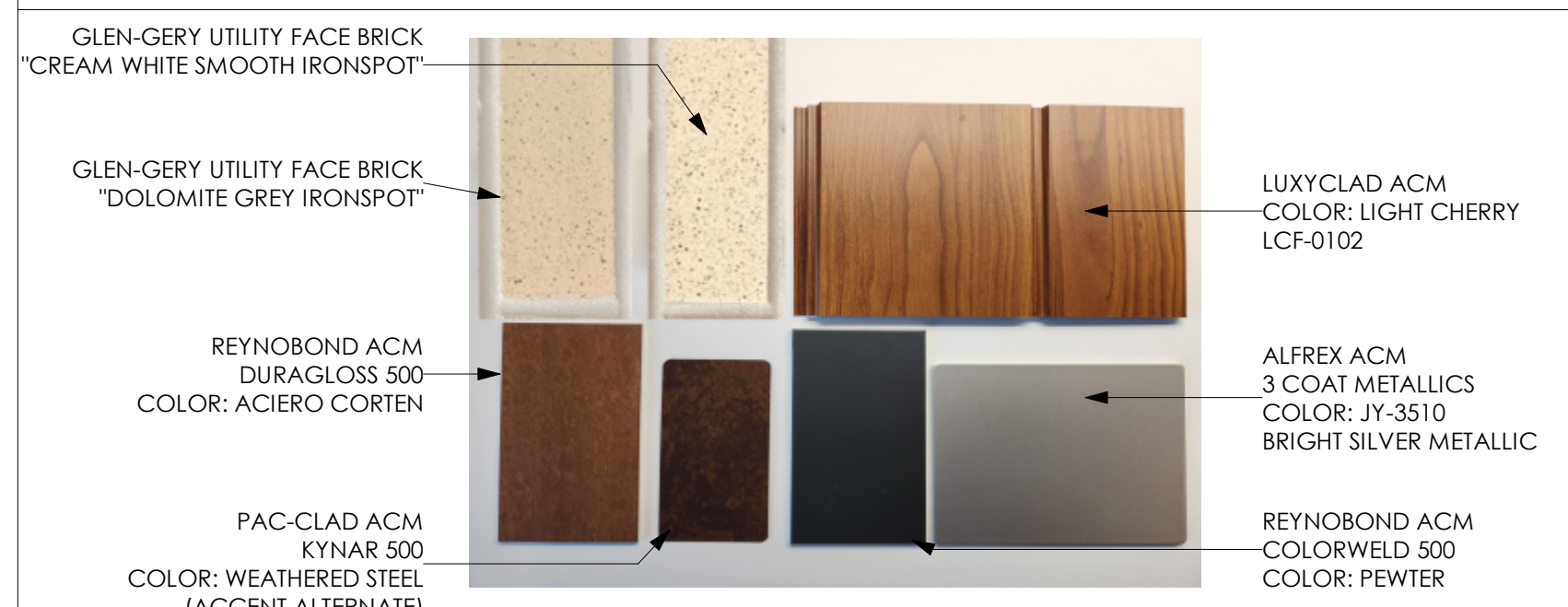
WEST FACADE (SEE 4/PD-1.2)

STREET FACING BLDG FACADE S.F. (@ 2' - 10')	= 1,572 S.F.
STREET FACING BLDG FACADE GLAZING S.F. (@ 2' - 10')	= 410 S.F.
PERCENTAGE OF GLAZING IN STREET FACING FACADE	= 127%

EAST FACADE (SEE 1/PD-1.2)

STREET FACING BLDG FACADE S.F. (@ 2' - 10')	= 1,164 S.F.
STREET FACING BLDG FACADE GLAZING S.F. (@ 2' - 10')	= 296 S.F.
PERCENTAGE OF GLAZING IN STREET FACING FACADE	= 126%

EXTERIOR MATERIAL SELECTIONS



ELEVATIONS NOTES LEGEND

- | | | | |
|---|--|----|--|
| 1 | GLEN-GERY UTILITY FACEBRICK
"CREAM WHITE SMOOTH IRONSPOT" | 9 | PROFILE PANEL/MASONRY
ALTERNATE TBD |
| 2 | GLEN-GERY UTILITY FACEBRICK
"DOLOMITE GREY IRONSPOT" | 10 | METAL COPING |
| 3 | CAST STONE SILL | 11 | STOREFRONT (CLEAR ANODIZED
ALUMINUM FRAME) |
| 4 | CAST-IN-PLACE CONCRETE | 12 | HOLLOW METAL DOOR AND FRAME
SILVER |
| 5 | ALFREX ACM 3 COAT METALLICS
COLOR: JY-3510 - "BRIGHT SILVER METALLIC" | 13 | HOLLOW METAL DOOR AND FRAME
BLACK |
| 6 | REYNOBOND ACM COLORWELD 500
COLOR: "PEWTER" | 14 | NON-REFLECTIVE CLEAR GLAZING
(CLEAR ANODIZED ALUM. FRAME) |
| 7 | REYNOBOND ACM DURAGLOSS 500
COLOR: "ACIERO CORTEN" | 15 | STONE CORNICE |
| 8 | LUXYCLAD ACM
COLOR: "LIGHT CHERRY" - LFC-0102 | 16 | HEAVY TIMBER BEAM |
| | | 17 | EXTERIOR SIGNAGE
(TO BE SUBMITTED SEPARATELY) |



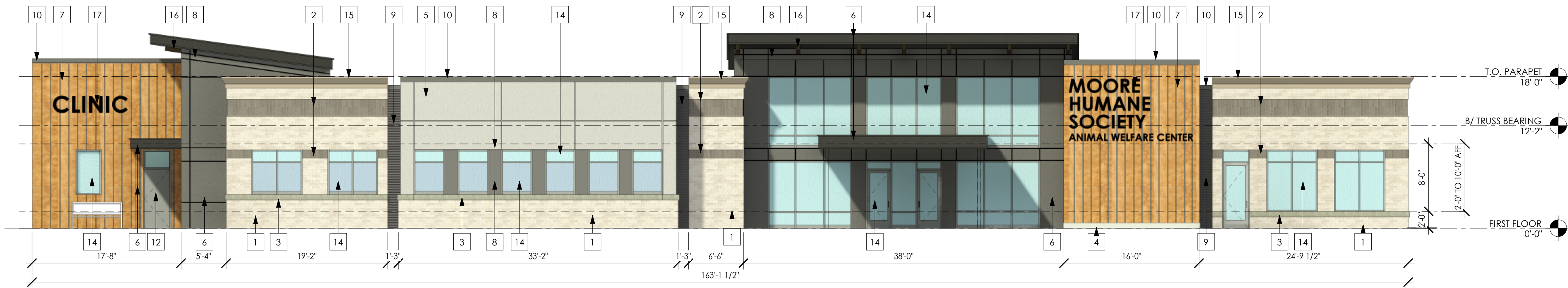
PD-1.2A - PRELIMINARY OVERALL ELEVATIONS

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

N.C. HIGHWAY 22 & WAYNOR ROAD
SOUTHERN PINES, NC 28387

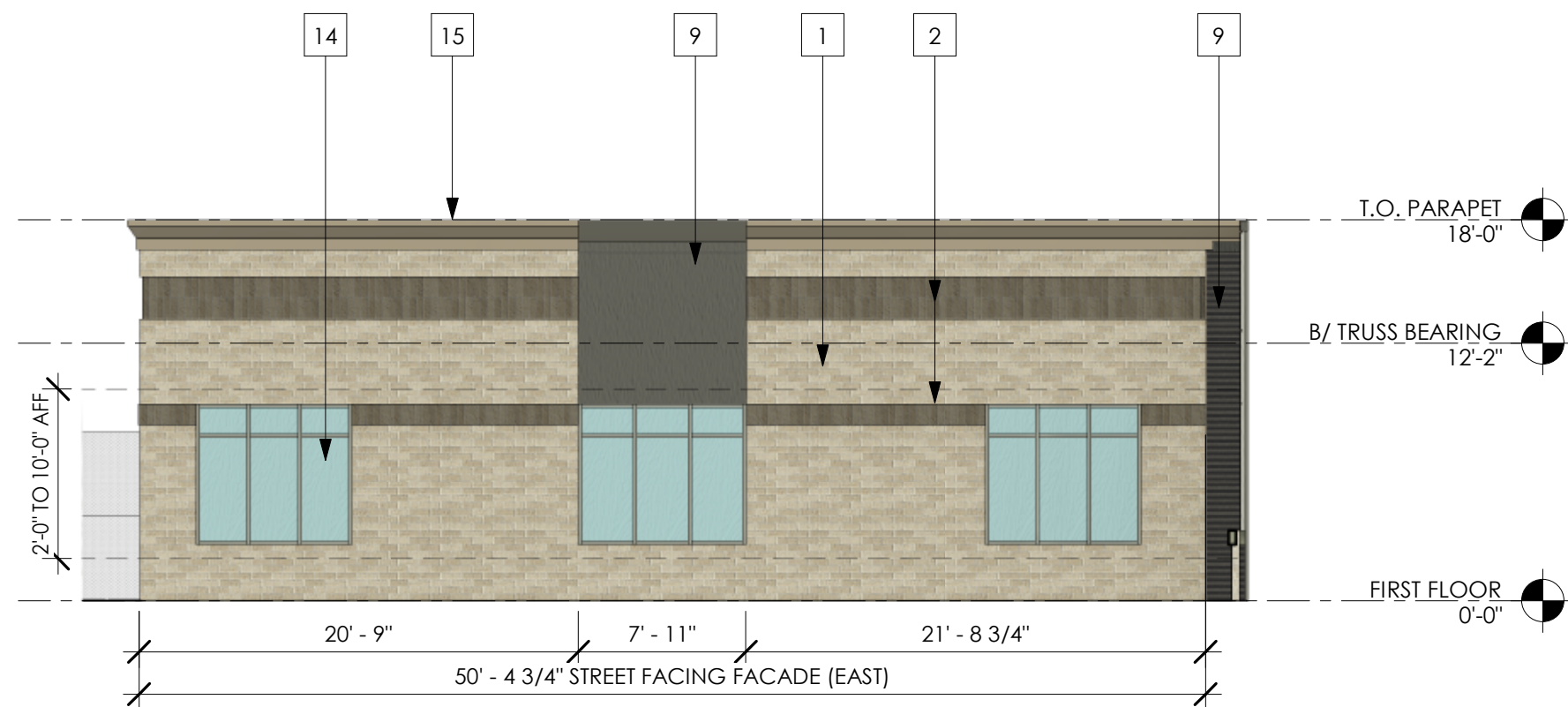
RWE
DESIGN BUILD
2024/06/17
2023-008





1 NORTH ELEVATION
PD-1.2B SCALE: 1/8" = 1'-0"

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER MATERIAL TAKEOFF LIST - ELEVATION NORTH		
MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	1,155 S.F.	51%
ACM 1 - LIGHT	348 S.F.	15%
ACM 2 - DARK	285 S.F.	12%
ACM 3 - ACCENT	498 S.F.	21%
PROFILE PANEL - TBD	-	-
WINDOWS	843 S.F.	-
DOORS	-	-
TOTALS (EXCLUDES WINDOWS & DOORS)	2,286 S.F.	100%



2S PARTIAL EAST ELEVATION (SOUTH)
PD-1.2B SCALE: 1/8" = 1'-0"

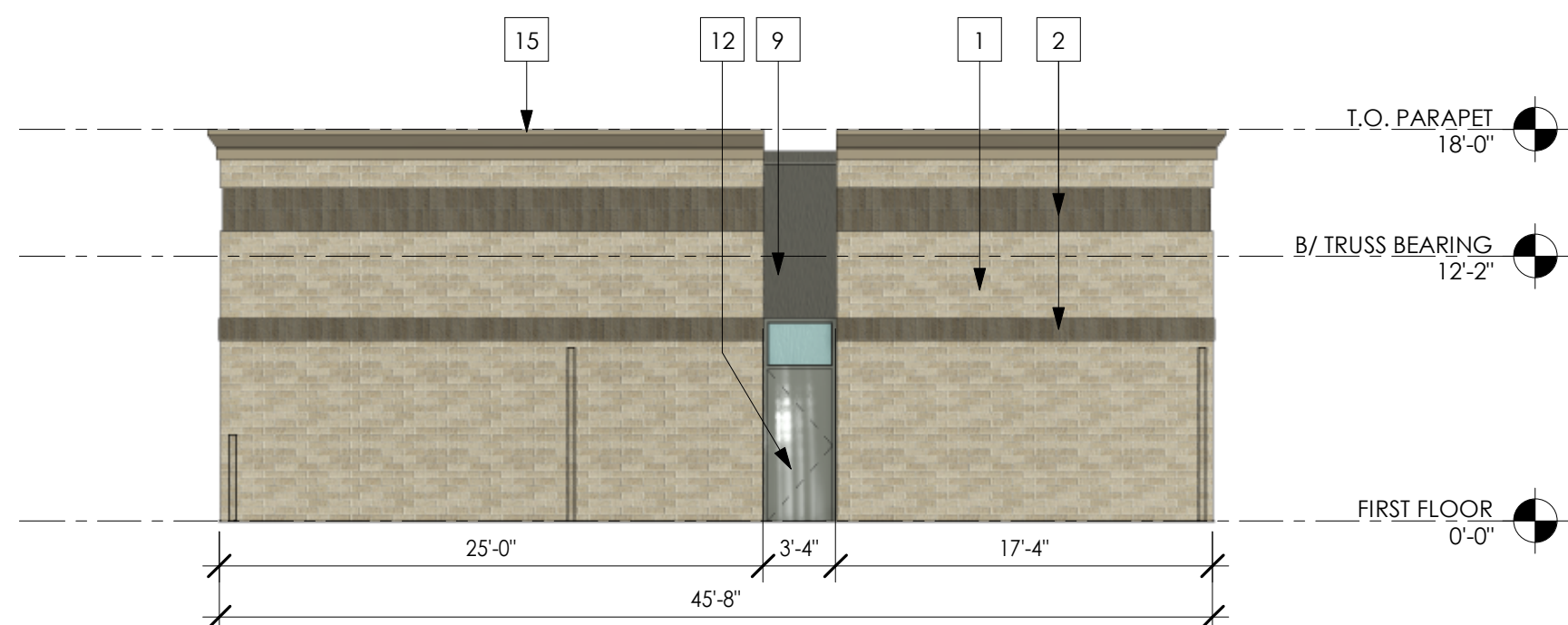
MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER MATERIAL TAKEOFF LIST - ELEVATION EAST 2		
MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	794 S.F.	95%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	40 S.F.	5%
PROFILE PANEL - TBD	-	-
WINDOWS	156 S.F.	-
DOORS	-	-
TOTALS (EXCLUDES WINDOWS & DOORS)	834 S.F.	100%



2N PARTIAL EAST ELEVATION (NORTH)
PD-1.2B SCALE: 1/8" = 1'-0"

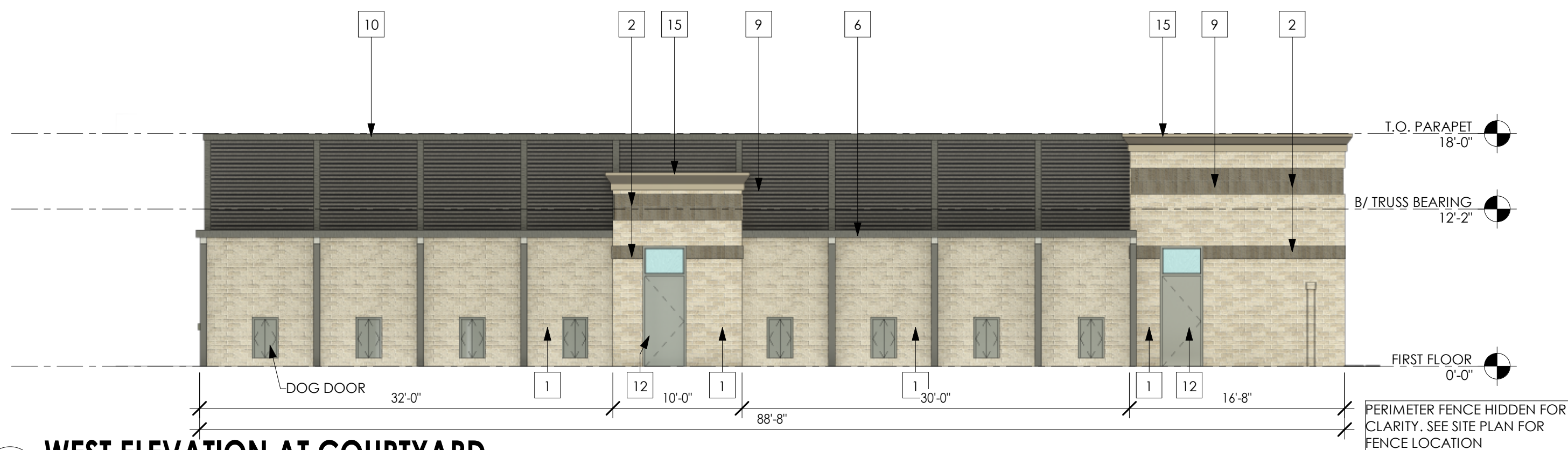
MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER MATERIAL TAKEOFF LIST - ELEVATION EAST 1		
MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	574 S.F.	28%
ACM 1 - LIGHT	589 S.F.	28%
ACM 2 - DARK	382 S.F.	18%
ACM 3 - ACCENT	533 S.F.	26%
PROFILE PANEL - TBD	-	-
WINDOWS	368 S.F.	-
DOORS	112 S.F.	-
TOTALS (EXCLUDES WINDOWS & DOORS)	2,078 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER MATERIAL TAKEOFF LIST - ELEVATION SOUTH 1		
MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	702 S.F.	95%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	40 S.F.	5%
WINDOWS	40 S.F.	-
DOORS	32 S.F.	-
TOTALS (EXCLUDES WINDOWS & DOORS)	742 S.F.	100%

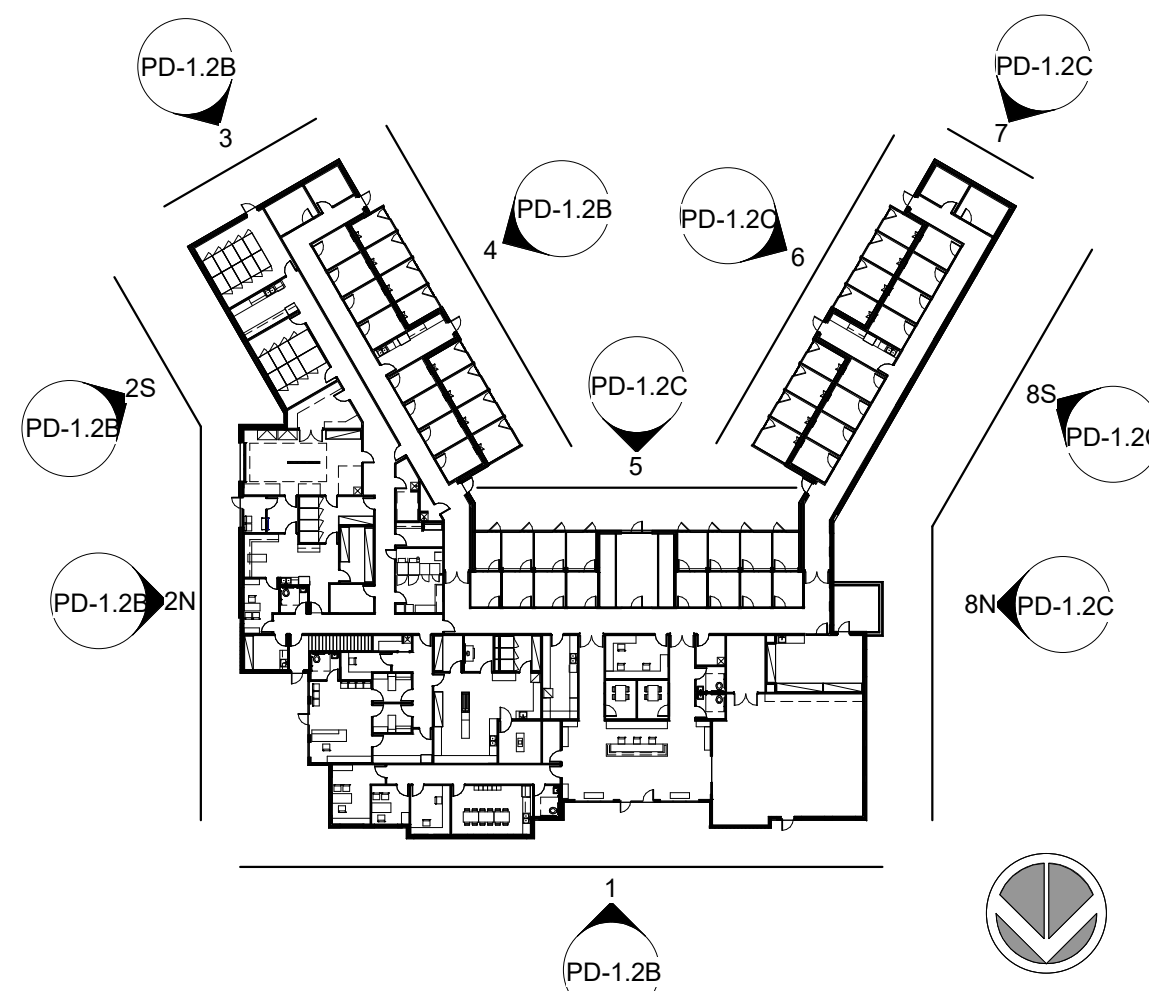


3 SOUTHEAST ELEVATION
PD-1.2B SCALE: 1/8" = 1'-0"

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER MATERIAL TAKEOFF LIST - ELEVATION SOUTH 2		
MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	1,610 S.F.	74%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	587 S.F.	26%
WINDOWS	-	-
DOORS	96 S.F.	-
TOTALS (EXCLUDES WINDOWS & DOORS)	2,197 S.F.	100%



4 WEST ELEVATION AT COURTYARD
PD-1.2B SCALE: 1/8" = 1'-0"



ELEVATION KEY PLAN

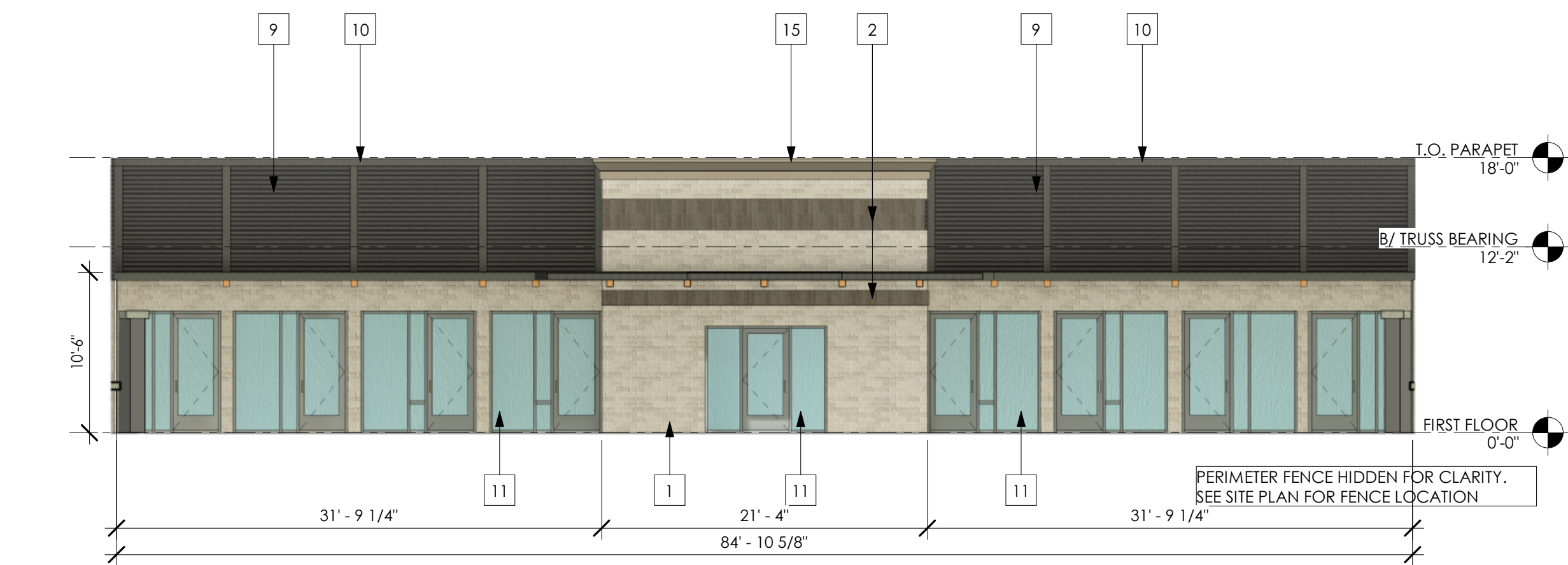


PD-1.2B - MATERIAL TAKE OFF ELEVATIONS

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

N.C. HIGHWAY 22 & WAYNOR ROAD
SOUTHERN PINES, NC 28387





5 SOUTH ELEVATION AT COURTYARD
RD-1.2C SCALE: 1/8" = 1'-0"

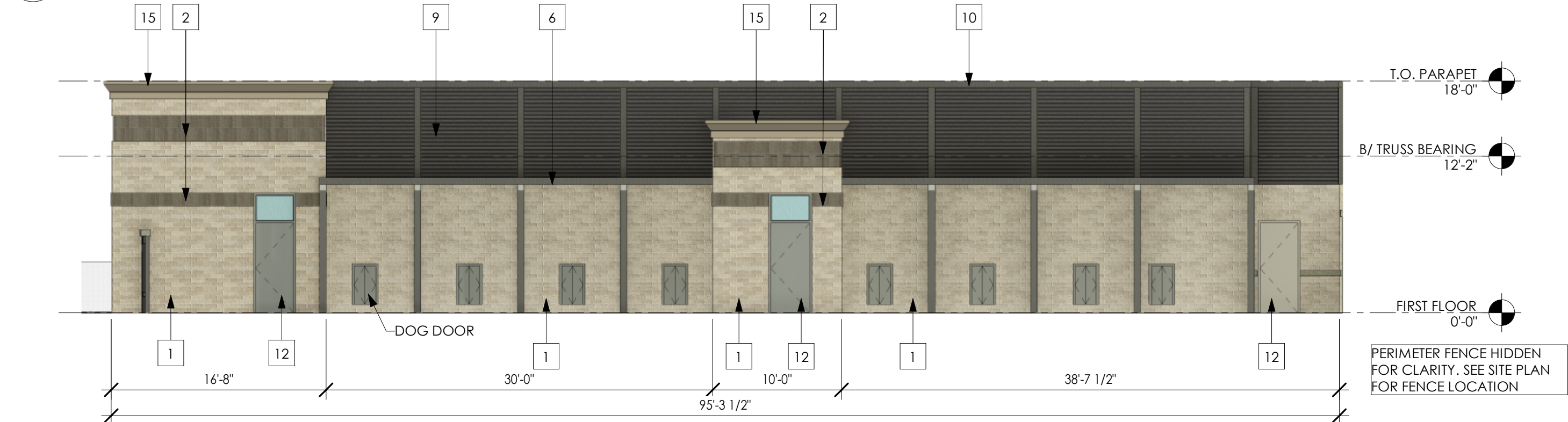
MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER MATERIAL TAKEOFF LIST - ELEVATION SOUTH 3		
MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	1,180 S.F.	64%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	669 S.F.	36%
WINDOWS	536 S.F.	-
DOORS	-	-
TOTALS (EXCLUDES WINDOWS & DOORS)	1,849 S.F.	100%

FACADE AREA CALCULATION FOR ENTIRE BUILDING
16.31 + 54.12 + 11.83 = 82.26 % MASONRY

Material
Takeoff List - Glazing & Doors Excluded

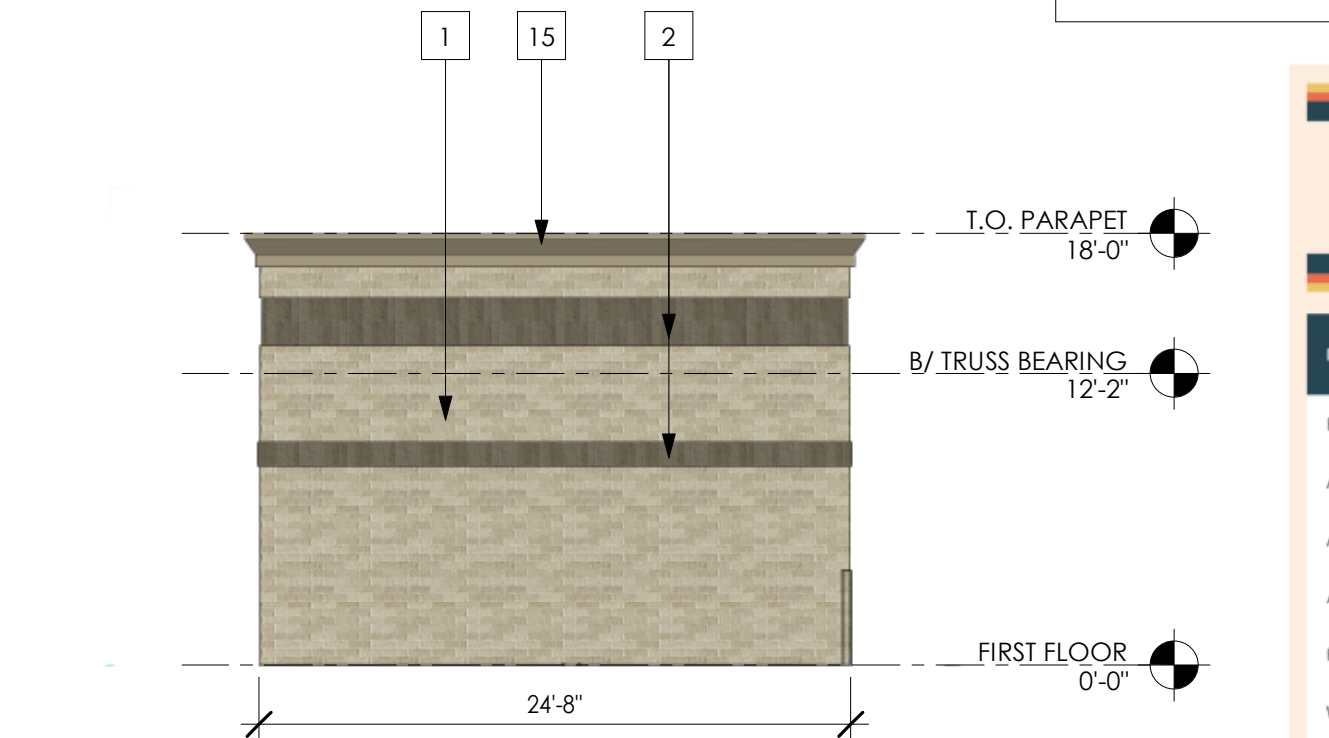
Moore Humane Society - Animal Welfare Center
N.C. Highway 22 & Waynor Road
Southern Pines, NC 28387

Material	Description	Total Square Footage	Percentage of Total Make Up
Brick & Stone Bending 1	Open Grey Utility Face Brick "Cream White Smooth Ironspot" Located on front portion of building	2,541 s.f.	16.31%
Brick & Stone Bending 2	Open Grey Utility Face Brick "Dorchester Grey Ironspot" Located on rear portion of building	8,429 s.f.	54.12%
ACM 1 - Light	Affrex ACM 3 Coat Metallics Color: P-3810 "Bright Silver Metallic"	1,286 s.f.	8.25%
ACM 2 - Dark	Reynobond ACM Color: 500 "Pewter"	667 s.f.	4.28%
ACM 3 - Accent	Reynobond ACM Duragloss 500 "Kalamander"	1,009 s.f.	6.47%
Profile Panel / Masonry Alternate	TBD	1,843 s.f.	11.83%
TOTALS		15,575 S.F.	100%



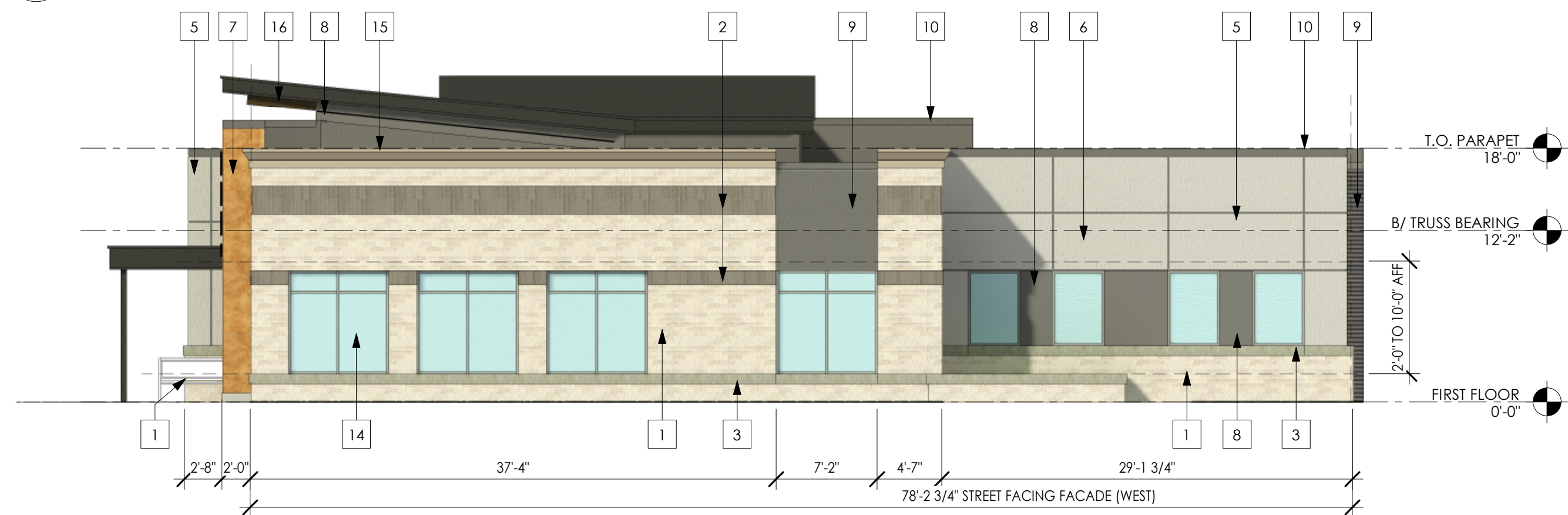
6 EAST ELEVATION AT COURTYARD
RD-1.2C SCALE: 1/8" = 1'-0"

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER MATERIAL TAKEOFF LIST - ELEVATION SOUTH 4		
MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	1,610 S.F.	74%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	587 S.F.	26%
WINDOWS	-	-
DOORS	96 S.F.	-
TOTALS (EXCLUDES WINDOWS & DOORS)	2,197 S.F.	100%



7 SOUTHWEST ELEVATION
PD-1.2C SCALE: 1/8" = 1'-0"

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER MATERIAL TAKEOFF LIST - ELEVATION SOUTH 5		
MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	417 S.F.	100%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	-	-
WINDOWS	-	-
DOORS	-	-
TOTALS (EXCLUDES WINDOWS & DOORS)	417 S.F.	100%



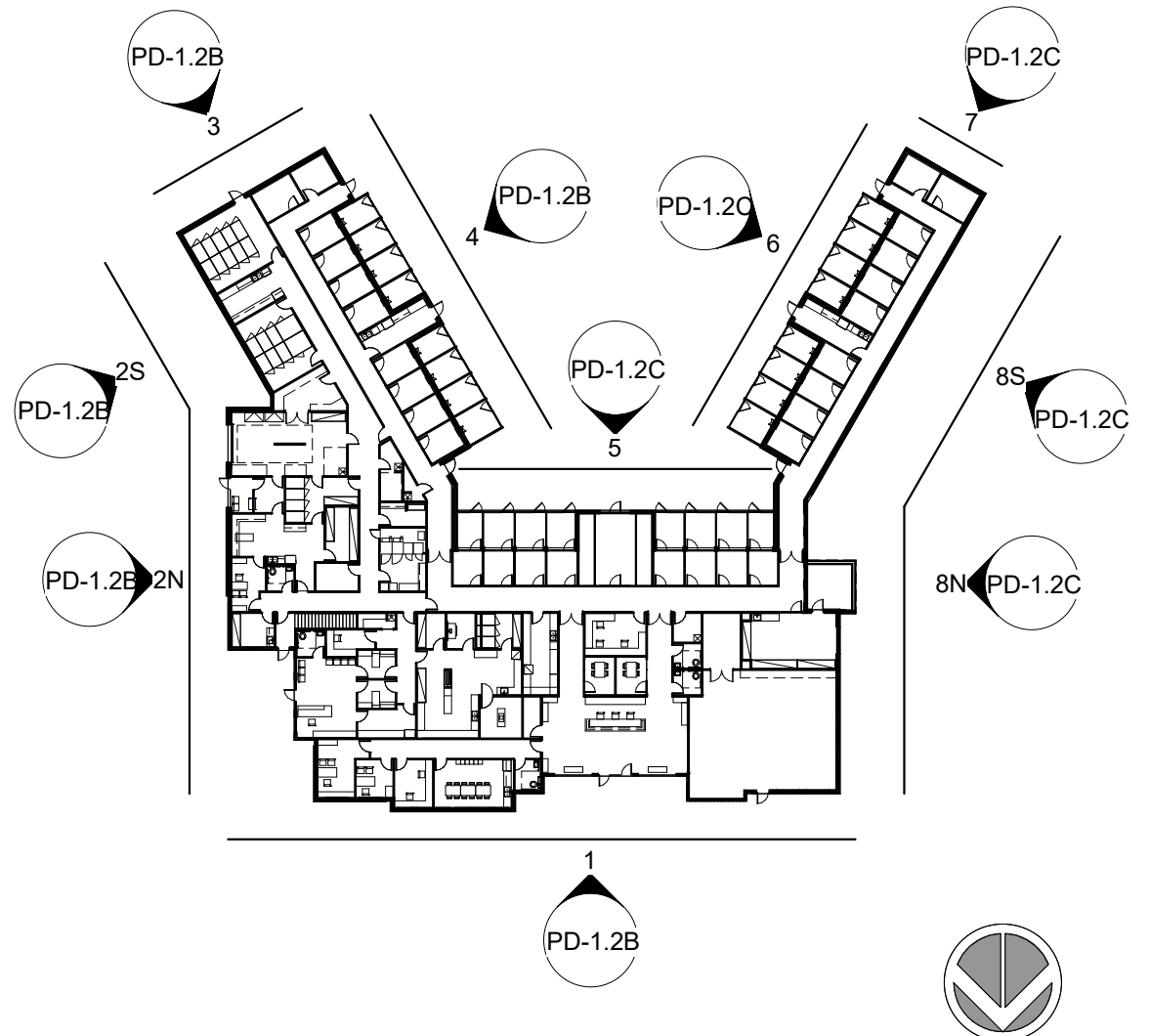
8N PARTIAL WEST ELEVATION (NORTH)
RD-1.2C SCALE: 1/8" = 1'-0"



8S PARTIAL WEST ELEVATION (SOUTH)
RD-1.2C SCALE: 1/8" = 1'-0"

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER MATERIAL TAKEOFF LIST - ELEVATION WEST 1		
MATERIAL	TOTAL SF	PERCENTAGE
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ACM 1 - LIGHT	162 S.F.	13%
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	88 S.F.	7%
WINDOWS	288 S.F.	-
DOORS	32 S.F.	-
TOTALS (EXCLUDES WINDOWS & DOORS)	1,228 S.F.	100%

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER MATERIAL TAKEOFF LIST - ELEVATION WEST 2		
MATERIAL	TOTAL SF	PERCENTAGE
BRICK & STONE	1,584 S.F.	95%
ACM 1 - LIGHT	-	-
ACM 2 - DARK	-	-
ACM 3 - ACCENT	-	-
PROFILE PANEL - TBD	80 S.F.	5%
WINDOWS	208 S.F.	-
DOORS	-	-
TOTALS (EXCLUDES WINDOWS & DOORS)	1,664 S.F.	100%



ELEVATION KEY PLAN.



PD-1.2C - MATERIAL TAKE OFF ELEVATIONS

MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

N.C. HIGHWAY 22 & WAYNOR ROAD
SOUTHERN PINES, NC 28387





PERSPECTIVE VIEW - AERIAL



PERSPECTIVE VIEW - AERIAL CLOSE UP



PERSPECTIVE VIEW - MAIN ENTRY DRIVE



PERSPECTIVE VIEW - FRONT FACADE



PD-1.3 - PRELIMINARY PERSPECTIVE VIEWS **MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER** N.C. HIGHWAY 22 & WAYNOR ROAD SOUTHERN PINES, NC 28387





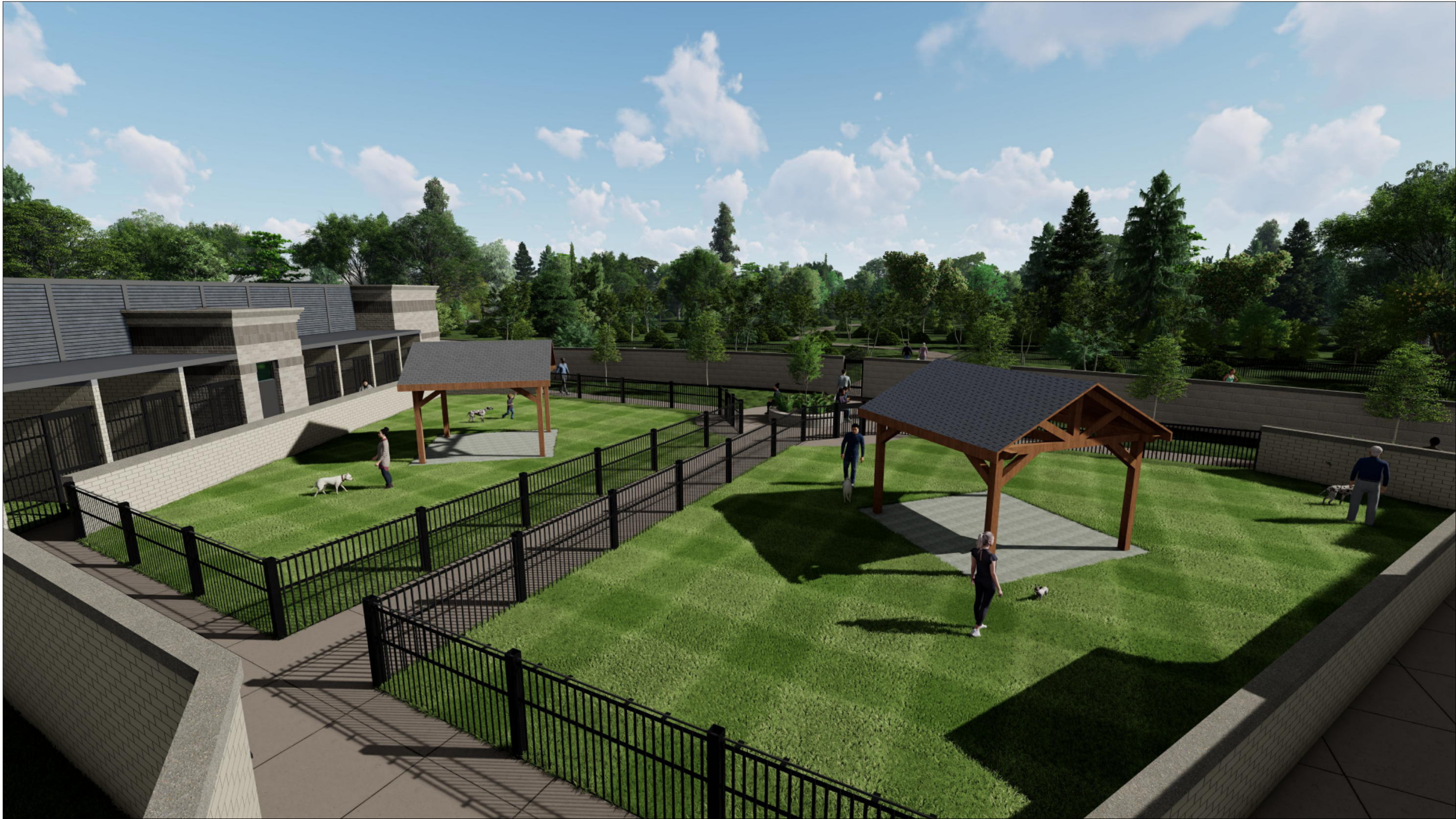
PERSPECTIVE VIEW - FRONT/SIDE FACADE



PERSPECTIVE VIEW - FRONT FACADE



PERSPECTIVE VIEW - COURTYARD



PERSPECTIVE VIEW - COURTYARD

ZONING DATA
PER SOUTHERN PINES ZONING MAP & MUNICIPAL CODE
PD PLANNED DEVELOPMENT
URBAN TRANSITION HIGHWAY CORRIDOR OVERLAY DISTRICT
HUMANE SOCIETY OF MOORE COUNTY
LRK: 20070748
PIN: 858400012072
DB: 3302, PG: 206
PERMISSABLE USE: 12.000
(SERVICES AND ENTERPRISES RELATED TO ANIMALS)

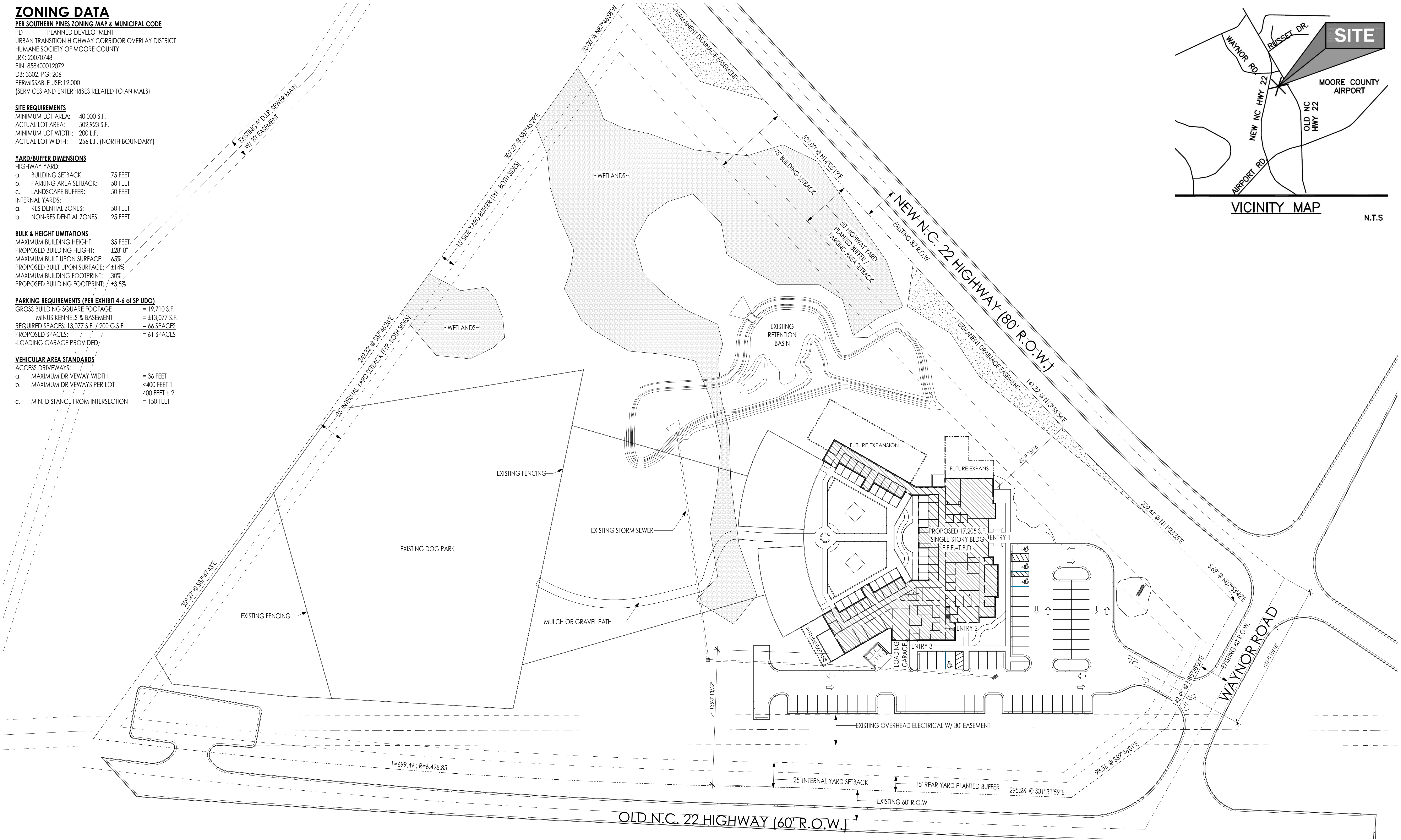
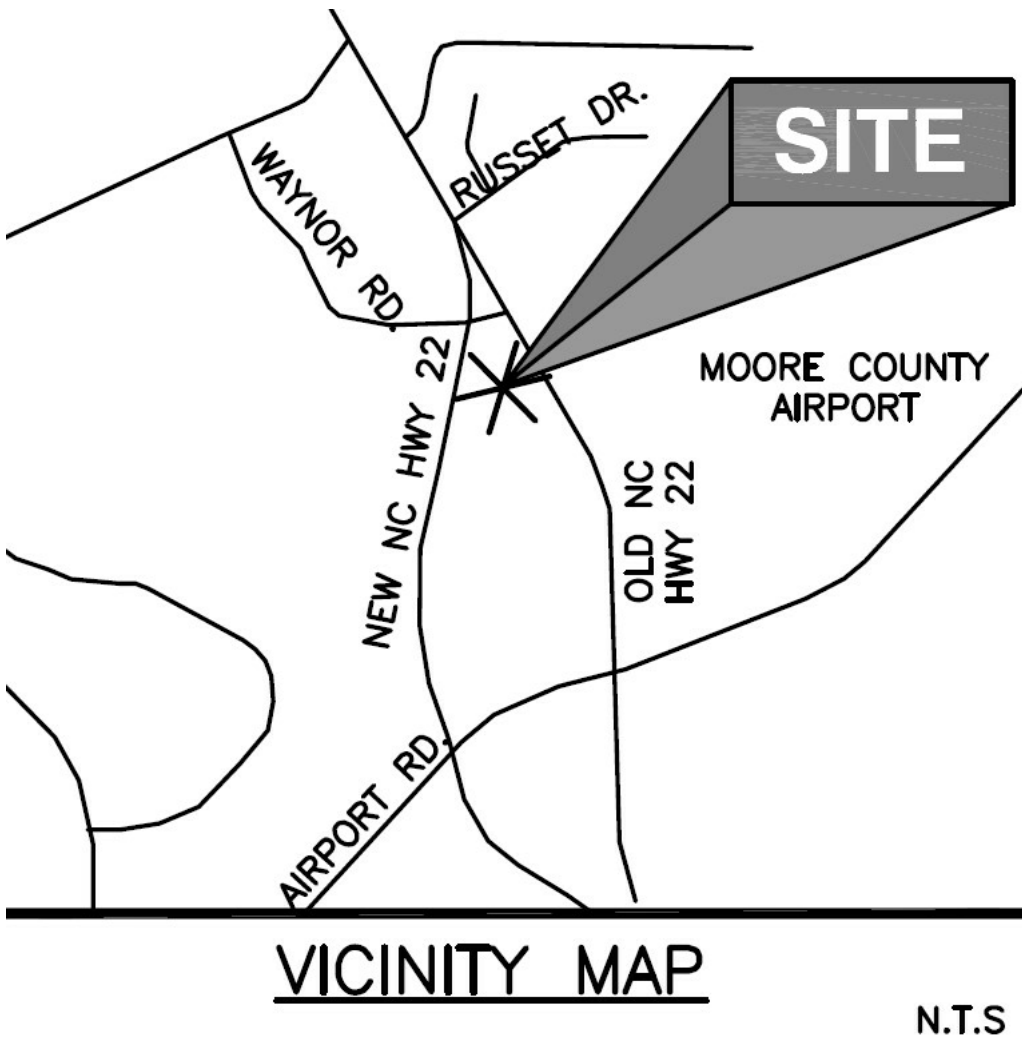
SITE REQUIREMENTS
MINIMUM LOT AREA: 40,000 S.F.
ACTUAL LOT AREA: 502,923 S.F.
MINIMUM LOT WIDTH: 200 L.F.
ACTUAL LOT WIDTH: 256 L.F. (NORTH BOUNDARY)

YARD/BUFFER DIMENSIONS
HIGHWAY YARD:
a. BUILDING SETBACK: 75 FEET
b. PARKING AREA SETBACK: 50 FEET
c. LANDSCAPE BUFFER: 50 FEET
INTERNAL YARDS:
a. RESIDENTIAL ZONES: 50 FEET
b. NON-RESIDENTIAL ZONES: 25 FEET

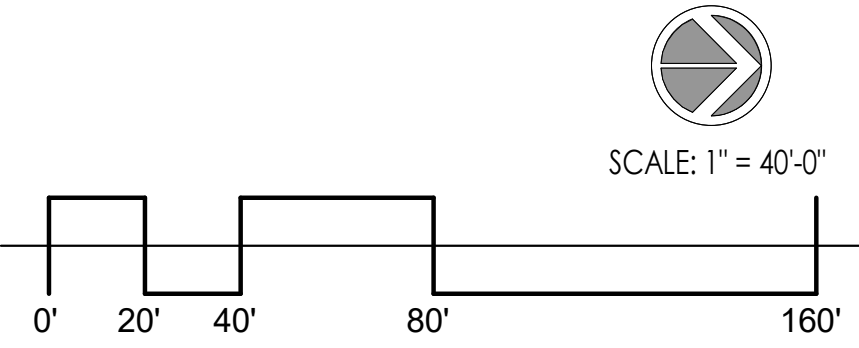
BULK & HEIGHT LIMITATIONS
MAXIMUM BUILDING HEIGHT: 35 FEET
PROPOSED BUILDING HEIGHT: ±28'-8"
MAXIMUM BUILT UPON SURFACE: 65%
PROPOSED BUILT UPON SURFACE: ±14%
MAXIMUM BUILDING FOOTPRINT: 30%
PROPOSED BUILDING FOOTPRINT: ±3.5%

PARKING REQUIREMENTS (PER EXHIBIT 4-6 of SP UDO)
GROSS BUILDING SQUARE FOOTAGE = 19,710 S.F.
MINUS KENNELS & BASEMENT = ±13,077 S.F.
REQUIRED SPACES: 13,077 S.F. / 200 G.S.F. = 66 SPACES
PROPOSED SPACES: = 61 SPACES
-LOADING GARAGE PROVIDED

VEHICULAR AREA STANDARDS
ACCESS DRIVEWAYS:
a. MAXIMUM DRIVEWAY WIDTH = 36 FEET
b. MAXIMUM DRIVEWAYS PER LOT <400 FEET 1
400 FEET + 2
c. MIN. DISTANCE FROM INTERSECTION = 150 FEET

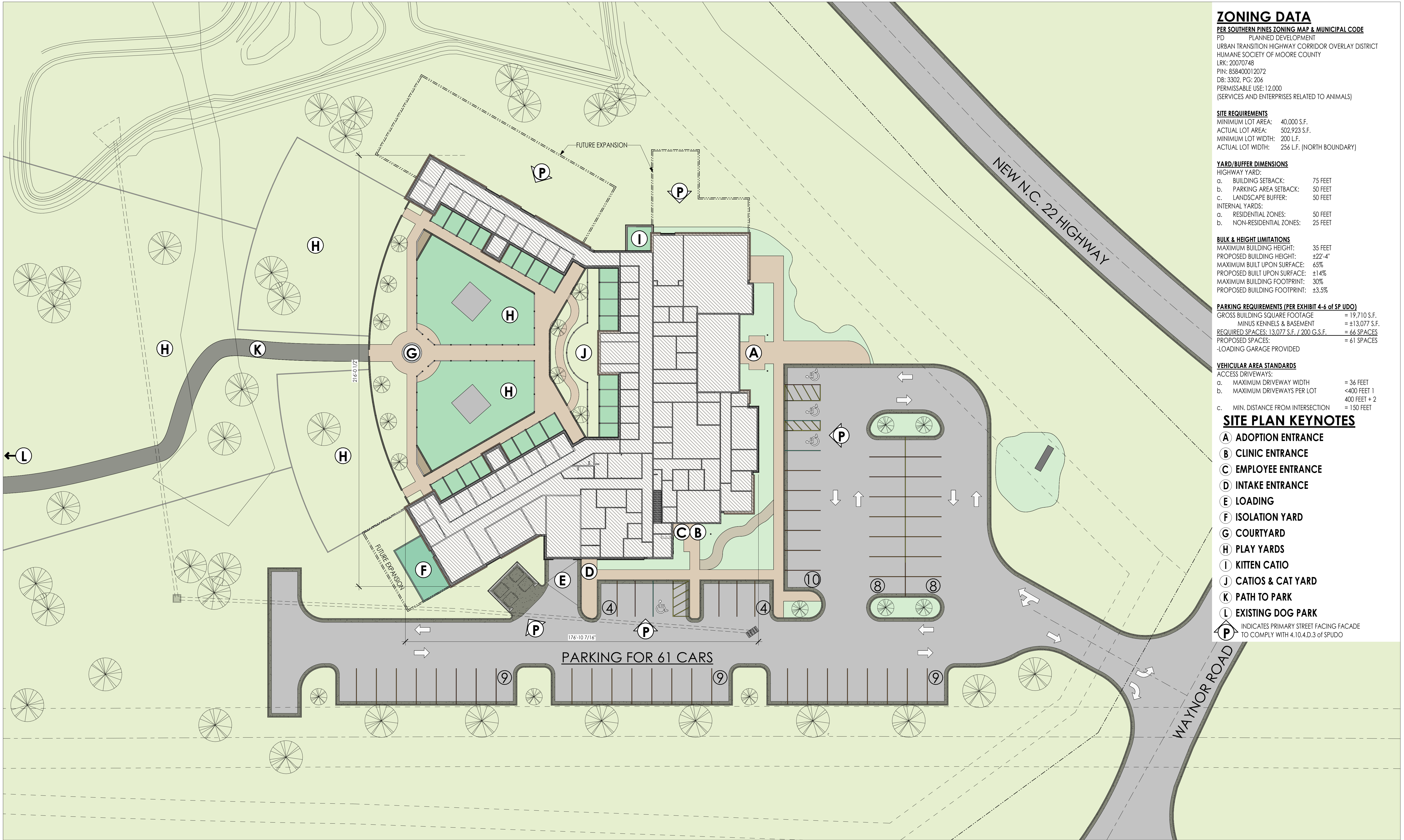


PD-0.1 - PRELIMINARY SITE PLAN - FULL SITE
MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER
N.C. HIGHWAY 22 & WAYNOR ROAD
SOUTHERN PINES, NC 28387



RWE
DESIGN BUILD
2024/06/17
2023-0081





ZONING DATA

PER SOUTHERN PINES ZONING MAP & MUNICIPAL CODE

PD PLANNED DEVELOPMENT
URBAN TRANSITION HIGHWAY CORRIDOR OVERLAY DISTRICT
HUMANE SOCIETY OF MOORE COUNTY
LRK: 20070748
PIN: 858400012072
DB: 3302, PG: 206
PERMISSIBLE USE: 12.000
(SERVICES AND ENTERPRISES RELATED TO ANIMALS)

SITE REQUIREMENTS

MINIMUM LOT AREA: 40,000 S.F.
ACTUAL LOT AREA: 502,923 S.F.
MINIMUM LOT WIDTH: 200 L.F.
ACTUAL LOT WIDTH: 256 L.F. (NORTH BOUNDARY)

YARD/BUFFER DIMENSIONS

HIGHWAY YARD:
a. BUILDING SETBACK: 75 FEET
b. PARKING AREA SETBACK: 50 FEET
c. LANDSCAPE BUFFER: 50 FEET
INTERNAL YARDS:
a. RESIDENTIAL ZONES: 50 FEET
b. NON-RESIDENTIAL ZONES: 25 FEET

BULK & HEIGHT LIMITATIONS

MAXIMUM BUILDING HEIGHT: 35 FEET
PROPOSED BUILDING HEIGHT: ±22'-4"
MAXIMUM BUILT UPON SURFACE: 65%
PROPOSED BUILT UPON SURFACE: ±14%
MAXIMUM BUILDING FOOTPRINT: 30%
PROPOSED BUILDING FOOTPRINT: ±3.5%

PARKING REQUIREMENTS (PER EXHIBIT 4-6 of SP UDO)

GROSS BUILDING SQUARE FOOTAGE = 19,710 S.F.
MINUS KENNELS & BASEMENT = ±13,077 S.F.
REQUIRED SPACES: 13,077 S.F. / 200 G.S.F. = 66 SPACES
PROPOSED SPACES: = 61 SPACES
-LOADING GARAGE PROVIDED

VEHICULAR AREA STANDARDS

ACCESS DRIVEWAYS:
a. MAXIMUM DRIVEWAY WIDTH = 36 FEET
b. MAXIMUM DRIVEWAYS PER LOT <400 FEET 1
400 FEET + 2
c. MIN. DISTANCE FROM INTERSECTION = 150 FEET

SITE PLAN KEYNOTES

- A ADOPTION ENTRANCE
- B CLINIC ENTRANCE
- C EMPLOYEE ENTRANCE
- D INTAKE ENTRANCE
- E LOADING
- F ISOLATION YARD
- G COURTYARD
- H PLAY YARDS
- I KITTEN CATIO
- J CATIOS & CAT YARD
- K PATH TO PARK
- L EXISTING DOG PARK

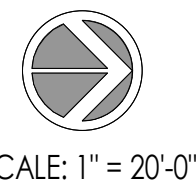
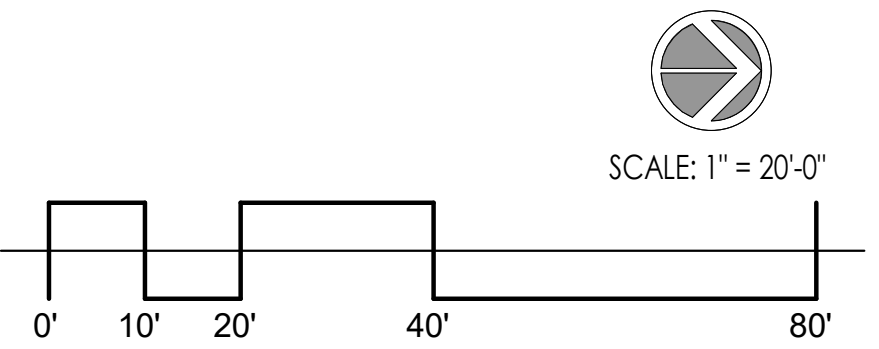
INDICATES PRIMARY STREET FACING FACADE
TO COMPLY WITH 4.10.4.D.3 of SPUDO



PD-0.2 - PRELIMINARY SITE PLAN - CROPPED

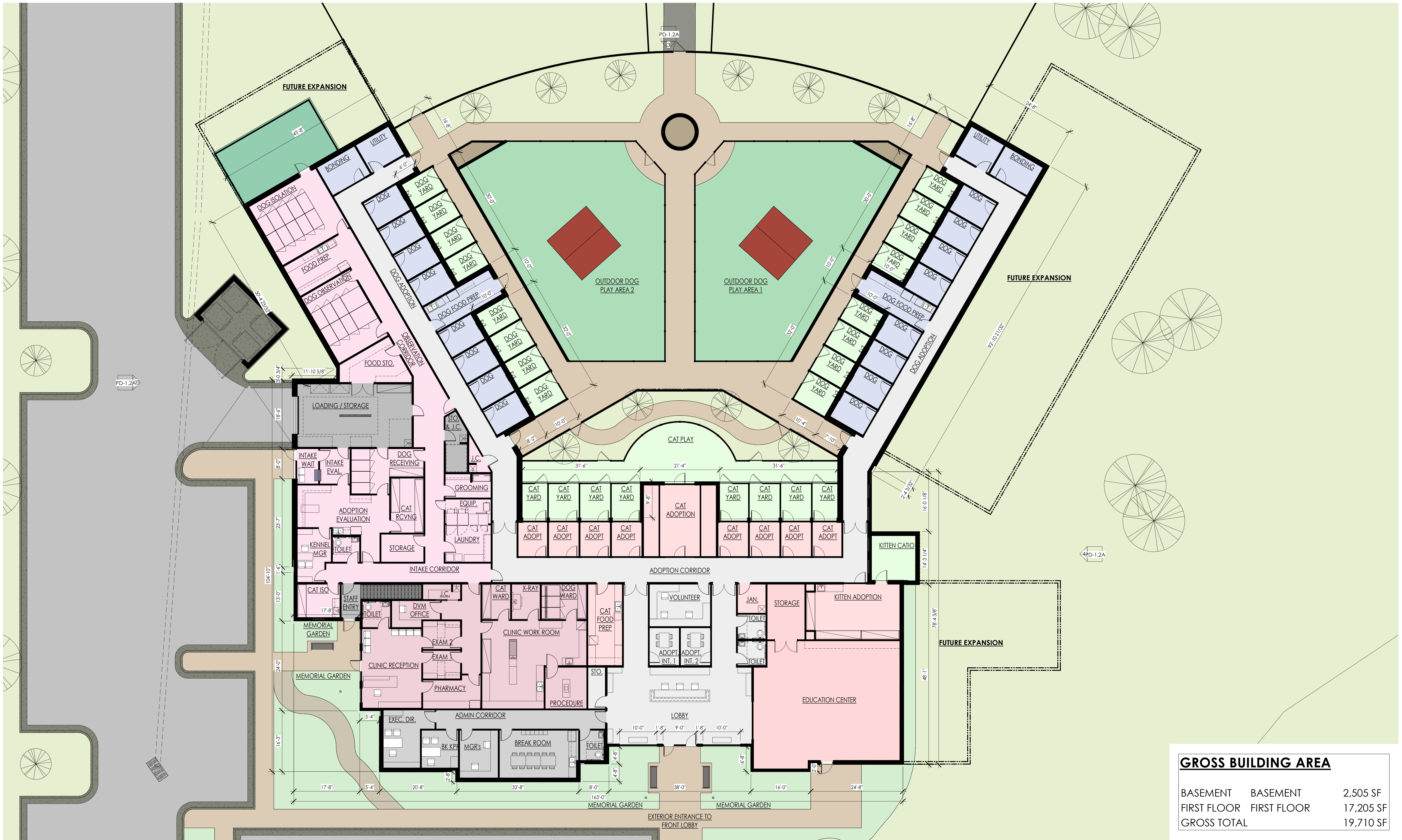
MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER

N.C. HIGHWAY 22 & WAYNOR ROAD
SOUTHERN PINES, NC 28387



RWE
DESIGN BUILD
2024/06/17
2023-0081

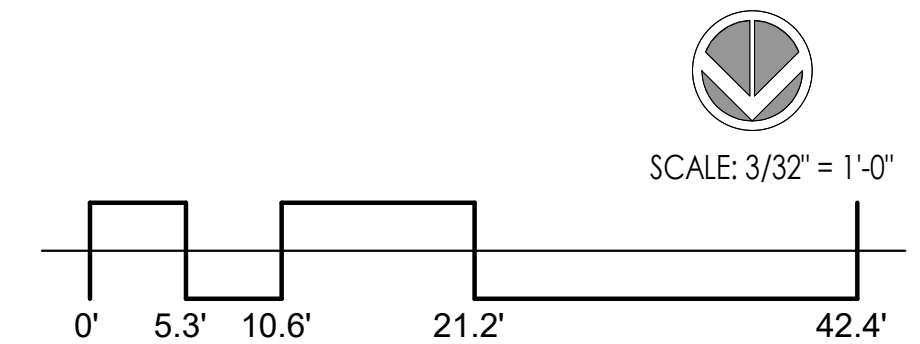




GROSS BUILDING AREA		
BASEMENT	BASEMENT	2,505 SF
FIRST FLOOR	FIRST FLOOR	17,205 SF
GROSS TOTAL		19,710 SF



PD-1.0 - PRELIMINARY FLOOR PLAN
MOORE HUMANE SOCIETY ANIMAL WELFARE CENTER
N.C. HIGHWAY 22 & WAYNOR ROAD
SOUTHERN PINES, NC 28387



SCALE: 3/32" = 1'-0"

RWE
DESIGN BUILD
2024/06/17
2023-0081



Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director
Cindy Williams, Planning Technician

Subject: WP-02-24: Watershed Protection Permit Request; 5/70 Exemption Allocation to Redevelop Portions of Penick Village; Applicant: Penick Village Inc.

Date: July 9, 2024

I. SUMMARY OF APPLICATION REQUEST:

McGill Associates PA, on behalf of Penick Village Inc., has submitted a Watershed Protection Permit application requesting 36.4 acres of 5/70 exemption allocation to construct a senior living building, three townhome-style villas, a wellness center and gatehouse on the Penick Village campus which is located within the Little River Intake No. 2 Watershed. Should the Town Council wish to grant the 5/70 exemption under Watershed Protection Permit WP-02-24, the Town shall deduct 36.4 acres from the Little River Intake No. 2 Watershed tally sheet, leaving 412.14 acres of allocation remaining in this Watershed. The subject parcel is currently zoned Facilities, Resource and Recreation (FRR) and is identified as PIN: 858100680081 (PARID: 00033227) and the property owner is Penick Village Inc.

II. PROJECT INFORMATION:

A. Property Owner & Petitioner Information:

i. Current Property Owner/Applicant:

Penick Village Inc.
500 E. Rhode Island Avenue
Southern Pines, NC 28387

ii. Authorized Agent:

McGill Associates PA
55 Broad Street
Asheville, NC 28801

B. Property Information:

i. Street Address:

500 E. Rhode Island Avenue
Southern Pines, NC 28387

ii. **Property Identification Number (PIN) & Parcel Identification:**
PIN: 858100680081 (PARID: 00033227)

iii. **Size of Property:**
Total Acreage: 36.4 acres

C. Description of Proposed Development:

The applicant plans to demolish an existing residential building and cottages and construct a senior living building, three townhome style villas, a wellness center and a gatehouse, resulting in approximately 16.6 acres (46%) of total impervious surface on the subject property.

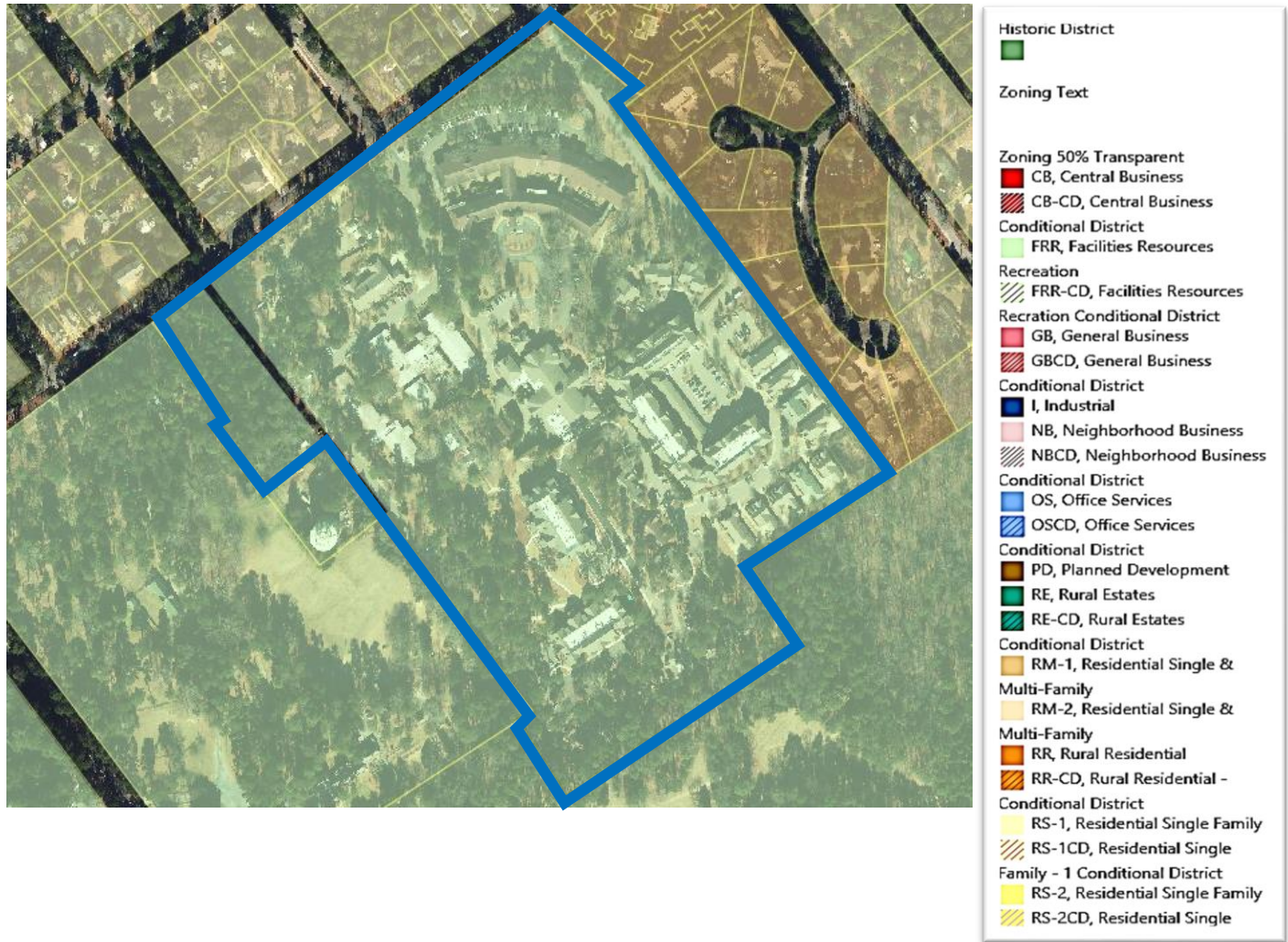
D. Property Zoning Classification:

The subject property is zoned Facilities, Resource and Recreation (FRR).

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



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



E. Staff Comments:

- The entirety of the property is within the Little River Intake #2 (LR#2) 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 High Quality Water/Protected Area of the Little River Intake No. 2 Watershed.
- The proposed development is required to obtain the 5/70 exemption allocation because the proposed improvements will exceed the maximum of 12% built upon area or 24% built-upon land area with implementation of stormwater BMPs within the High Quality Water/Protected portions of the watershed. A total of 16.6 acres of total built-upon land area, or 46%, of the subject property, is proposed with current development plans. The Watershed Protection Permit, if approved, will provide the project with 5/70 exemption allowing the entire campus to develop up to the 70% built-upon land area. Given the location and historic use of the campus, planning staff believe that this is an appropriate use of exemption allocation.

- Should the Town Council wish to grant the 5/70 exemption, the entirety of the project acreage (36.4 ac.) will be deducted from the 5/70 tally sheet for the Little River Intake No. 2 Watershed, leaving 412.14 acres of allocation remaining in this watershed.
- The 5/70 exemption for the Town of Southern Pines went into effect in 1993 and allows the Town to develop 5% of its 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 applicant is currently undergoing site plan review by the Technical Review Committee of the first phase of redevelopment of the Penick Village campus. The redevelopment will include the demolition of a residential building and cottages that were constructed prior to 1993 and the construction of a new senior living building, three townhome-style villas, a wellness center and a gatehouse. The total redevelopment will result in additional built-upon surfaces, and future development may also increase the historic amount of built-upon surface in the Penick campus.

During the June 25, 2024 Technical Review Committee meeting, the applicant acknowledged that the intent was to simplify future calculation of allowable built-upon area by waiving pre-1993 allocation and applying for exemption for the entire 36.4 acres. Staff strongly supports this as a substantially simpler option for current and future development. The applicants have provided a letter describing this for the application file and a copy of the letter is attached to this report.

- 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 (HQP) 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 High-Quality Water (HQP) / 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.
- 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. WPP Narrative
3. Survey
4. Proposed Site Plan
5. UDO Exhibit 3-14
6. 5/70 Tally Sheet
7. Letter from applicant waiving pre-1993 allocation in favor of current request.



Watershed Protection Permit Application

REQUIRED APPLICATION MATERIALS:

- ☒ **Completed Application** for a Watershed Protection Permit signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- ☒ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent
- ☒ **Site Plan**
- ☒ **Vicinity Map**
- ☒ **Narrative** (if the property is outside of the **CB** zoning district) addressing each of the criteria listed in Exhibit 3-14, Table Note 3, of the UDO
- ☒ **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 materials are needed.
2. **Approval**: The Town Council, at its regular meeting, will review and approve, approve with conditions, or deny the application.

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



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: Penick Village Redevelopment Phase 1 Zoning District: FRR Total Property Acreage: 36.4 AC

PIN: 858100680081 Parcel ID: 00033227 Watershed: WS-III

Type of Development: Residential / Institutional Total Built-Up Area*: 16.6 AC

% of Total Property Acreage Proposed to be Built-Up Area*: 46%

Applicant:

Name(s): Penick Village Inc. Email: ccromartie@penickvillage1964.org

Mailing Address: 500 East Rhode Island Avenue, Southern Pines, NC 28387 Phone: (910) 692-0300

Authorized Agent, if different from Applicant:

Name(s): McGill Associates PA

Email: rob.will@mcgillassociates.com Phone: (828) 252-0575

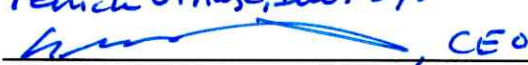
Mailing Address: 55 Broad Street, Asheville, NC 28801

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

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

Penick Village, Inc. by:

Signature of Applicant

*Definition of Built-Up 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

June 3, 2024

WATERSHED PROTECTION PERMIT NARRATIVE

Penick Village Inc. desires to construct improvements to its existing senior living community campus, located on a +/- 36.4-acre parcel at 500 E Rhode Island Avenue in Southern Pines. The anticipated project consists of demolition of an existing residential housing building and cottages, constructed prior to July 1, 1993, and construction of a senior living building, three townhome style villas, a wellness center, and a gatehouse on the existing Penick Village campus.

The project site is zoned FRR, Facilities Resources Recreation, and falls outside of the Central Business, CB, district. The site, an existing continuing care retirement center, provides housing and wellness services to its residents and the community. Its use and location are consistent with zoning and the surrounding mixed residential neighborhoods, community center, and arts and humanities center. The proposed facility improvements are being designed and will be constructed in accordance with the current Southern Pines Unified Development Ordinance (UDO).

The proposed facility improvements, as mentioned above, are consistent with the existing use and appropriate within the surrounding neighborhoods. Open space is being maintained on site to the maximum extent possible.

Penick Village has received significant interest in increasing the capacity of their available housing units, and the requested allocation is required to modernize their facilities and meet their projected needs. While four new residential buildings, a wellness center and gatehouse are being proposed, due to demolition of the pre-existing residential housing building and cottages, the net increase in built-upon land area is greatly minimized. The minimization of the net increase in built-upon land area will allow allocation for future throughout Southern Pines to remain.

For the abovementioned reasons, Penick Village requests a 5/70 Exemption Allocation to increase the allowable built-upon land area in accordance with Section 3.6.8 of the current Southern Pines UDO.

CERTIFICATION OF NO APPROVAL REQUIRED
I HEREBY CERTIFY THAT THE SURVEY SHOWN AND DESCRIBED HEREON IS SOLELY FOR THE PURPOSES OF DESCRIBING A PORTION OF AN EXISTING PARCEL PETITIONING FOR ANNEXATION. THE SURVEY SHOWN BELOW AND DESCRIBED HEREON IS EXEMPT FROM THE SOUTHERN PINES UDO BY DEFINITION AND /OR ORDINANCE AND NO APPROVAL IS REQUIRED BY THIS OFFICE.

9/18/19
DATE

[Signature]
PLANNING DIRECTOR

STATE OF NORTH CAROLINA
COUNTY OF MOORE

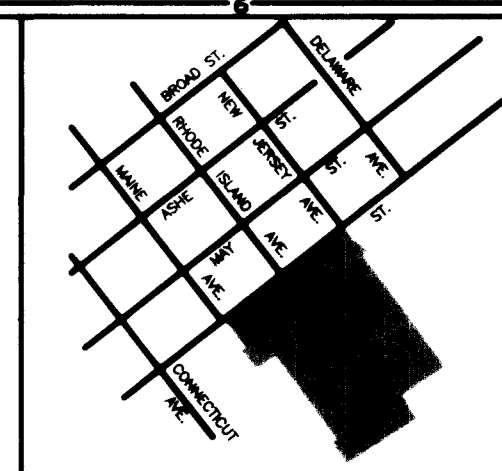
II. *[Signature]* REVIEW OFFICER OF MOORE COUNTY
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE 9-18-2019

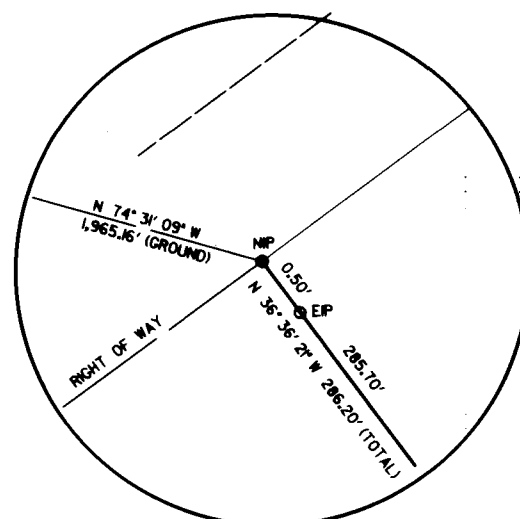
[Signature]
REVIEW OFFICER

PLAT CABINET 18 SLIDE 238

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
September 18, 2019 11:42:10 AM
Book 18 Page 238-238
FEE: \$21.00
INSTRUMENT # 2019013798



VICINITY MAP



INSET

LEGEND

EIP = EXISTING IRON PIPE
NIP = NEW IRON PIPE
ECM = EXISTING CONCRETE MONUMENT

NCGS MON. "FOCH A"
NC GRID COORDINATES
N=518,746.9579
E=1,883,281.5221
NAD 1983
COMBINED SCALE FACTOR=
0.9998448



SURVEYOR'S CERTIFICATION

I, C. ANDREW HEATH, JR., PLS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM REFERENCES AS NOTED ON SAID PLAT; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION UNDER REFERENCES; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:20,000+; 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.

[Signature]
C. ANDREW HEATH, JR., PLS
NC L-3281

9-18-2019
DATE

I, C. ANDREW HEATH, JR., PROFESSIONAL LAND SURVEYOR
NO. L-3281, CERTIFY TO THE FOLLOWING AS INDICATED THUS (X):

(X) D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS A RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

[Signature]
C. ANDREW HEATH, JR., PLS
NC L-3281

9/18/2019
Date

SURVEYOR'S NOTES:

1. BASIS OF BEARING NC GRID NAD 83 (NSRS 2007) ESTABLISHED UTILIZING ONE TRIMBLE 5800 AND THE NORTH CAROLINA VRS NETWORK LOCALIZED ABOUT NC GS MONUMENT "FOCH A".
2. ALL DISTANCES ARE GROUND MEASUREMENTS UNLESS OTHERWISE NOTED.
3. AREA BY COORDINATE GEOMETRY.

FLOOD STATEMENT

THE SUBJECT PROPERTY AS SHOWN ON THIS PLAT IS LOCATED IN ZONE X AND IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER NATIONAL FLOOD INSURANCE PROGRAM MAP PANEL 3710858000J; EFFECTIVE DATE, OCTOBER 17, 2006.

EXISTING TOWN LIMITS

AREA TO BE ANNEXED
3.29 ACRES +/-

SITE DATA

OWNER:
PENICK VILLAGE, INC.
ADDRESS:
500 E. RHODE ISLAND AVE.
MOORE COUNTY PIN NUMBER:
858100680081
ZONING:
FRR - FACILITIES, RESOURCES, RECREATION DISTRICTS.

DEED REFERENCES
SOURCES OF TITLE

D.B.	PAGE	ART. OF INC.
D.B. 5080, PAGE 20		13.76 ACRES
D.B. 236, PAGE 366		6.28 ACRES
D.B. 313, PAGE 120		3.30 ACRES
D.B. 446, PAGE 94		5.00 ACRES
D.B. 477, PAGE 416		5.42 ACRES
D.B. 551, PAGE 998		1.84 ACRES
D.B. 1371, PAGE 395		

RECOMBINATION OF PARCELS
D.B. 3647, PAGE 291 36 ACRES +/-

PLAT CAB 14, SLIDE 866



ANNEXATION PLAT
FOR
PENICK VILLAGE, INC.
500 E. RHODE ISLAND AVE.
SOUTHERN PINES, NC

CALYX
ENGINEERS & CONSULTANTS
6750 TRYON ROAD
CARY, NC 27518
phone: 919.851.1912
CALYXengineers.com
NC License # F-1333

OWNER:
PENICK VILLAGE, INC.
500 E. RHODE ISLAND AVE.
SOUTHERN PINES, NC.

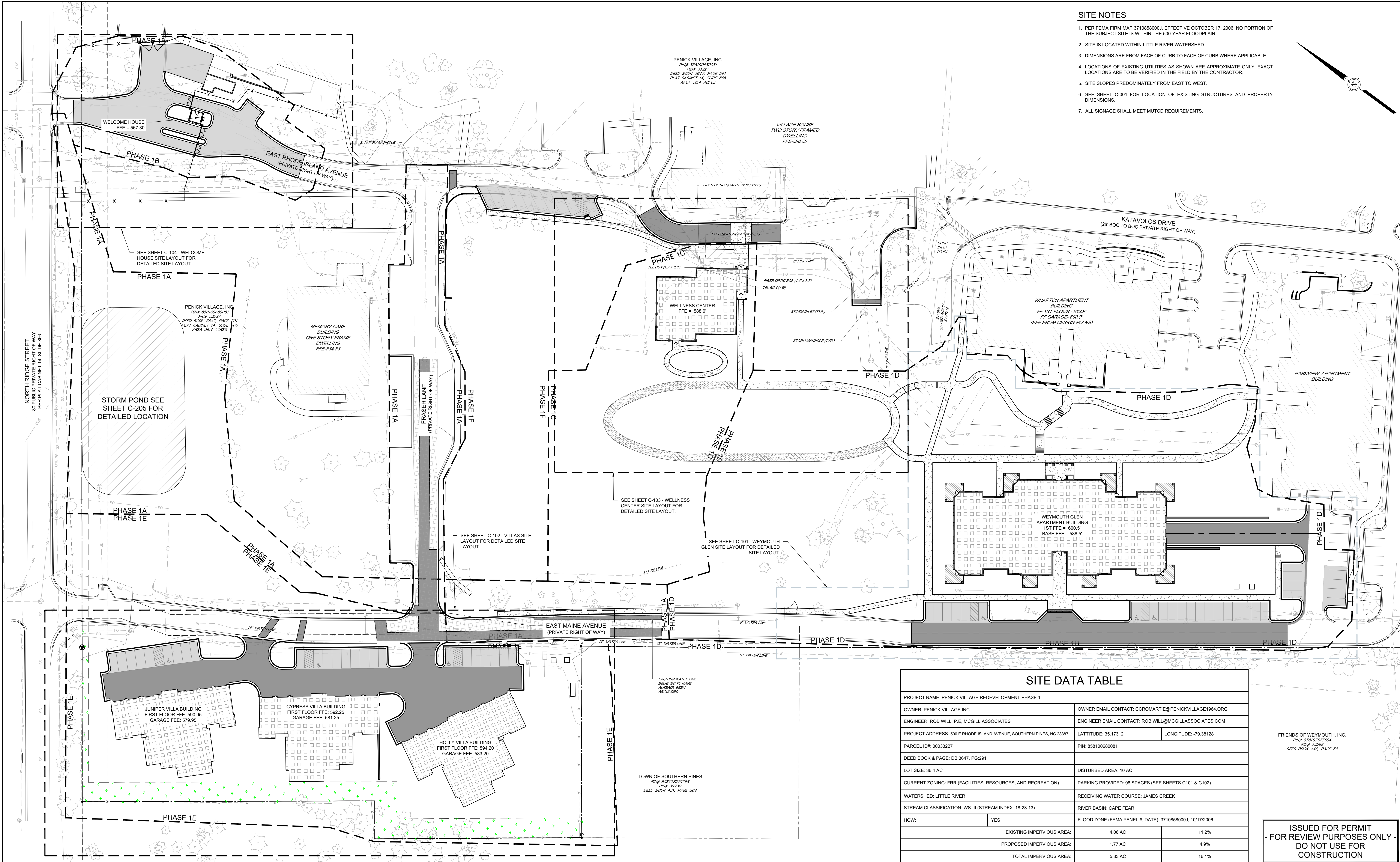
NO.	DATE	REVISIONS	REMARKS

PROJECT NO: 2009055.00

DRAWN BY: CAH
DWG. CHECKED BY: CAH
SCALE: 1" = 150'
DATE: SEP 9, 2019

PENICK
ANNEXATION PLAT.DGN
SHEET 1 OF 1

P:\2023\23.01003-PENICKVILLAGE REDEVELOPMENT PHASE 1\DRAWINGS\PHASE 1\OVERALL SITE PLAN.DWG PLOT DATE 6/9/2024 5:14 PM LANDON ROBERSON



- SITE NOTES**
1. PER FEMA FIRM MAP 371085800J, EFFECTIVE OCTOBER 17, 2006, NO PORTION OF THE SUBJECT SITE IS WITHIN THE 500-YEAR FLOODPLAIN.
 2. SITE IS LOCATED WITHIN LITTLE RIVER WATERSHED.
 3. DIMENSIONS ARE FROM FACE OF CURB TO FACE OF CURB WHERE APPLICABLE.
 4. LOCATIONS OF EXISTING UTILITIES AS SHOWN ARE APPROXIMATE ONLY. EXACT LOCATIONS ARE TO BE VERIFIED IN THE FIELD BY THE CONTRACTOR.
 5. SITE SLOPES PREDOMINATELY FROM EAST TO WEST.
 6. SEE SHEET C-001 FOR LOCATION OF EXISTING STRUCTURES AND PROPERTY DIMENSIONS.
 7. ALL SIGNAGE SHALL MEET MUTCD REQUIREMENTS.

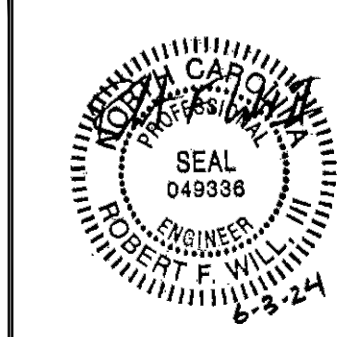
SITE DATA TABLE			
PROJECT NAME: PENICK VILLAGE REDEVELOPMENT PHASE 1			
OWNER: PENICK VILLAGE INC.		OWNER EMAIL CONTACT: CCROMARTIE@PENICKVILLAGE1964.ORG	
ENGINEER: ROB WILL, P.E. MCGILL ASSOCIATES		ENGINEER EMAIL CONTACT: ROB.WILL@MCGILLASSOCIATES.COM	
PROJECT ADDRESS: 500 E RHODE ISLAND AVENUE, SOUTHERN PINES, NC 28387		LATITUDE: 35.17312	LONGITUDE: -79.38128
PARCEL ID#: 00033227		PIN: 658100680081	
DEED BOOK & PAGE: DB:3647, PG:291			
LOT SIZE: 36.4 AC		DISTURBED AREA: 10 AC	
CURRENT ZONING: FRR (FACILITIES, RESOURCES, AND RECREATION)		PARKING PROVIDED: 98 SPACES (SEE SHEETS C101 & C102)	
WATERSHED: LITTLE RIVER		RECEIVING WATER COURSE: JAMES CREEK	
STREAM CLASSIFICATION: WS-III (STREAM INDEX: 18-23-13)		RIVER BASIN: CAPE FEAR	
HQW:		FLOOD ZONE (FEMA PANEL #: DATE): 371085800J, 10/17/2006	
YES			
EXISTING IMPERVIOUS AREA:		4.06 AC	11.2%
PROPOSED IMPERVIOUS AREA:		1.77 AC	4.9%
TOTAL IMPERVIOUS AREA:		5.83 AC	16.1%

FRIENDS OF WEYMOUTH, INC.
PIN# 658107253504
R04 15359
DEED BOOK 446, PAGE 59

ISSUED FOR PERMIT
- FOR REVIEW PURPOSES ONLY -
DO NOT USE FOR
CONSTRUCTION



55 Broad Street
Asheville, NC 28801
828.252.0575
NC Firm License # C-0459
mcgillassociates.com



NO.	DATE	BY	DESCRIPTION
A	06-03-2024	MSK	ISSUED FOR PERMIT

PHASE 1
REDEVELOPMENT

PENICK VILLAGE

SOUTHERN PINES, NORTH CAROLINA

40 0 20 40 80 GRAPHIC SCALE DIVISION VALUE = 40 FEET (ORIGINAL SIZE: 24"x36")	
OFFICE MANAGER M. CATHEY	DESIGNER G. WOOD
PROJECT MANAGER R. WILL	REVIEWER R. WILL

OVERALL SITE PLAN			
DATE JUNE 2024	PROJECT # 23.01903	FUNDING # N/A	

SHEET

C-100

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:

- 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.
- Development in the **CB** district shall qualify for this allocation on a first come, first serve basis until the five (5) percent is exhausted.
- 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:
 - The use and location of the use are consistent with the Comprehensive Plan;
 - The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;
 - 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
 - The allocation will not detract from the viability of similar uses in the area or other parts of the Town.
- All allocations shall be deducted from the five (5) percent total area allocation and shall be monitored by the Planning Director.
- 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-Up Area Exceeding 24%	Acreage Left Available since 1993 Allotment of 5%
Little River Intake #2	22,470.88	1123.54	674.71	448.83
WP-02-24 500 E. Rhode Island Avenue				
Total Impervious Acreage	Total Permitted Amount of Built-Up Area for Project in Acres (70%)	Total Amount of Built-Up Area with Proposed Project	Total Acreage to be Deducted from 5/70 Tally	Acreage Left Available if Request is Approved
16.6	25.48	46%	36.4	412.14



July 3, 2024

Mr. BJ Grieve, Planning Director
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387

RE: 5/70 Exemption Allocation
Penick Village
Southern Pines, NC

Dear Mr. Grieve:

Penick Village has applied for a 5/70 Exemption Allocation to benefit our campus located at 500 E Rhode Island Avenue in Southern Pines, NC, identified by PIN number 858100680081 and parcel ID number 00033227. Granting of this exemption would allow us to construct up to 70% of the parcel area as built-upon area (BUA), in accordance with the Town of Southern Pines Unified Development Ordinance, Exhibit 3-14.

The Penick Village parcel contains 36.41 acres of total area. We are aware that we may exclude the impervious area constructed prior to 1993, being 9.82 acres, from the BUA calculations and apply the 5/70 exemption to the remaining acreage.

For ease of tracking and calculation for current and future projects, it is our desire to apply the 5/70 exemption to the full acreage of the site and to forgo our right to include the pre-1993 impervious area in BUA calculations.

Sincerely,

Penick Village Inc.

Alva S. Cromartie

Alva "Chip" Cromartie
Chief Executive Officer

PETITION FOR VOLUNTARY ANNEXATION

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

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is _____ contiguous ☒ non-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: 858310267124; PARID: _____.

Property Owner(s):

Name: Lean Danak

Signature: Lean D Danak

Address: 241 Wamoy Woods Rd
Carthage NC 28327
~~Southern Pines~~

Name: Andrew Danak

Signature: Andrew Danak

Address: 241 Warrior Woods Rd
Carthage NC 28327

Name: _____

Signature: _____

Address: _____

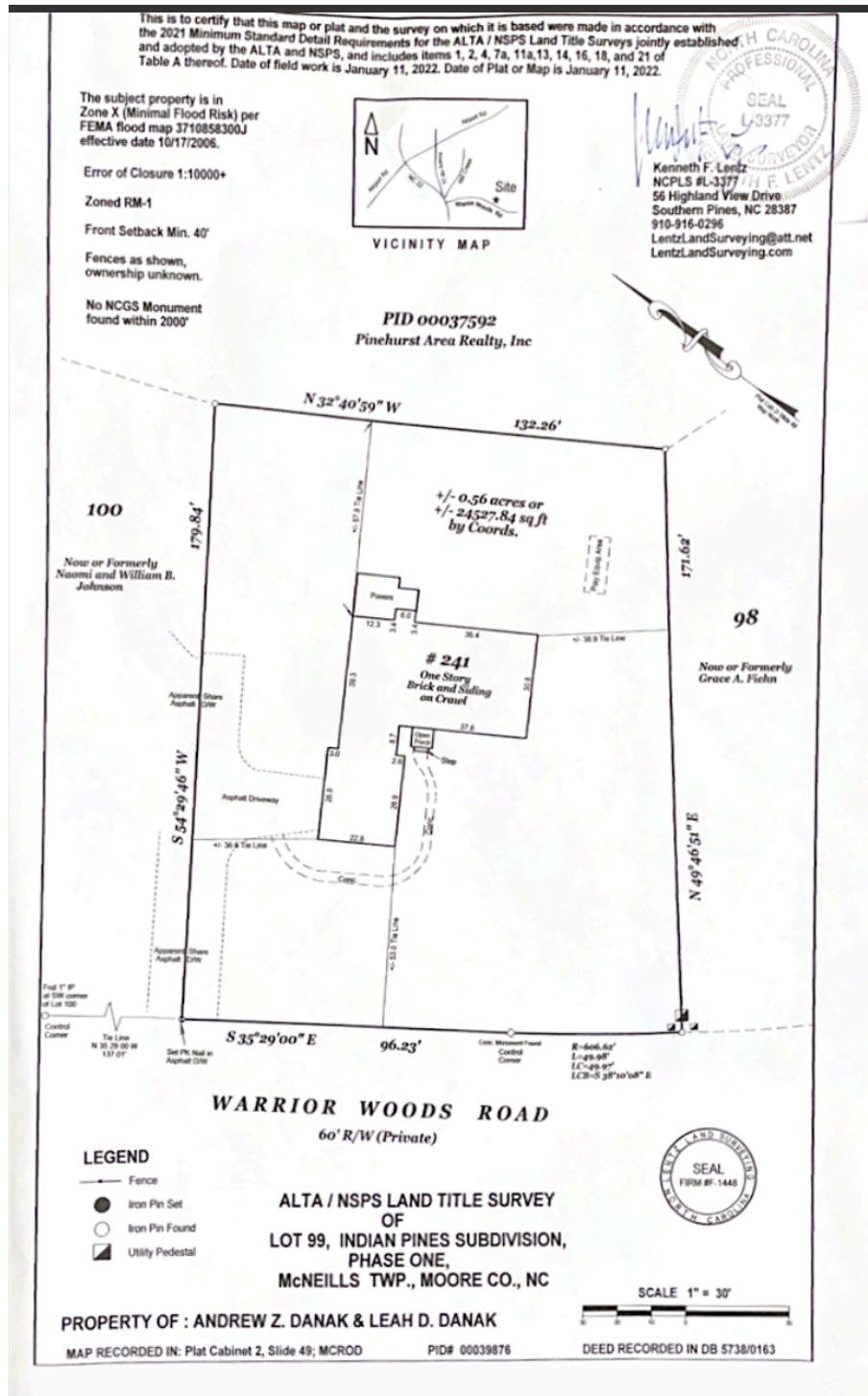
(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

EXHIBIT A

Metes and Bounds Description of Property/Properties Petitioning for Voluntary Annexation

241 Warrior Woods Road, Carthage NC, 28327.

Lot 99 of Indian Pines, Phase 1, as set forth on a certain map or plat there of entitled "Indian Pines, Phase 1 McNeills Township, Moore NC near Southern Pines NC as dated August 20 1979 and prepared by C.H. Blue and Associates, Southern Pines, NC. which map or plate is recorded in Plat Cabinet 2, Slide 49 in the office of the Register of Deeds Moore County, North Carolina reference to which is hereby made in incorporation for metes and bounds description of said Lot 99.



7-28-21

This is to certify that this map and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for the ALTA / NSPS Land Title Surveys jointly established and adopted by the ALTA and NSPS, and includes items 1, 2, 4, 7a, 11a, 13, 14, 16, 18, and 21 of Table A thereof. Date of field work is January 11, 2022. Date of Plat or Map is January 11, 2022.

The subject property is in Zone X (Minimal Flood Risk) per FEMA flood map 3710858300J effective date 10/17/2006.

Error of Closure 1:10000+

Zoned RM-1

Front Setback Min. 40'

Fences as shown, ownership unknown.

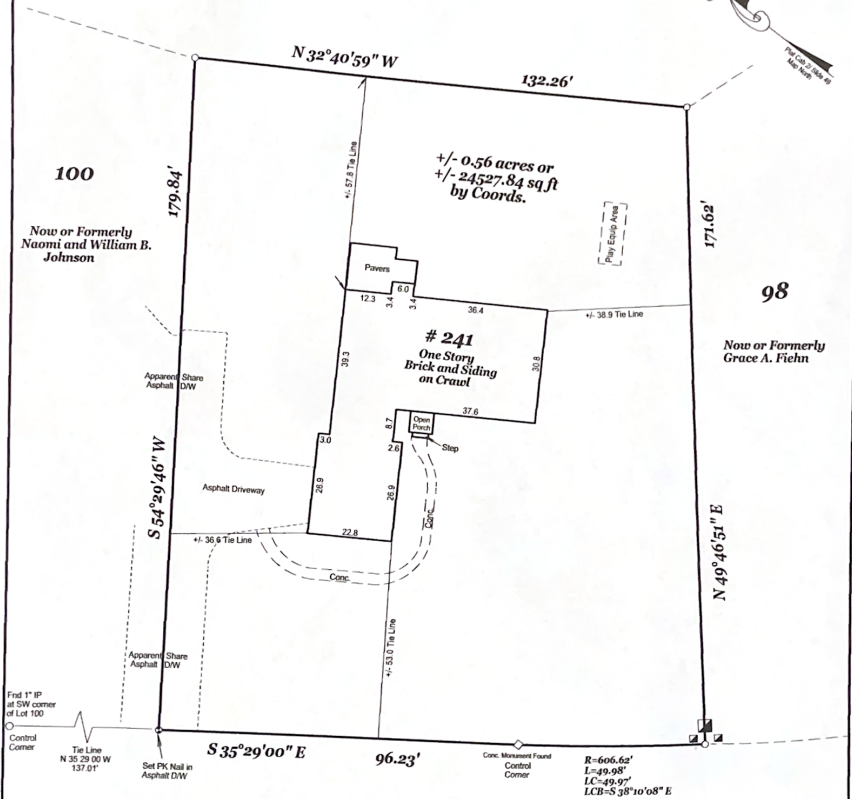
No NCGS Monument found within 2000'



VICINITY MAP

Kenneth F. Lentz
NCPLS #L-3377
56 Highland View Drive
Southern Pines, NC 28387
910-916-0296
LentzLandSurveying@att.net
LentzLandSurveying.com

PID 00037592
Pinehurst Area Realty, Inc



WARRIOR WOODS ROAD
60' R/W (Private)

LEGEND

- Fence
- Iron Pin Set
- Iron Pin Found
- Utility Pedestal

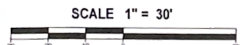
ALTA / NSPS LAND TITLE SURVEY
OF
LOT 99, INDIAN PINES SUBDIVISION,
PHASE ONE,
MCNEILLS TWP., MOORE CO., NC

PROPERTY OF : ANDREW Z. DANAK & LEAH D. DANAK

MAP RECORDED IN: Plat Cabinet 2, Slide 49; MCROD

PID# 00039876

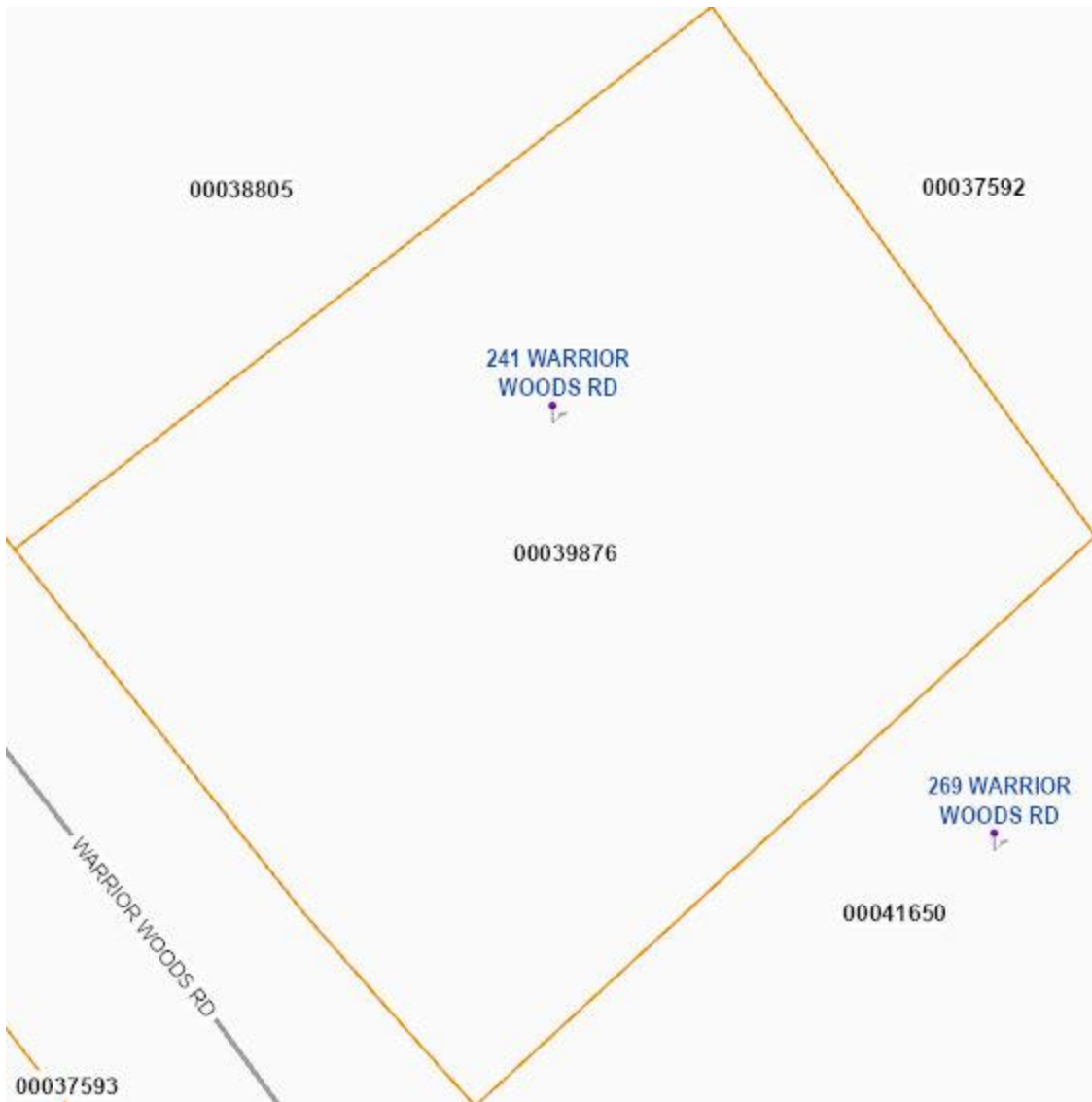
DEED RECORDED IN DB 5738/0163



MOORE COUNTY

Tuesday, July 2, 2024 by Moore County GIS Department

Property Map



Moore County GIS Disclaimer

All the information contained on this media is prepared for the inventory of real property found within Moore. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. information contained herein was created for the County's internal use. MOORE COUNTY, ITS OFFICIALS, AGENTS AND EMPLOYEES MAKE NO WARRANTY AS TO THE CORRECTNESS OR ACCURACY OF THE INFORMATION SET FORTH ON THIS MEDIA WHETHER EXPRESS OR IMPLIED, IN FACT OR IN LAW, INCLUDING WITHOUT LIMITATION THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



RESOLUTION #1091
DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31
AX-01-24; 241 Warrior Wood Road - Parcel ID 00037592

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 3, 2024, by the Town Council of the Town of Southern Pines; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Southern Pines deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

Adopted this 8th day of July, 2024.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on July 8, 2024, as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



**RESOLUTION #1092
CERTIFICATE OF SUFFICIENCY
AX-01-24: 241 Warrior Woods Road**

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

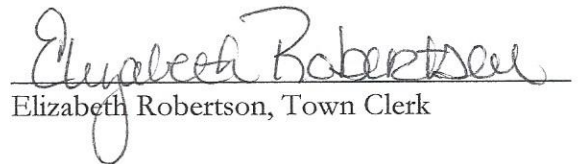
I, Elizabeth Robertson, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

1. The petition contains an adequate property description of the area proposed for annexation, which is identified as follows:
 - PIN 858310267124 (PARID: 00039876)
2. The petition is signed by and includes addresses of all owners of real property lying in the area described herein. Per the Moore County Tax Department and Moore County Register of Deeds, the property owners are listed as:

Andrew Z Danak
Leah D. Danak
241 Warrior Woods Road
Carthage, NC 28327

3. The area described in the petition is contiguous to the Town of Southern Pines primary corporate limits, as defined by N.C.G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Southern Pines, North Carolina, this 5th day of July, 2024.


Elizabeth Robertson, Town Clerk





RESOLUTION #1093
SETTING DATE OF PUBLIC HEARING FOR ANNEXATION
APPLICATION
AX-01-24: 241 Warrior Woods Road

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the ES Douglass Community Center at 6:00 pm on August 13, 2024.

Section 2. The area proposed for annexation is described as follows:

Property Identification Number (PIN) and Parcel Identification:

PIN: 858310267124; PARID: 00039876

Property Owners/Applicants:

Andrew Danak
Leah Danak
241 Warrior Woods Road
Carthage, NC 28327

Total Size of Property:

Total Acreage: +/- 0.56 acres

Meets & Bounds:

Lot 99 of Indian Pines, Phase 1, as set forth on a certain map or plat there of entitled "Indian Pines, Phase 1 McNeills Township, Moore NC near Southern Pines NC as dated August 20, 1979, and prepared by C.H. Blue and Associates, Southern Pines, NC. Which map or plate is recorded in Plat Cabinet 2, Slide 49 in the office of the Register of Deeds Moore County, North Carolina reference to which is hereby made in incorporation for metes and bounds description of said Lot 99

Section 3. Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

Adopted this 8th day of July, 2024.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of July 8, 2024, as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk