



AGENDA

Tuesday, October 8, 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. Adopt Meeting Agenda

4. PUBLIC COMMENTS

5. CONSENT AGENDA

a. Adopt Budget Amendment Ordinances #3082, #3083 and #3084.

Staff requests the adoption of several budget amendments to the FY 2024/2025 budget.

6. PUBLIC HEARINGS

a. SU-03-24: 148 S. Hardin Street (Quasi-Judicial Decision)

Orbia and Elaine Simon, property owners and applicant, have submitted a request to expand a nonconforming site, per UDO Section 7.1.8, which does not have a principal building (i.e., solely, accessory buildings).

b. MAPP-01-24: Hyland Hills Townhomes (Quasi-Judicial Decision)

Mr. Trevor Hansen of Koontz Jones Design, LLC, on behalf of Moore HL Properties, Inc., has submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the three parent tracts into 24 townhomes with a homeowners' association.

c. MAPP-02-24: Clark Street Townhomes (Quasi-Judicial Decision)

Mr. Trevor Hansen of Koontz Jones Design, LLC, on behalf of Legacy Homes Construction, Inc., has submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the parent tract into 8 townhomes with a homeowners' association.

7. ACTION ITEMS

8. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's [YouTube channel](https://bit.ly/3hXx2Qk). 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>



ORDINANCE #3082
AMENDING THE 2024-2025 FISCAL YEAR BUDGET
Inspections

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 8th day of October, 2024 that the Operating Budget for the Fiscal Year 2024/2025 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Inspections	Contractual Services	10-545-4500	\$196,700	
General Fund	Fund Balance Appropriations	10-397-1000	\$196,700	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 8, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



**ORDINANCE #3083
AMENDING THE 2024-2025 FISCAL YEAR BUDGET
General Fund**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 8th day of October, 2024 that the Operating Budget for the Fiscal Year 2024/2025 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Installment Purchase – Heavy Equipment	10-692-0560		\$74,846
General Fund	Financing Proceeds	10-397-0000		\$400,000
General Fund	Fund Balance Appropriations	10-397-1000	\$325,154	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 8, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



**ORDINANCE #3084
AMENDING THE BIKE TRANSPORTATION PROJECT BUDGET**

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

Section 1: The project authorized is for the purpose of developing bike routes, bike signage and policies and procedures as identified in the approved bike plan.

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

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

Knoll Road Trail Grant Expenditures	<u>\$ 1,463,000</u>
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Total Additional Project Appropriation	<u>\$ 1,463,000</u>
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Section 4: The following additional revenue is anticipated to be available for this project:

Grant Proceeds	<u>\$ 1,463,000</u>
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Total Additional Project Revenues	<u>\$ 1,463,000</u>
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Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective October 8, 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 8, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: SU-03-24 Request to Expand a Nonconforming Site to Add Personal Storage Building at 148 South Hardin Street: Owner/Applicant: Orbia and Elaine Simon

Date: October 8, 2024

I. SUMMARY OF APPLICATION REQUEST

Orbia and Elaine Simon, property owners and applicant, have submitted a request to expand a nonconforming site, per UDO Section 7.1.8, which does not have a principal building (i.e., solely, accessory buildings). The proposed personal storage building is intended to store the owners' personal belongings. The application includes a narrative and images of the proposed storage structure. The subject parcel is identified as PIN 857200927322 (PARID 00031796) and is located at 148 S Hardin Street.

II. PLANNING BOARD REVIEW

On September 19, 2024, five members of the Planning Board held a Preliminary Forum regarding SU-03-24 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. Following a presentation by town staff regarding the project, the property owners and applicants, Elaine and Orbia Simon, addressed the Planning Board. The Planning Board closed the Preliminary Forum and had no board discussion, as the Board unanimously found no issues related to the SUP criteria nor otherwise.

III. PROJECT INFORMATION

A. Property Owner & Applicant Information

Elaine and Orbia Simon, 167 Juniper Creek Boulevard, Pinehurst, NC 28374

B. Project History and Site Information

The subject property is part of the originally platted grid of Southern Pines (PC1 SL70) recorded in 1894 (see Figure 1). According to the Applicant, it had a single-family dwelling unit that was removed. The site currently has two accessory structures (i.e., sheds) built in 1955 and 1980, 405 and 96 square feet in size, respectively, according to Moore County Property Records. This site does not have a principal land use classification, per the Unified Development Ordinance (UDO) Exhibit 3-15. The property is currently zoned Office Services (OS) and is within the West Southern Pines Overlap (WSPO) and partially within the High-Quality Water area of the Watershed Protection Overlay (WPO). The property is adjacent to the historic West Southern Pines Jail House and prior Town Hall buildings, and two properties away from the historic site of Mrs. Bennett's Store.

Figure 1. Originally Platted Southern Pines Lot (Subject Property in Pink)

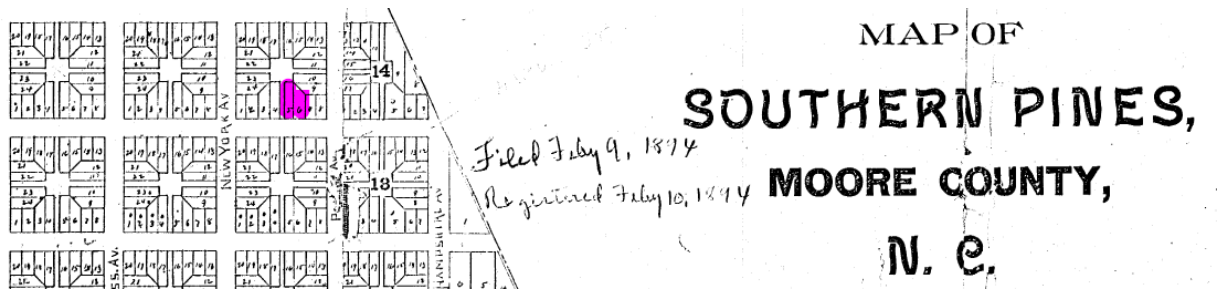
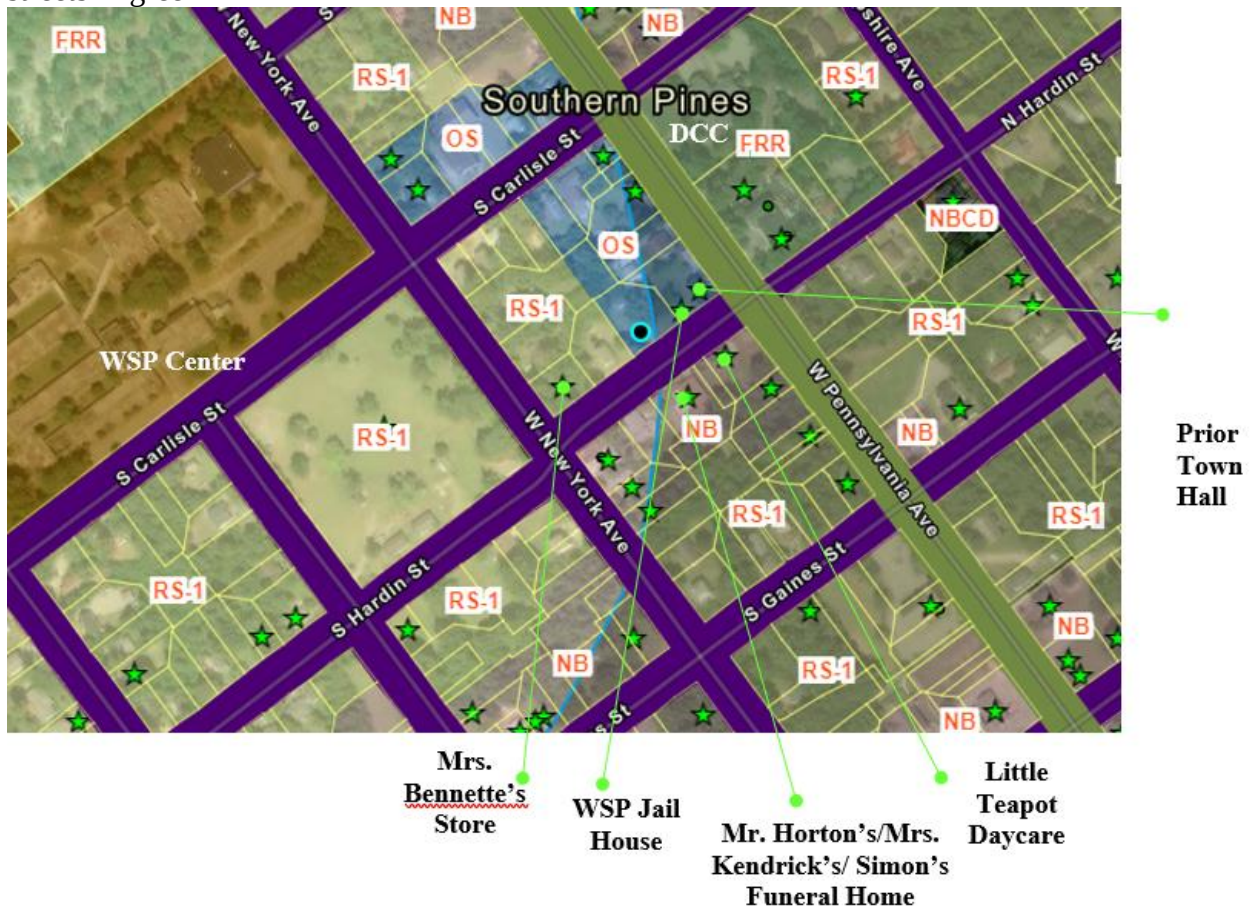


Figure 2. Zoning and Location Map (Subject Property Identified by Black Dot).

The subject property is zoned OS. It is fully within the WSPC, and partially within the WPO (shown in light grey). Town-paved streets are shown in purple and state-system streets in green



IV. STAFF REVIEW

A. Application Review Dates

- Special Use Permit Amendment Application Submitted: **July 26, 2024**
 - Additional Materials Submitted: **October 19, 2024**
- Application Deemed Complete: **August 5, 2024**
- Notice of Planning Board Public Hearing:
 - Posted On-site: **August 30, 2024**
 - Mailed: **August 30, 2024**
 - Internet: **August 26, 2024**
 - Published: **September 4 and September 11, 2024** publication
- Planning Board Preliminary Forum: **September 19, 2024**
- Notice of Town Council Public Hearing:
 - Posted On-site: **August 30, 2024**
 - Mailed: **September 23, 2024**
 - Internet: **September 23, 2024**
 - Published: **September 25 and October 2, 2024**
- Town Council Regular Meeting and Evidentiary Hearing: **October 8, 2024**

B. Process and Standards of Review

Considering the site's non-conforming status for lacking a principal use, any on-site development must request permission for expansion of a non-conforming site, per UDO §7.1.8. The procedures for review and approval of a Special Use Permit for the expansion of a non-conformity, per UDO §2.21 and §7.1.8, establish a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. Special Use Permit Criteria, UDO §2.21.6 (A-F) and §7.1.8(B) (1-8) apply to the review of this special use permit amendment.

C. Special Use Permit Criteria for Review [UDO §2.21.6 (A-F) and §7.1.8(B) (1-8)]

An expansion of a nonconforming site is permitted only if the applicant demonstrates compliance with each of the following criteria. See Table 1 for full

D. General Staff Comments

- Approval of the request will result in the expansion of a non-conforming site by allowing the subject property to continue without a principal use and permit a new accessory structure on the property.
- Generally, although the subject property is anticipated to have neighborhood-serving civic, retail, and institutional land uses, the proposed residential accessory structure would not preclude development of these anticipated land uses in the future.

E. Outside Agency and Neighborhood Meeting Comments

A request for comments from agencies was emailed on August 26, 2024, to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation (NC DOT), U.S. Fish and Wildlife Service

Table 1. Planning Staff Analysis of Compliance with Special Use Permit Criteria

No.	UDO §2.21.6 (A-F) Criteria	UDO §7.1.8(B) (1-8)
A/1	<i>The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations</i> The applicable UDO provisions include: • UDO §3.6.4 WSPO; • UDO §3.6.8 WPO; • UDO §3.5.11 and Exhibit 3-11 OS district standards; • UDO Exhibit 4-1 Dimensional Standards; and • UDO §5.3 Accessory Uses. No discrepancies with the applicable provisions of the UDO have been identified by staff.	<i>The termination of such non-conformity will result in unnecessary hardship</i> The Applicants would need to construct a dwelling unit or other principal use to bring the site into compliance. Construction of a principal land use would require additional design and permitting processes, which is the reasoning for the Applicant’s request to expand the non-conformity.
B/2	<i>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.</i> The 2040 Comprehensive Plan designates the property as follows: • West Southern Pines Neighborhood; • 2040 Comprehensive Plan Designations; • All Maps: Neighborhood Activity Center; • General Framework Map: Area to Enhance; • Conservation and Development Map: Neighborhood; and • Character District Map: West Southern Pines. The 2040 Comprehensive Plan calls for this area to be commercially or civically activated with civic, retail, or institutional land uses. The request does not call for this, but expands the total square footage of non-principal residential structures. This request would not preclude future commercial or civic development consistent with the 2040 Comprehensive Plan’s vision for this property.	<i>The continuation of the non-conformity will not be contrary to the public interest</i> The public interest and welfare would likely outweigh any adverse impacts

No.	UDO §2.21.6 (A-F) Criteria	UDO §7.1.8(B) (1-8)
C/3	<i>Adequate public facilities shall be provided as set forth herein</i> Site is adequately served by water and sewer main lines on S. Hardin Street.	<i>The continuation of the non-conformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district</i> As an accessory use, the site will still have space for a conforming principal use, therefore, the proposed accessory structure is not likely to permanently injure the uses of adjacent properties
D/4	<i>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</i> No expert testimony was submitted addressing orderly development nor impact of property values within the neighborhood	<i>The use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies</i> Considering location within a proposed Neighborhood Activity Center, the subject property is anticipated to have neighborhood-serving civic, retail, or institutional land uses. The proposed accessory structure would not preclude development of these anticipated land uses in the future.
E/5	<i>The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare</i> No health, safety, comfort, or general welfare impacts have been identified by staff based on routine desktop analysis and site visit.	<i>The plight of the Applicant for which the continuation of the non-conformity is sought is due to unique circumstances existing on the property and/or within the surrounding district</i> The ownership of the property is unique in that the property owners do not reside on the property and the original dwelling unit has since been removed leaving only accessory structures.
F/6	<i>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</i> The public interest and welfare would likely outweigh any adverse impacts.	<i>The continuation of the non-conformity will not substantially weaken the general purposes of this UDO or the regulations established for the applicable zoning district</i> The UDO and district purposes will likely not be weakened.
7		<i>The continuation of the non-conformity will not adversely affect the public health, safety, and welfare</i> No health, safety, comfort, or general welfare impacts have been identified by staff.
8		<i>Mere financial hardship caused by the cost of meeting the requirements of the UDO does not constitute grounds for finding that compliance is not reasonably possible</i> Applicant has not claimed financial hardship to staff.

and the Regional Land Use Advisory Commission (RLUAC). There were responses of “no comment” from the Town’s Utilities Superintendent, Assistant Public Works Director (Operations), NC DOT, and RLUAC. Any comments received after completion of this staff report will be shared during the evidentiary hearing.

F. Staff Recommendation

Planning staff recommend **approval of SU-03-24.**

V. ATTACHMENTS

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

1. Special Use Permit Application
2. Applicant’s Narrative and Justification
3. Applicant’s Proposed Site Layout and Building Design

VI. TOWN COUNCIL ACTION

To either approve or deny a Special Use Permit application to expand a non-conforming lot, the Town Council shall make findings of fact and conclusions to the applicable standards. Approval of the request will result in the expansion of a non-conforming site by allowing the subject property to continue without a principal use and permit a new accessory structure on the property. Pursuant to UDO §2.27.7, in approving any special use permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare.

The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in §2.21.6(A-F) Criteria for a Special Use Permit and §7.1.8(B)(1-8) Criteria for the Expansion of a Non-Conformity. The Town Council may choose among the following motions or any alternative at their discretion.

I move to:

1. **Adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-03-24; OR**
2. Adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-03-23, with the following changes...

I move to:

1. **Approve Special Use Permit SU-03-24; OR**
2. Approve Special Use Permit SU-03-24 with the following condition(s):
; OR
3. Deny Special Use Permit SU-03-24.

ATTACHMENT 1

Case Number: SU-03-24

Draft Findings of Fact, Decision of The Council, and Order in the Matter of a Special Use Permit Request to Expand a Nonconforming Site at 148 South Hardin Street

1. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has fully met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Special Use Permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
2. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion A (i.e., the proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations), in that no evidence of discrepancies with the applicable provisions of the UDO (i.e., UDO §3.6.4 WSPO, UDO §3.6.8 WPO, UDO §3.5.11 and Exhibit 3-11 OS district standards, UDO Exhibit 4-1 Dimensional Standards, and UDO §5.3 Accessory Uses) has been identified.
3. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion B (i.e., 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), in that the 2040 Comprehensive Plan calls for this area to be commercially or civically activated with civic, retail, or institutional land uses. The request does not call for commercial or civic development, but expands the total square footage of non-principal residential structures. This request would not preclude future commercial and civic development consistent with the 2040 Comprehensive Plan's vision for this property.
4. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion C (i.e., adequate public facilities shall be provided as set forth herein), in that the site is adequately served by water and sewer main lines on S. Hardin Street.
5. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion D (i.e., 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), in that no evidence regarding impacts on adjacent property values nor orderly development was submitted into the record. Therefore, the Town Council has not identified any issues that would impede orderly development of surrounding properties.
6. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion E (i.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), in that no evidence was submitted nor identified showing health, safety, comfort, or general welfare impacts.

7. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion F (i.e., 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), in that no individual testimony was identified to outweigh public interest and welfare for the expansion of accessory structure square footage on the non-conforming lot.
8. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 1 (i.e., the termination of such non-conformity will result in unnecessary hardship), in that the Applicants would need to construct a dwelling unit or other principal use to bring the site into compliance. Construction of a principal land use would require additional design and permitting processes, which is the reasoning for the Applicant's request to expand the non-conforming lot's accessory uses.
9. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 2 (i.e., the continuation of the non-conformity will not be contrary to the public interest), in that no evidence was presented regarding any significant adverse impacts to public interest.
10. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 3 (i.e., the continuation of the non-conformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district), in that, as an accessory use, the site will still have space for a conforming principal use, therefore, the proposed accessory structure is not likely to permanently injure the uses of adjacent properties.
11. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 4 (i.e., the use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies), in that the subject property is located within a proposed Neighborhood Activity Center. The proposed accessory residential structure would not preclude future commercial and civic development consistent with the 2040 Comprehensive Plan's vision for this property.
12. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 5 (i.e., the plight of the Applicant for which the continuation of the non-conformity is sought is due to unique circumstances existing on the property and/or within the surrounding district), in that the ownership of the property is unique in that the property owners do not reside on the property and the original dwelling unit has since been removed leaving only accessory structures remaining.
13. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 6 (i.e., the continuation of the non-conformity will not substantially weaken the general purposes of this UDO or the regulations established for the applicable zoning district), in that no evidence was submitted nor identified showing that the UDO and district purposes would be weakened with development of the proposed storage shed for personal residential use.
14. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 7 (i.e., the continuation of the non-conformity will

not adversely affect the public health, safety, and welfare), in that no evidence was submitted nor identified showing negative health, safety, comfort, or general welfare impacts.

15. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 8 (i.e., mere financial hardship caused by the cost of meeting the requirements of the UDO does not constitute grounds for finding that compliance is not reasonably possible), in that the Applicant has not claimed any financial hardship as a basis for the request.



Special Use Permit

Fee: \$ _____

Date Paid: _____

Case No.: SU- _____ - _____

Project Information:

Street Address: 148 South Hardin Street

PIN: 857200927322

Parcel ID: 00031796

Site Size: Lots 5, 6, alley

Zoning: OS

Applicant:

Name(s): Simon, Orbia and Elaine

Email: oande1970@gmail.com

Phone: 910-6902104

Mailing Address: 167 Juniper Creek Boulevard | Pinehurst, NC 28374

Authorized Agent, if different from Applicant:

Name(s): N/A

Email: _____

Phone: _____

Mailing Address: _____

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

Name(s): N/A

Email: _____

Phone: _____

Mailing Address: _____

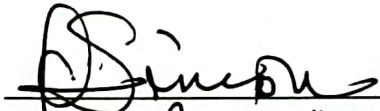
TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

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

The property which is the subject of this application is located on the RIGHT side of SOUTH HARDIN ST (St./Ave.), between W PENN AVE (St./Ave.) and W NEW YORK AVE (St./Ave.). The property has a frontage of _____ feet and a depth of _____ feet.

The special use sought is based upon Section(s) A-B, D-F of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:
30' x 50' storage garage

Date: July 24, 2024


Applicant


PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
plan@southernpines.net (910) 692-4003 www.southernpines.net

4.17.24

Project Description

Our property located at 148 South Hardin Street, is currently an open space consisting of two lots, both owned by us, Orbia & Elaine Simon. The area was once used for Parking for various functions held within the community. The Parking Lot Sign will be removed.

We are seeking approval to place a very sturdy aluminum 30' x 50' storage garage (pic attached); engineer's drawings and building specs from NC Carports & Garages also attached), on this area for our personal use. The 30' x 50' storage garage will be placed on solid concrete flooring, it will be at least 180 feet from South Hardin Street, and will be in compliance with space requirements from our immediate neighbors' property lines. It will be used to store our antique tractor, our 2008 convertible Volkswagen, that is mostly used by our children while visiting us (both of whom live out-of-state), our 2011 Harley motorcycle, our 14 foot open-work trailer, our Olympic weight set, a set of dumbbells, one e-bike, two regular bicycles, household items, lawnmowers, garden tools, and our seasonal outdoor furniture.

There is a medium size storage building covered with vinyl siding (pic attached), that is owned by us, and it sits approximately 75 feet from South Hardin Street. This existing storage building does not impede the placement of the new storage garage for which we are seeking approval.

There is also a very small storage building on the property that will be removed prior to placing the 30' x 50' New storage garage. The new 30' x 50' storage garage will be placed in the area of the small existing building, near the tree line, a minimum of 10 feet (pic attached) from the adjoining property line.

Special Use Permit Narrative; as related to UDO 2.21.7

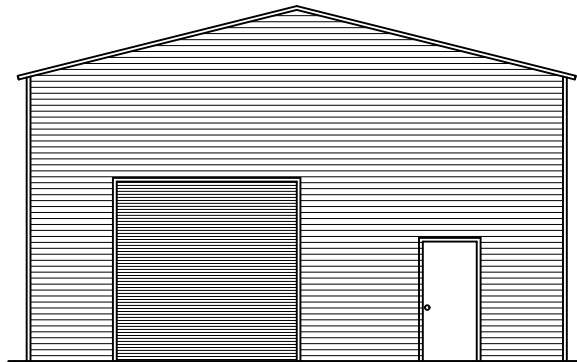
- A. Our property located at 148 South Hardin Street, is currently zoned Office Services which is in compliance with our Special Use Permit request, to place a sturdy 30' x 50' storage garage for our personal storage use.
- B. The 30' x 50' sturdy storage garage is made of quality metal materials manufactured by a North Carolina license provider, and will be neatly housed on a 4-inch thick concrete foundation. It will have a 30' x 50' vertical roof, three 10' x 8' foot roll-up garage doors, a 3' & 1/2 inch roof pitch, and a sturdy walk-in door (pic attached). This high quality, well manufactured building will compliment the character of the existing neighborhood; it certainly will not injure the use and enjoyment of property of the immediate vicinity.
- C. Being only for personal storage use, electricity and public facilities are not needed, and will not be provided.
- D. Visiting the facility on an irregular basis, will not impede the orderly development and will improve the aesthetic appearance of the area. In no way will the well-constructed storage garage diminish property values within the neighborhood.
- E. Being that the storage garage will consist of an enclosed structure that houses non-hazardous items, and will be properly maintained (landscaping, overall maintenance, etc.) there will be no detrimental danger to public health, safety, or general welfare.
- F. There will be no adverse affects by the existence of the sturdy storage garage in relation to public welfare.



148 S HARDIN ST.
SOUTHERN PINES, NORTH CAROLINA



RIGHT



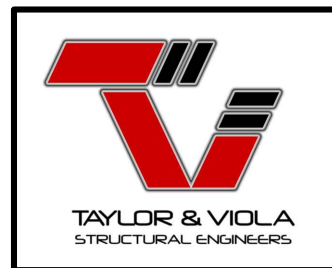
ENCLOSED GABLE END BUILDING

MAXIMUM 30'-0" WIDE X 16'-0" EAVE HEIGHT WITH BOX FRAME / (UP TO) 145 M.P.H. WIND ZONE - 35 P.S.F. SNOW LOAD

FOR:

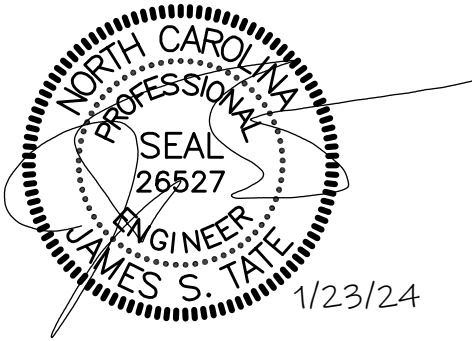
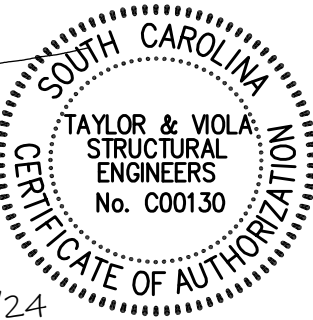
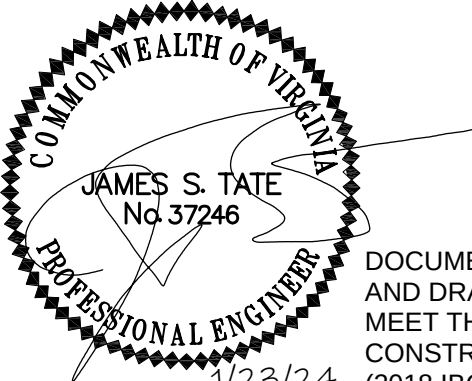
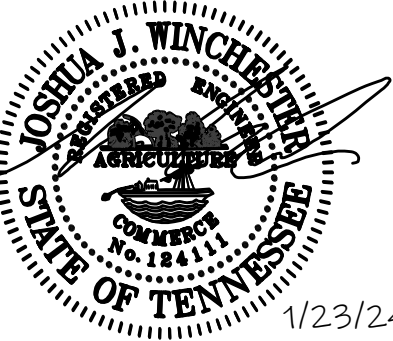
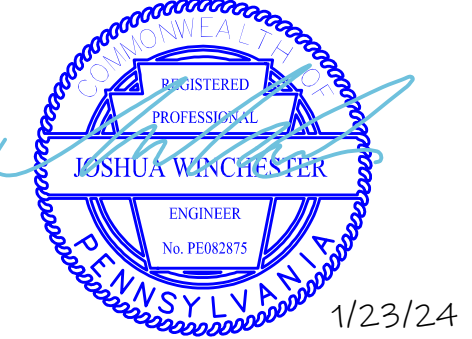
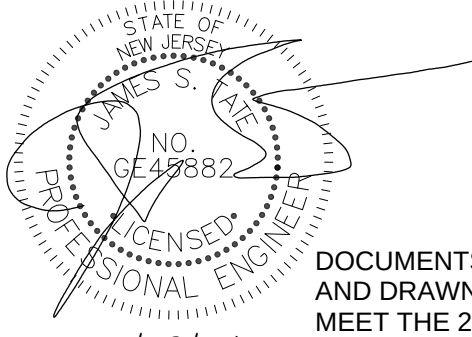
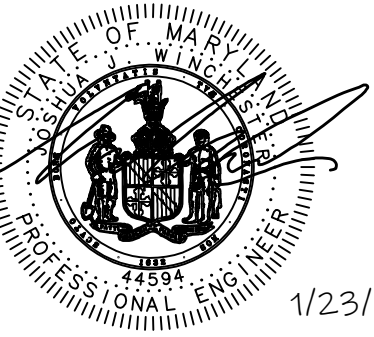
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116 EAST MARKET STREET
ELKIN, NORTH CAROLINA
TELE: 336-368-0668

ISSUE DATE: 01.23.24

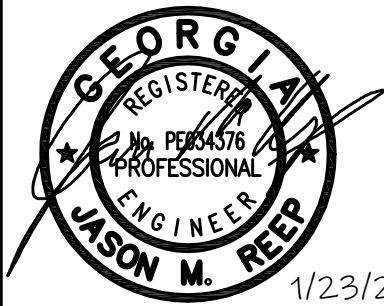


Orbia and Elanie Simon

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 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2018 NC BUILDING CODE (2015 IBC)	  1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2021 SC BUILDING CODE (2021 IBC)				
 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2018 VA CONSTRUCTION CODE (2018 IBC)	 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2012 IBC				
 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2018 IBC	 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2020 BUILDING CODE OF NEW YORK STATE (2018 IBC)				
 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 20210 BUILDING CODENEW JERSEY EDITION (2021 IBC)	 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2018 IBC				
 TAYLOR & VIOLA STRUCTURAL ENGINEERS P.O.B. 2616 HICKORY NORTH CAROLINA TELE: 828-328-6331 FAX: 828-322-1801 WWW.TAYLORVIOLA.COM JCMT Associates, PLLC 211 Stone Drive, Pilot Mountain, NC 27041 Telephone: (336) 399-6277		NC CARPORTS & GARAGES 116 EAST MARKET STREET ELKIN, NORTH CAROLINA 28621 TELE: 336-368-0668		DRAWN BY: BKS DATE: 01.23.24	PROJECT NO: MISC SHEET NO: S1

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1/23/24

DOCUMENTS DESIGNED AND DRAWN TO
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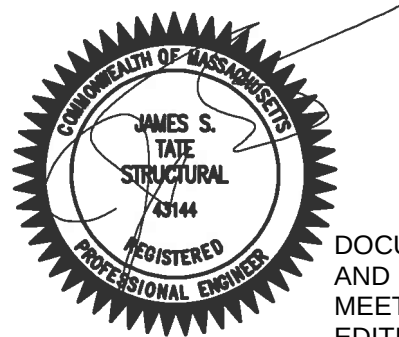
1/23/24

DOCUMENTS DESIGNED AND DRAWN TO
MEET THE 2021 BUILDING CODE OF
ALABAMA (2021 IBC)



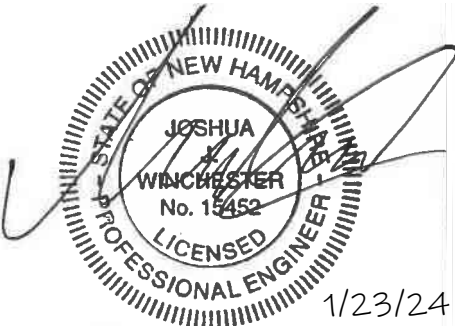
1/23/24

DOCUMENTS DESIGNED AND DRAWN TO
MEET THE 2018 IBC



1/23/24

DOCUMENTS DESIGNED
AND DRAWN TO
MEET THE NINTH
EDITION OF THE MA
STATE BUILDING CODE



1/23/24

DOCUMENTS DESIGNED AND DRAWN TO
MEET THE 2018 IBC



1/23/24

DOCUMENTS DESIGNED AND
DRAWN TO MEET THE 2017 IBC



1/23/24

DOCUMENTS DESIGNED AND DRAWN TO
MEET THE 2018 KENTUCKY BUILDING CODE
(2015 IBC)



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STRUCTURAL ENGINEERS
P.O.B. 2616 HICKORY NORTH CAROLINA
TELE: 828-328-6331 FAX: 828-322-1801
WWW.TAYLORVIOLA.COM

JCMT Associates, PLLC
211 Stone Drive, Pilot Mountain, NC 27041
Telephone: (336) 399-6277

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S1A	P.E. SEALS SHEET
S2	DRAWING INDEX
S3	GENERAL NOTES AND SPECIFICATIONS
S4	SIDE AND END ELEVATIONS
S5	TYPICAL RAFTER / COLUMN FRAME SECTIONS
S5A	TYPICAL RAFTER / COLUMN FRAME SECTIONS
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S9	TYPICAL END WALL OPENINGS FRAMING SECTIONS
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211 Stone Drive, Pilot Mountain, NC 27041
Telephone: (336) 399-6277

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S2

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DESIGN LOADS:

IMPORTANCE FACTORS WIND (1w) 1.00
 SNOW (1s) 1.00
 SEISMIC (1e) 1.00

DEAD LOADS ROOF 13 P.S.F.
 ROOF COLLATERAL 0 P.S.F.

LIVE LOADS ROOF 20 P.S.F.

GROUND SNOW LOAD: 35 P.S.F. * DRIFT LOAD HAS NOT BEEN CALCULATED

WIND LOAD: BASIC WIND SPEED V 145 M.P.H. (ASCE 7-16)
 EXPOSURE CATAGORY B

SEISMIC DESIGN CATAGORY ☐ A ☐ B ☒ C ☐ D

PROVIDE THE FOLLOWING SEISMIC DESIGN PARAMETERS:

OCCUPANCY CATEGORY I *NOT FOR SLEEPING QUARTERS

SPECTRAL RESPONSE ACCELERATION Ss 20.5 %g S1 8.8 %g

SITE CLASSIFICATION D ☐ FIELD TEST ☐ PRESUMPTIVE ☐ HISTORICAL DATA

BASIC STRUCTURAL SYSTEM (CHECK ONE)

☐	BEARING WALL	☐	DUAL W/ SPECTRAL MOMENT FRAME
☒	BUILDING FRAME	☐	DUAL W/ INTERMEDIATE R/C OR SPECIAL STEEL
☐	MOMENT FRAME	☐	INVERTED PENDULUM

ANALYSIS PROCEDURE ☐ SIMPLIFIED ☒ EQUIVALANT LATERAL FORCE ☐ MODAL

LATERAL DESIGN CONTROL? ☐ EARTHQUAKE ☒ WIND

SOIL BEARING CAPACITIES:
 PRESUMPTIVE BEARING CAPACITIES: 2,000 P.S.F.

GENERAL NOTES:

1. MAX FRAME SPACING SHALL BE 60"oc UNLESS NOTED OTHERWISE.
2. MAX. END-WALL COLUMN SPACING SHALL BE 60"oc UNLESS NOTED OTHERWISE.
3. TUBE MATERIAL SHALL BE 2-1/2" x 2-1/2" x 14ga. 50 K.S.I. MIN. UNLESS NOTED OTHERWISE.
4. ALL FASTENERS SHALL BE (2) #12 SELF TAPPING AT 9"o.c. UNLESS NOTED OTHERWISE.
5. 2,000 P.S.F. ASSUMED BEARING CAPACITY UNLESS NOTED OTHERWISE.
6. THESE DRAWINGS ARE NOT APPLICABLE TO PARTIALLY OPEN / ENCLOSED OR OPEN BUILDINGS.
7. IF FRAME SPACING IS AT 48"oc (SIDE & END WALLS) – GROUND SNOW LOAD CAN INCREASE TO 43.5 P.S.F. (EXCLUDING DRIFT).



JCMT Associates, PLLC
 211 Stone Drive, Pilot Mountain, NC 27041
 Telephone: (336) 399-6277

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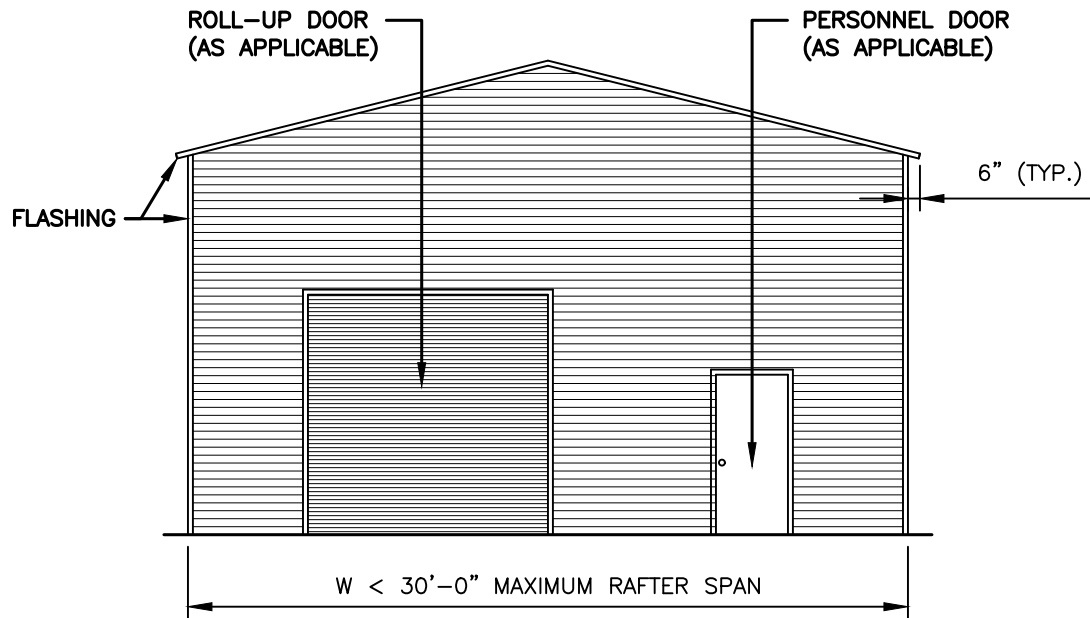
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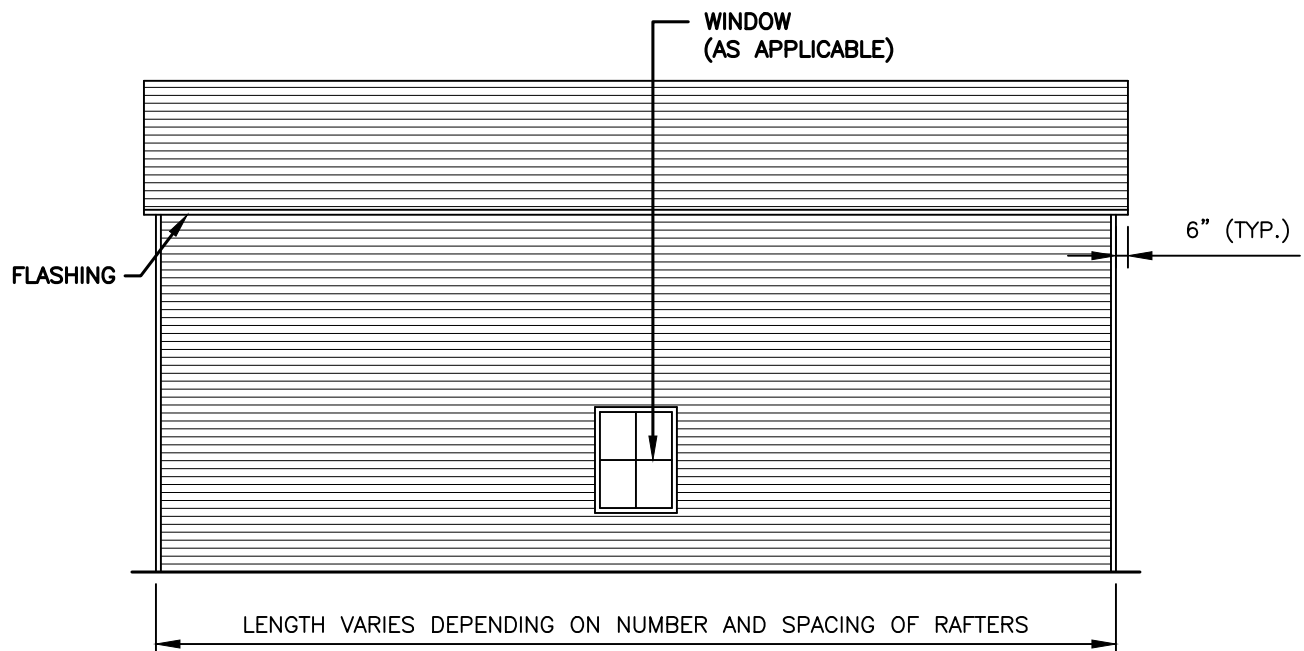
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 S3

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BOX EVE FRAME RAFTER STRUCTURE



TYPICAL END ELEVATION



TYPICAL SIDE ELEVATION



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STRUCTURAL ENGINEERS
P.O.B. 2616 HICKORY NORTH CAROLINA
TELE: 828-328-6331 FAX: 828-322-1801
WWW.TAYLORVIOLA.COM

JCMT Associates, PLLC
211 Stone Drive, Pilot Mountain, NC 27041
Telephone: (336) 399-6277

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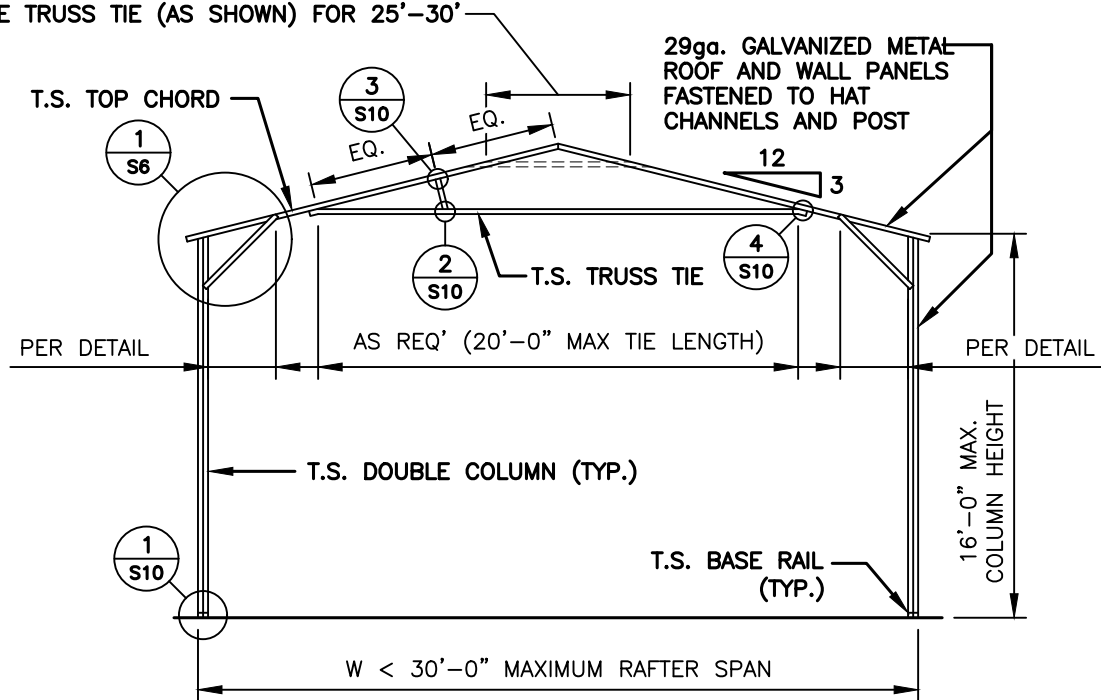
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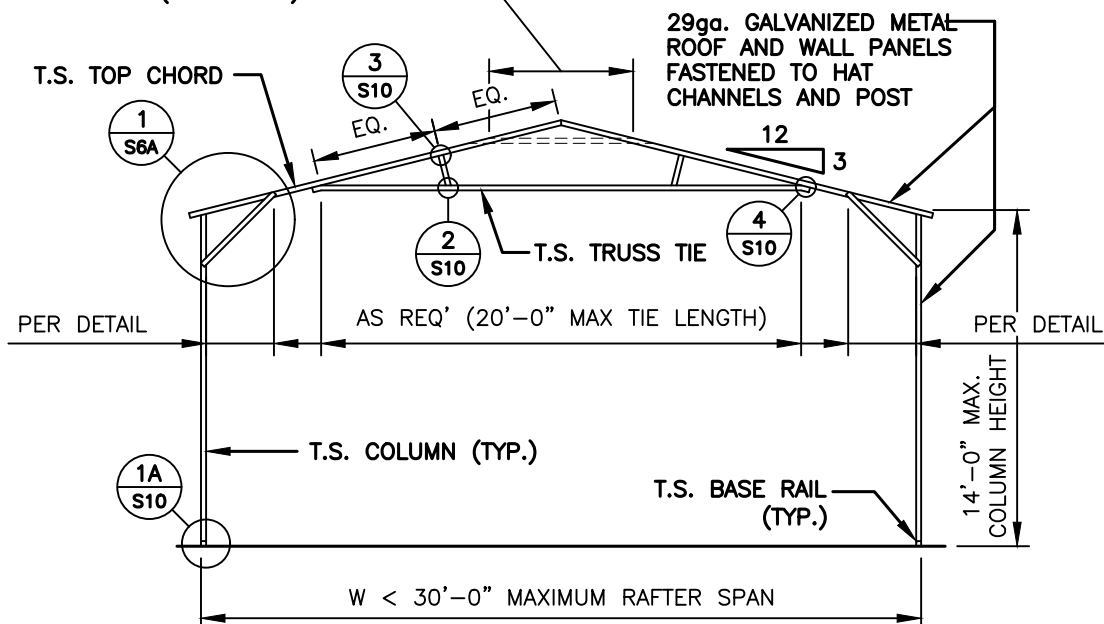
'U' BRACE TRUSS TIE - NOTE:
 6'-0" BRACE FOR 21'-24' BUILDING WIDTH
 20' TUBE TRUSS TIE (AS SHOWN) FOR 25'-30'



TYPICAL RAFTER / COLUMN FRAME SECTION

'U' BRACE TRUSS TIE - NOTE:
 6'-0" BRACE FOR 21'-24' BUILDING WIDTH
 20' TUBE TRUSS TIE (AS SHOWN) FOR 25'-30'

NOTE:
 H.S.S. 2-1/2"x2-1/2"x14ga. OR 2-1/4"x2-1/4"x14ga.
 MATERIAL MAY BE USED FOR TRUSS METAL.



TYPICAL RAFTER / COLUMN FRAME SECTION



JCMT Associates, PLLC
 211 Stone Drive, Pilot Mountain, NC 27041
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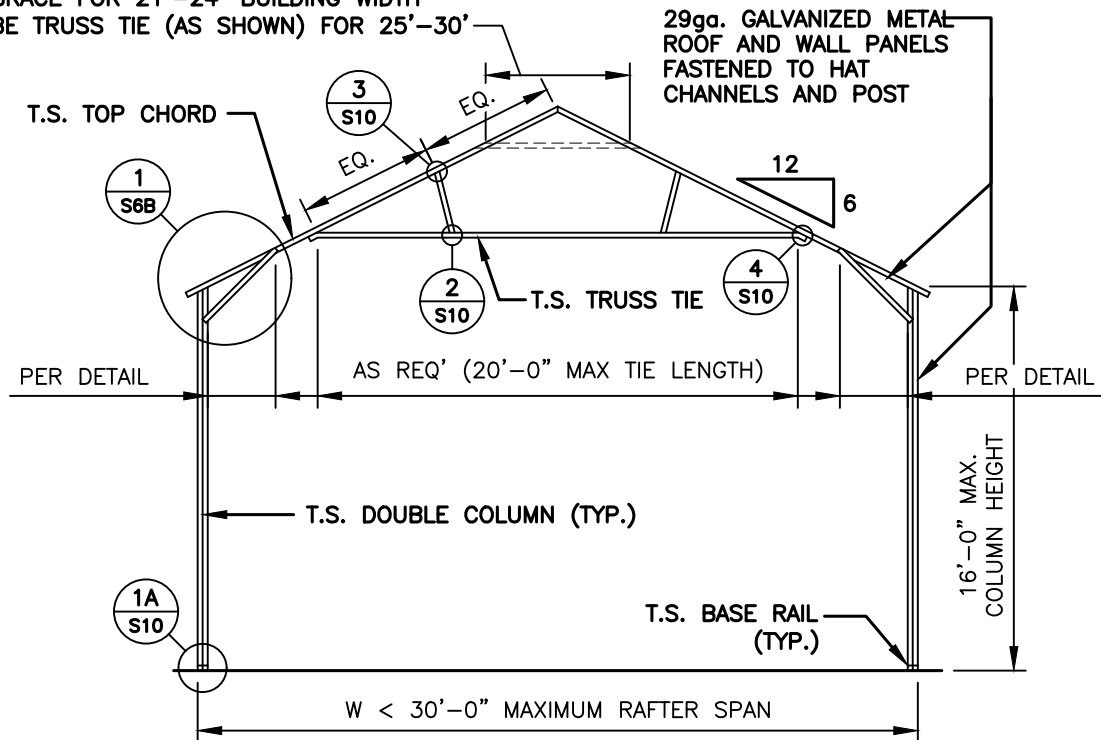
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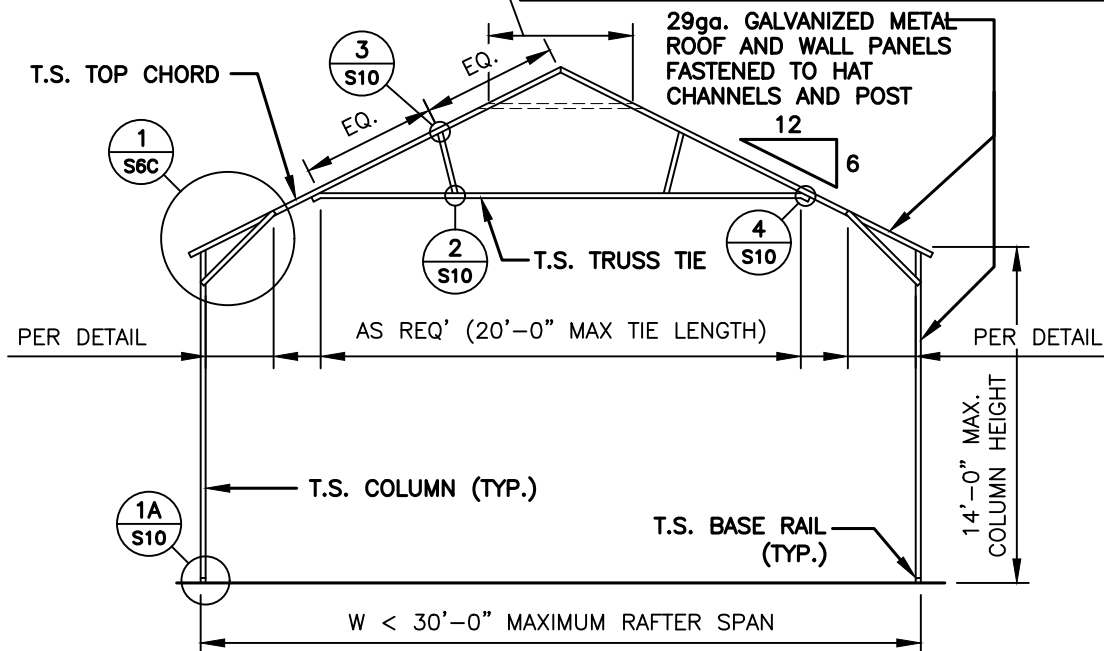
'U' BRACE TRUSS TIE - NOTE:
 6'-0" BRACE FOR 21'-24' BUILDING WIDTH
 20' TUBE TRUSS TIE (AS SHOWN) FOR 25'-30'



TYPICAL RAFTER / COLUMN FRAME SECTION

'U' BRACE TRUSS TIE - NOTE:
 6'-0" BRACE FOR 21'-24' BUILDING WIDTH
 20' TUBE TRUSS TIE (AS SHOWN) FOR 25'-30'

NOTE:
 H.S.S. 2-1/2"x2-1/2"x14ga. OR 2-1/4"x2-1/4"x14ga.
 MATERIAL MAY BE USED FOR TRUSS METAL.



TYPICAL RAFTER / COLUMN FRAME SECTION

TAYLOR & VIOLA
 STRUCTURAL ENGINEERS
 P.O.B. 2616 HICKORY, NORTH CAROLINA
 TELE: 828-328-6331 FAX: 828-322-1801
 WWW.TAYLORVIOLA.COM

JCMT Associates, PLLC
 211 Stone Drive, Pilot Mountain, NC 27041
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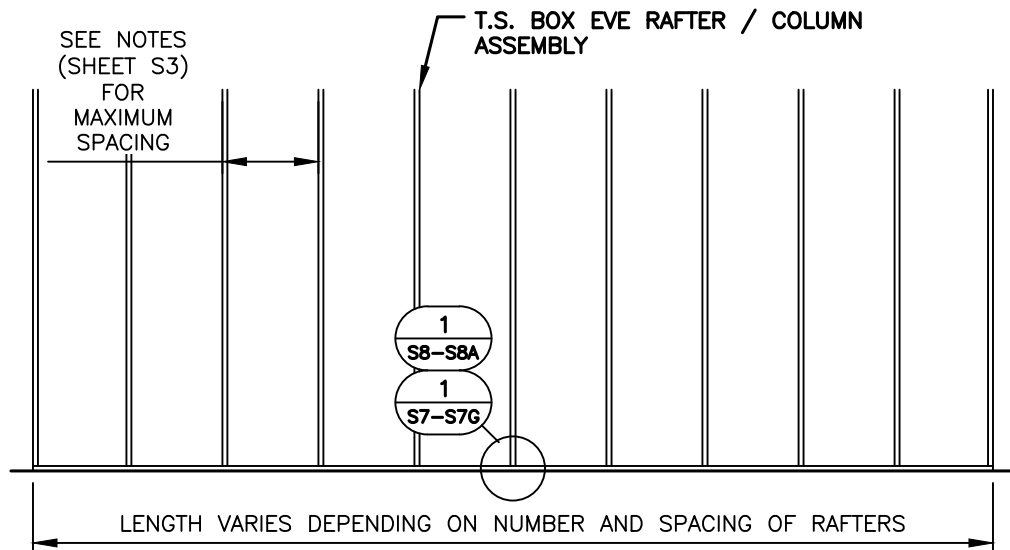
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S5A

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NOTE:
H.S.S. 2-1/2"x2-1/2"x14ga. OR
2-1/4"x2-1/4"x14ga. MATERIAL
MAY BE USED FOR TRUSS METAL.



TYPICAL RAFTER / COLUMN SIDE FRAME SECTION



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STRUCTURAL ENGINEERS
P.O.B. 2616 HICKORY NORTH CAROLINA
TELE: 828-328-6331 FAX: 828-322-1801
WWW.TAYLORVIOLA.COM

JCMT Associates, PLLC
211 Stone Drive, Pilot Mountain, NC 27041
Telephone: (336) 399-6277

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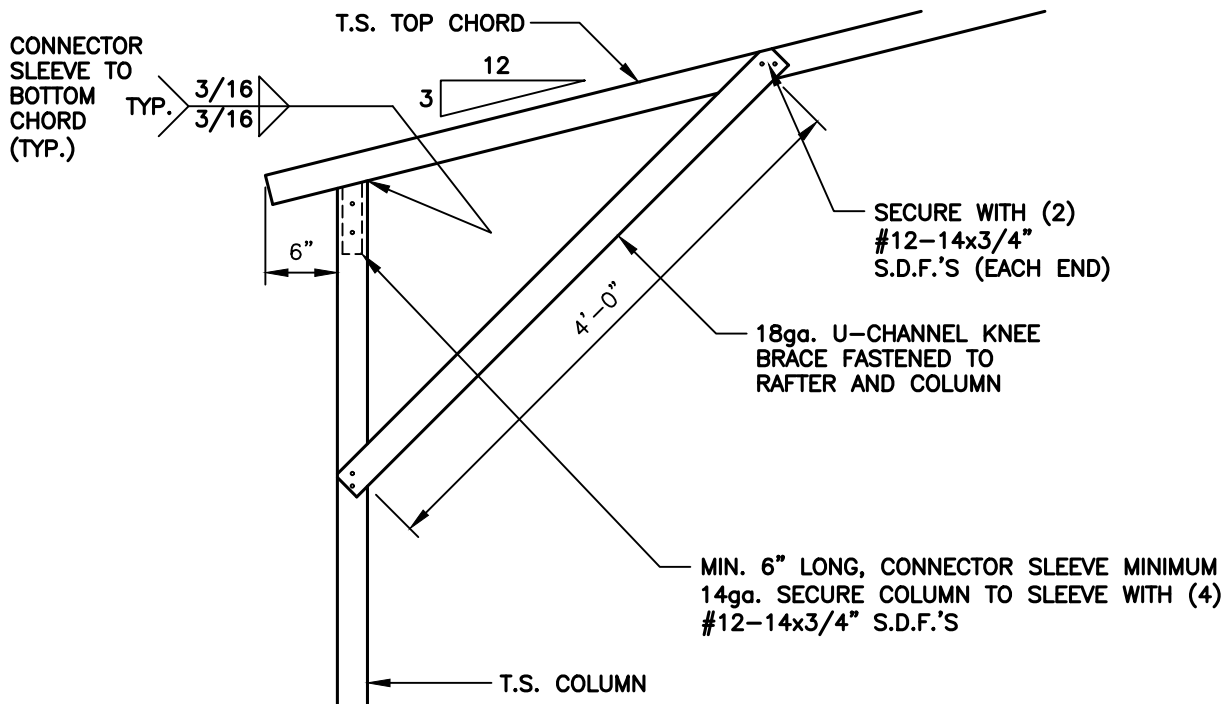
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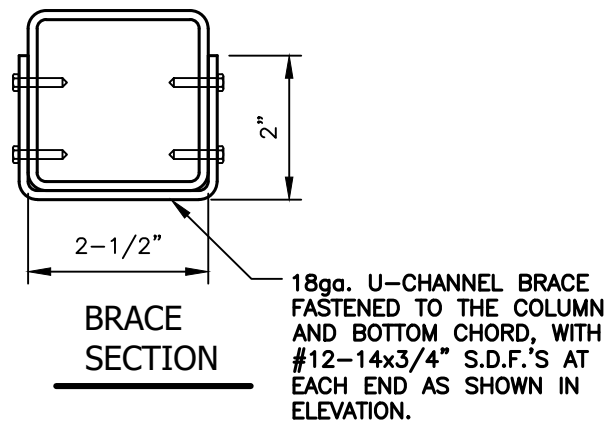
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1 BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHT.S. < 14'-0"

S6A SCALE: 3/4" = 1'-0"



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STRUCTURAL ENGINEERS
P.O.B. 2616 HICKORY NORTH CAROLINA
TELE: 828-328-6331 FAX: 828-322-1801
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211 Stone Drive, Pilot Mountain, NC 27041
Telephone: (336) 399-6277

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S6A

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CONNECTOR
SLEEVE TO
BOTTOM
CHORD
(TYP.)

TYP. $\frac{3}{16}$
 $\frac{3}{16}$

T.S. TOP CHORD

12
6

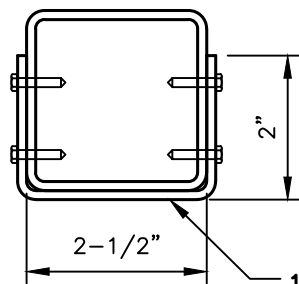
SECURE WITH (2)
#12-14x3/4"
S.D.F.'S (EACH END)

18ga. U-CHANNEL KNEE
BRACE FASTENED TO
RAFTER AND COLUMN

MIN. 6" LONG, CONNECTOR SLEEVE MINIMUM
14ga. SECURE COLUMN TO SLEEVE WITH (4)
#12-14x3/4" S.D.F.'S

T.S. COLUMN

1 BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHT.S. 14'-1" < TO
S6C $\frac{16'-0"}{16'-0"} = 1'-0"$



BRACE
SECTION

18ga. U-CHANNEL BRACE
FASTENED TO THE COLUMN
AND BOTTOM CHORD, WITH
#12-14x3/4" S.D.F.'S AT
EACH END AS SHOWN IN
ELEVATION.



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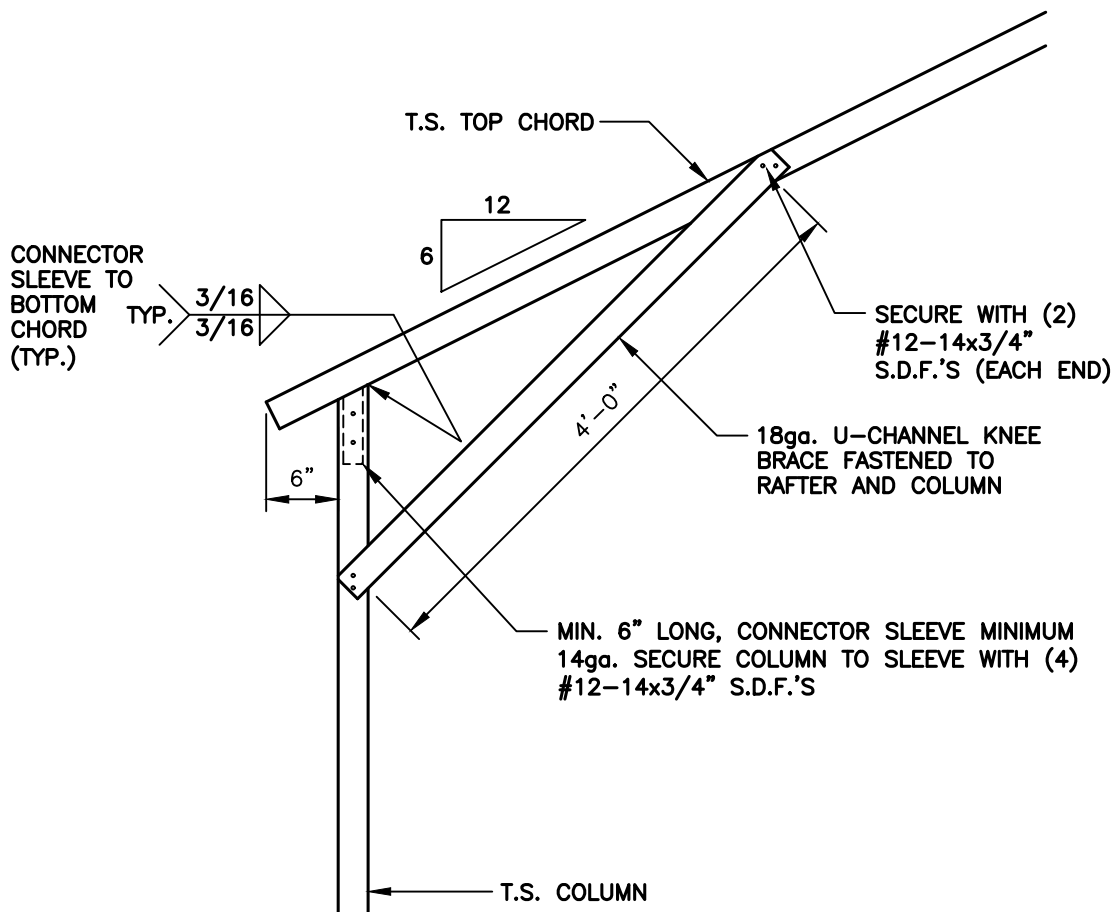
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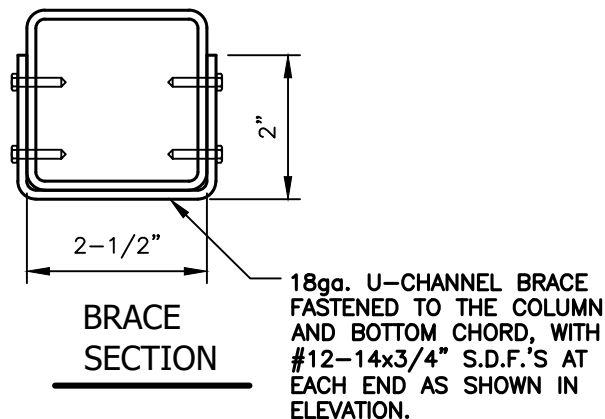
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S6B

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1 BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHT.S. < 14'-0"

S6C SCALE: 3/4" = 1'-0"



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STRUCTURAL ENGINEERS
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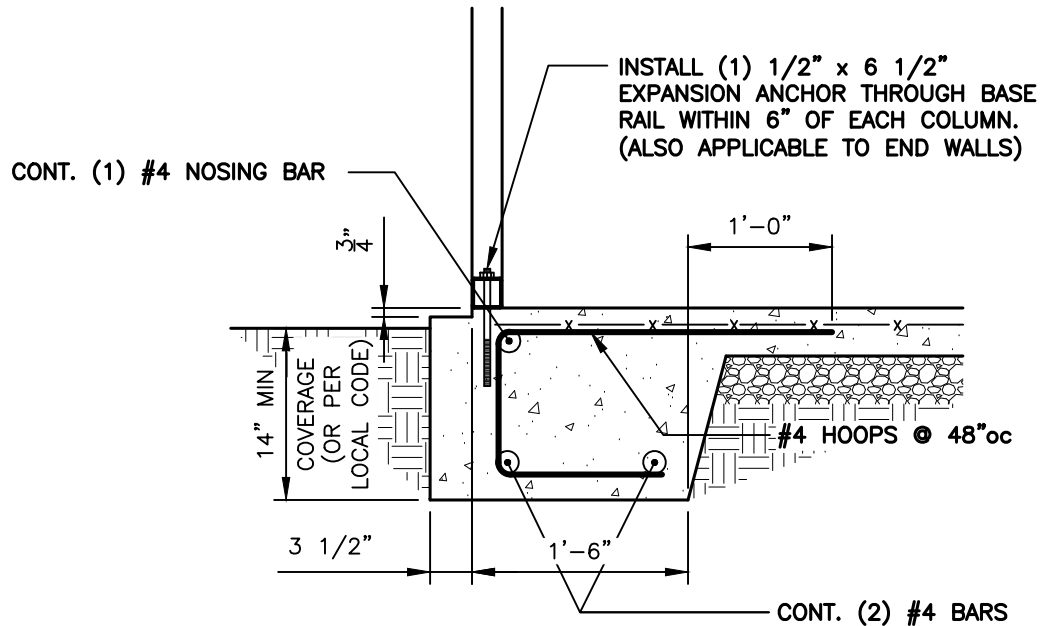
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S6C

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CONCRETE BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 P.S.F.

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 P.S.I. AT 28 DAYS.

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318: 3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH AND WEATHER AND 1-1/2" ELSEWHERE.

REINFORCING STEEL:

THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE 60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT.

REINFORCEMENT MAT BE BENT IN THE SHOP OF THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.



JCMT Associates, PLLC
211 Stone Drive, Pilot Mountain, NC 27041
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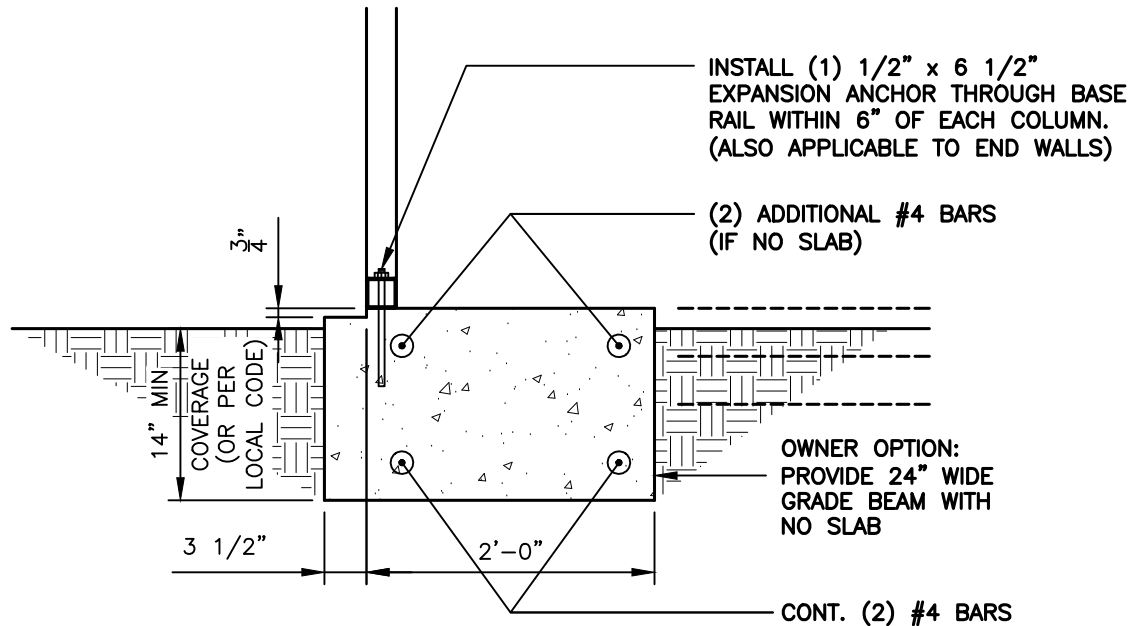
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CONCRETE BASE RAIL ANCHORAGE (NO SLAB)



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 P.S.F.

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 P.S.I. AT 28 DAYS.

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318: 3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH AND WEATHER AND 1-1/2" ELSEWHERE.

REINFORCING STEEL:

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2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.



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211 Stone Drive, Pilot Mountain, NC 27041
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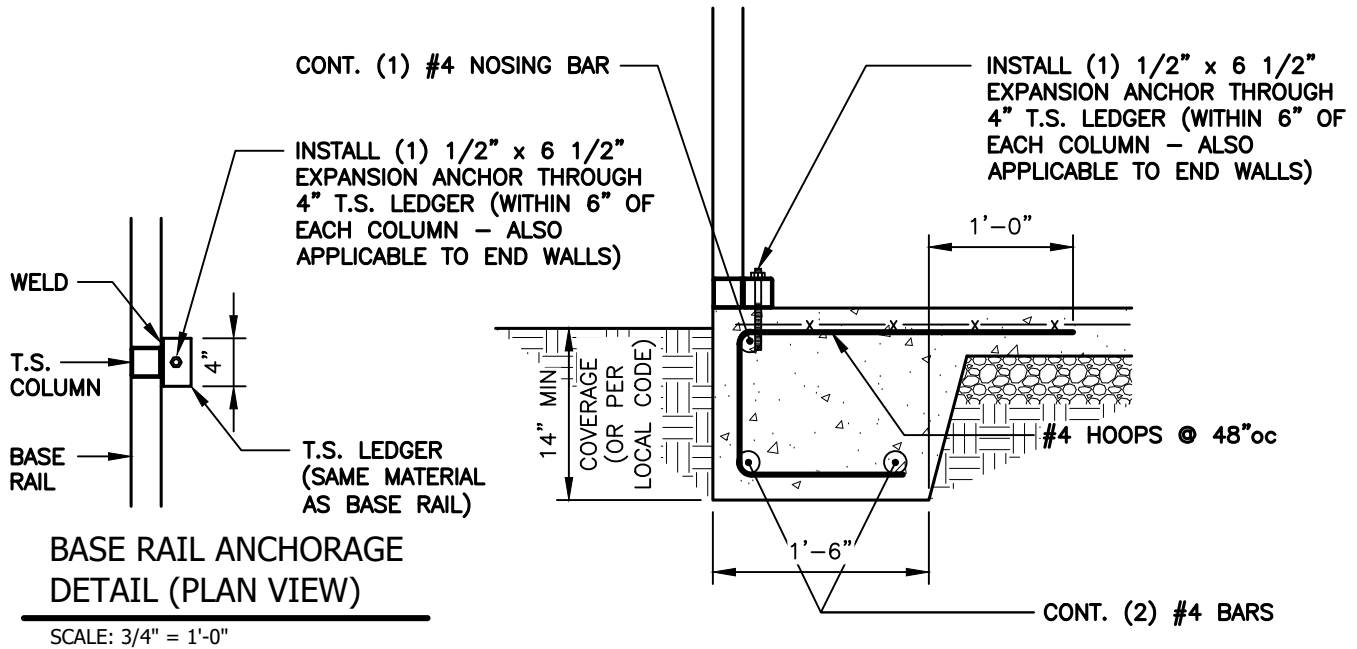
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S7A

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CONCRETE BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 P.S.F.

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 P.S.I. AT 28 DAYS.

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318: 3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH AND WEATHER AND 1-1/2" ELSEWHERE.

REINFORCING STEEL:

THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE 60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT.

REINFORCEMENT MAT BE BENT IN THE SHOP OF THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.



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STRUCTURAL ENGINEERS
P.O.B. 2616 HICKORY NORTH CAROLINA
TELE: 828-328-6331 FAX: 828-322-1801
WWW.TAYLORVIOLA.COM

JCMT Associates, PLLC
211 Stone Drive, Pilot Mountain, NC 27041
Telephone: (336) 399-6277

**NC CARPORTS
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116 EAST MARKET STREET
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TELE: 336-368-0668

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BKS

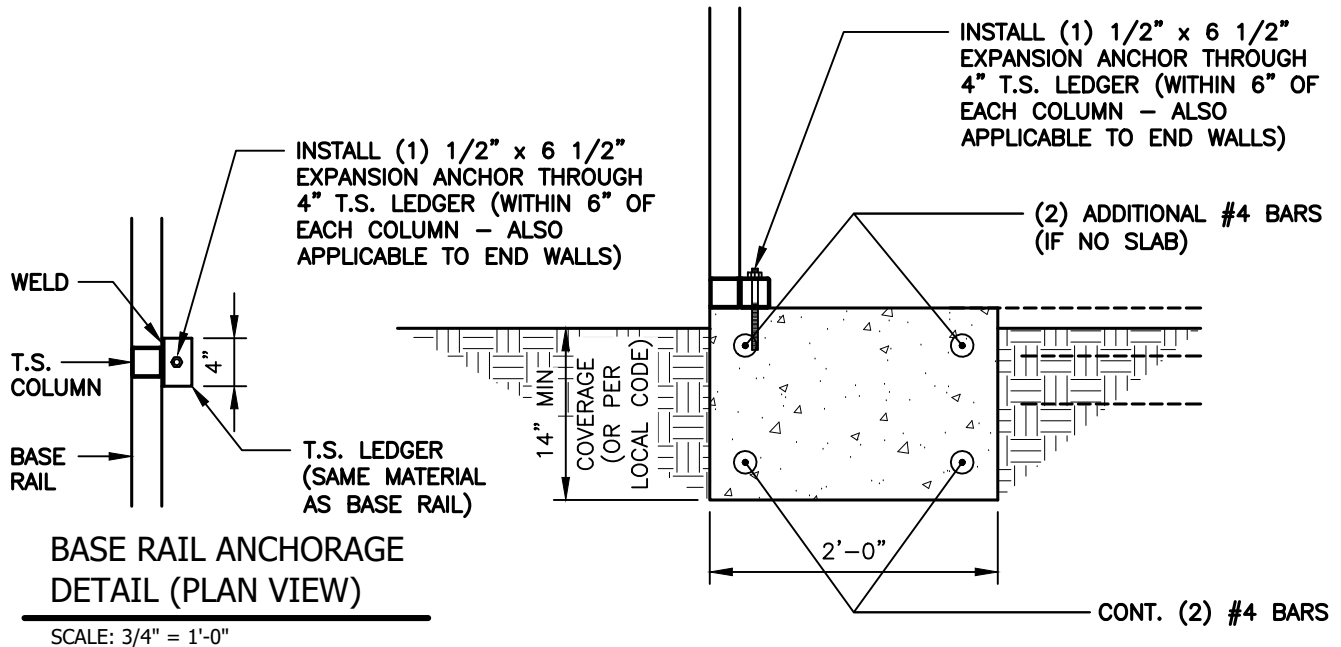
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PROJECT NO:
MISC

SHEET NO:
S7B

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CONCRETE BASE RAIL ANCHORAGE (NO SLAB)



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 P.S.F.

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 P.S.I. AT 28 DAYS.

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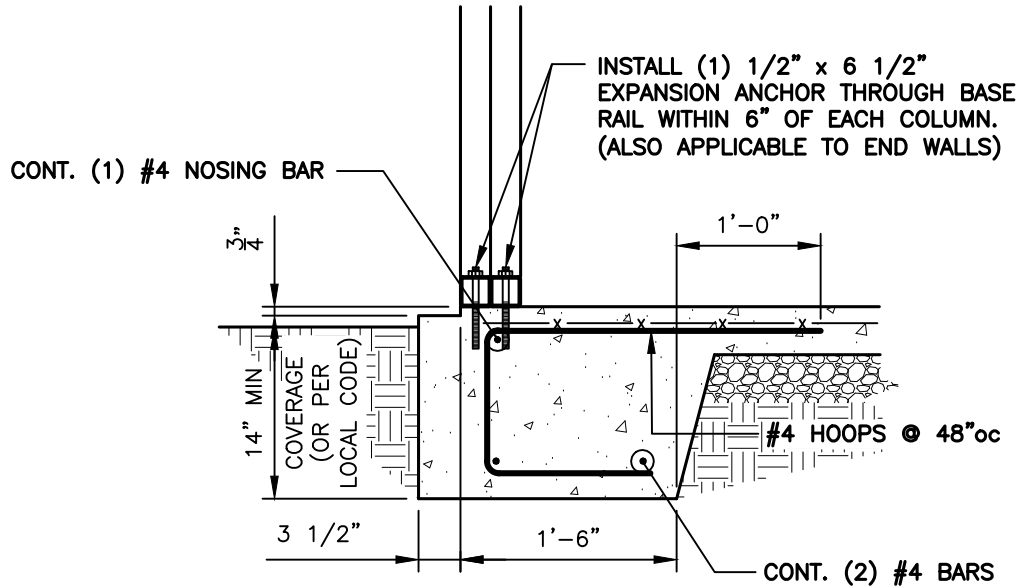
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CONCRETE BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

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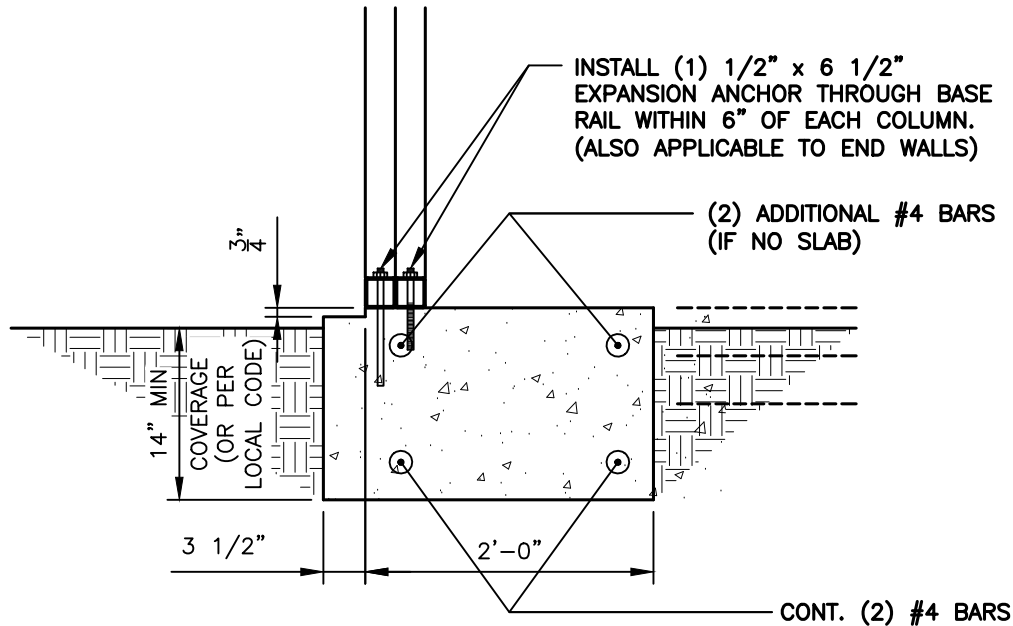
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CONCRETE BASE RAIL ANCHORAGE (NO SLAB)



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

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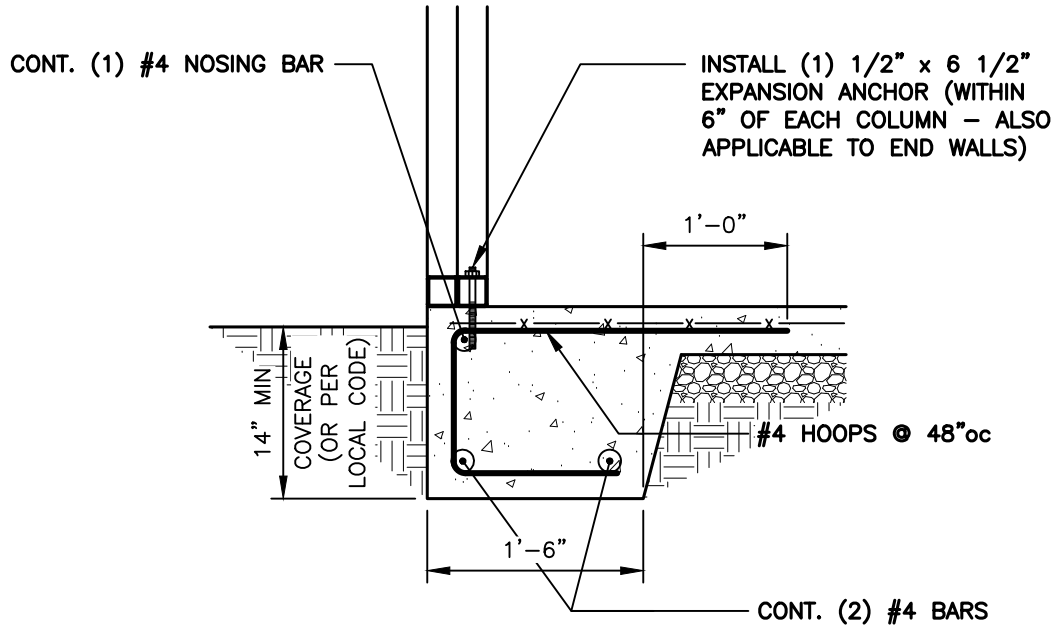
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CONCRETE BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

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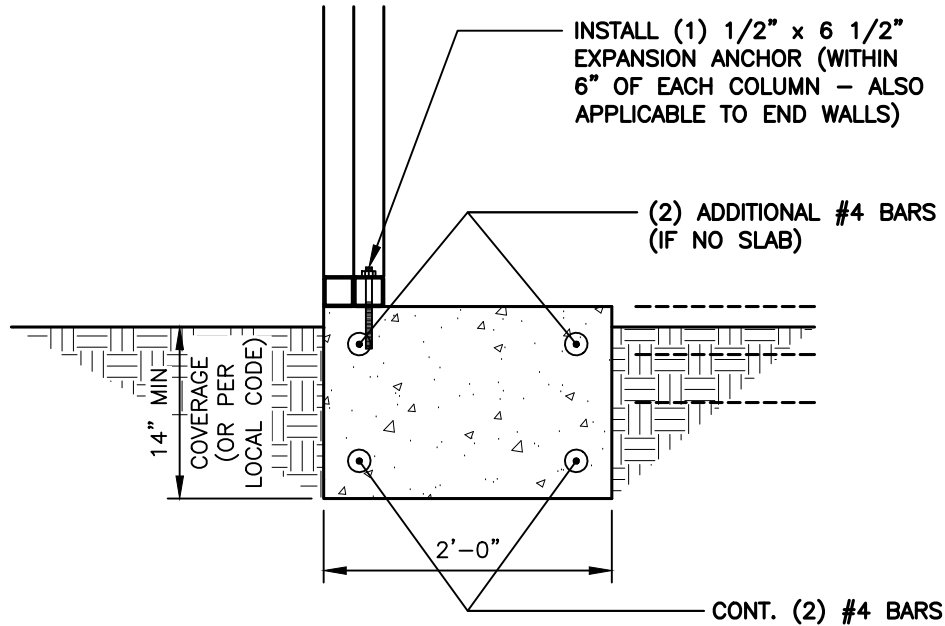
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CONCRETE BASE RAIL ANCHORAGE (NO SLAB)



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

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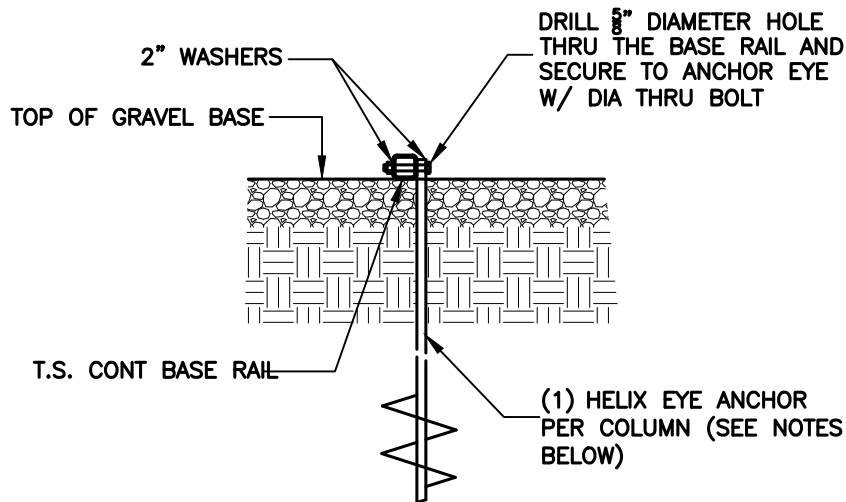
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SOIL NAIL BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

HELIX EMBEDMENT INFORMATION:

FOR VERY DENSE OR CEMENTED SANDS, COARSE GRAVEL, COBBLES, CALICHE, PRELOADED SILT.S. AND CLAYS, USE MIN. (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT – ONE EACH END BASE RAIL AND 20'-0"oc MAX. WITH #4 REBAR AT 5'-0"oc BETWEEN.

FOR CORAL, USE MIN (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT – ONE EACH END BASE RAIL AND 20'-0"oc MAX. WITH #4 REBAR AT 5'-0"oc BETWEEN.

FOR MED DENSE COARSE SANDS, SANDY GRAVEL, VERY STIFF SILT.S., AND CLAYS, USE MIN (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT – ONE EACH END BASE RAIL AND 20'-0"oc MAX. WITH #4 REBAR AT 5'-0"oc BETWEEN.

FOR LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFF CLAYS AND SILT.S., USE MIN (2) 6" HELICES WITH MINIMUM 50" EMBEDMENT – ONE EACH END BASE RAIL AND 20'-0"oc MAX. WITH #4 REBAR AT 5'-0"oc BETWEEN.

FOR VERY LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFFER CLAYS AND SILT.S. AND ALLUVIAL FILL, USE MIN (2) 8" HELICES WITH MINIMUM 60" EMBEDMENT – ONE EACH END BASE RAIL AND 20'-0"oc MAX. WITH #4 REBAR AT 5'-0"oc BETWEEN.

NOTE:

IN ALL CASES, IF FROST DEPTH EXCEEDS STATED DEPTH, ANCHOR SHOULD EXTEND A MIN. OF 12" BELOW FROST LINE.



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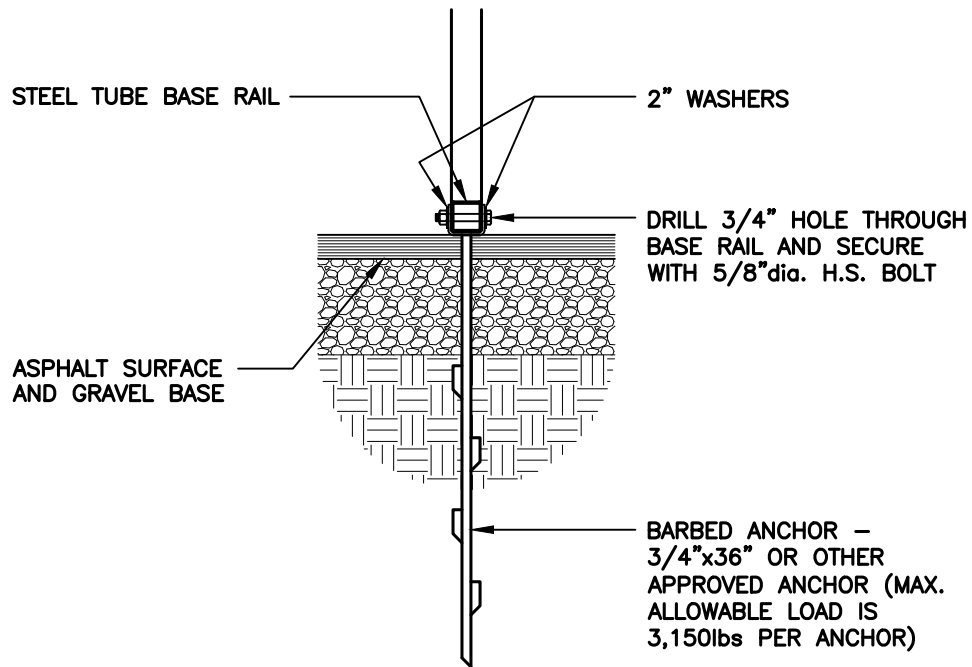
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ASPHALT ANCHOR BASE RAIL ANCHORAGE



ASPHALT / BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"



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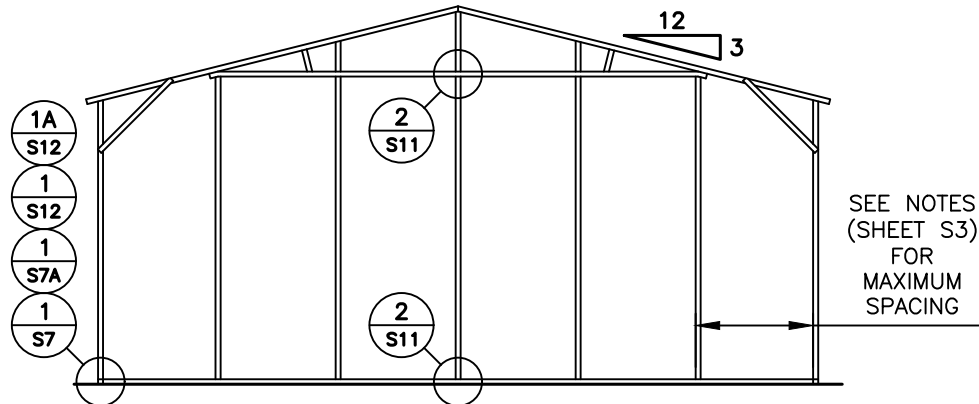
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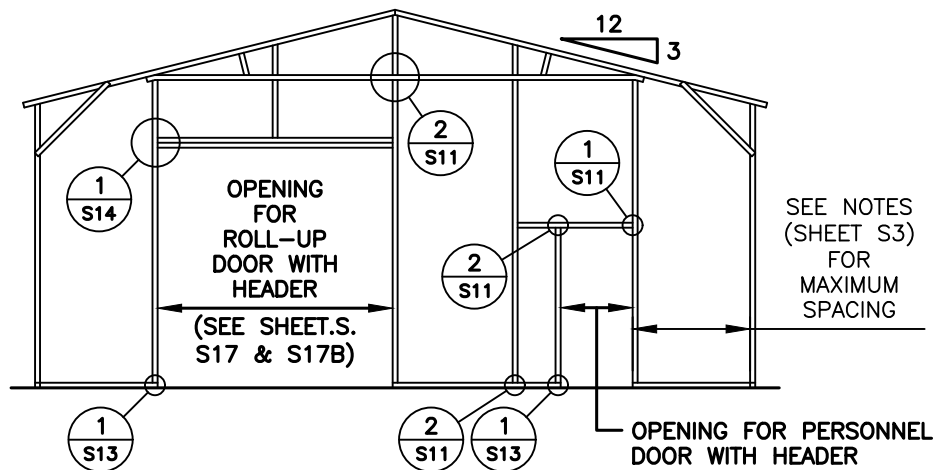
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BOX EVE RAFTER END WALL OPENINGS



TYPICAL BOX EVE RAFTER / END WALL COLUMN FRAME SECTION

NOTE:
ROLL UP DOORS SHALL
HAVE ONE JAMB EACH
SIDE + ONE FRAME
COLUMN BETWEEN OR SITE
SPECIFIC SHALL BE REQ'D.



TYPICAL BOX EVE RAFTER END WALL OPENINGS FRAMING SECTION



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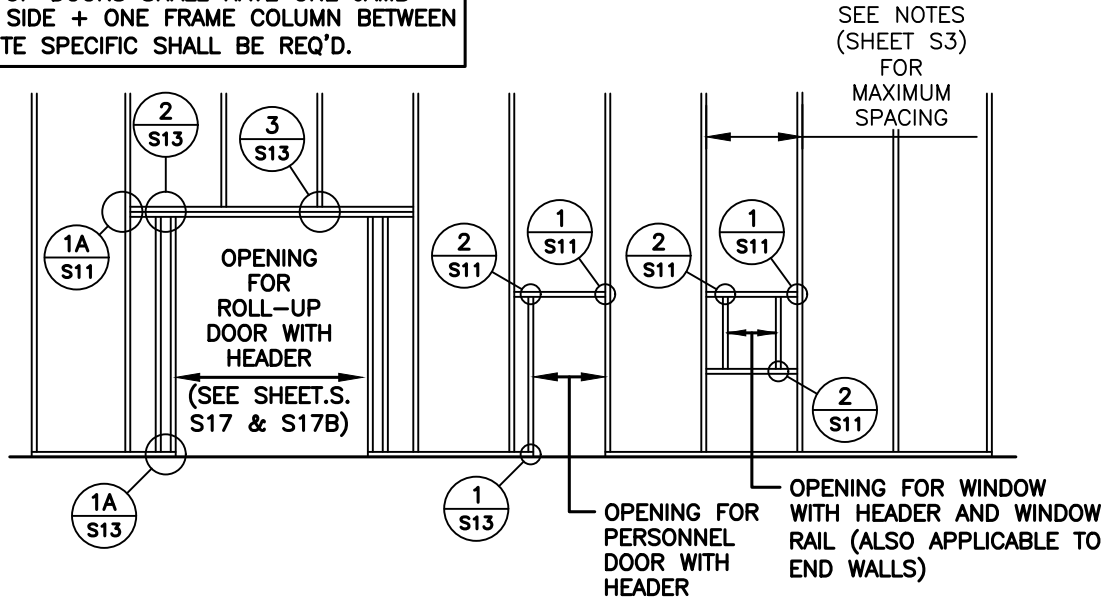
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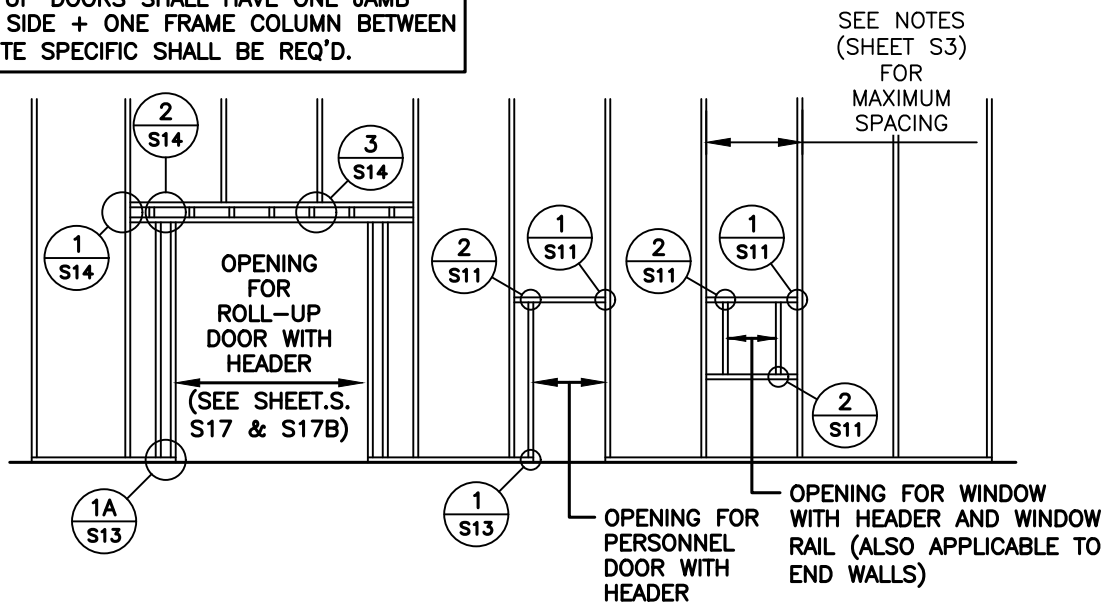
BOX EVE RAFTER END WALL AND SIDE WALL OPENINGS

NOTE:
ROLL UP DOORS SHALL HAVE ONE JAMB
EACH SIDE + ONE FRAME COLUMN BETWEEN
OR SITE SPECIFIC SHALL BE REQ'D.



TYPICAL END WALL OPENING FRAMING SECTION

NOTE:
ROLL UP DOORS SHALL HAVE ONE JAMB
EACH SIDE + ONE FRAME COLUMN BETWEEN
OR SITE SPECIFIC SHALL BE REQ'D.



TYPICAL SIDE WALL OPENING FRAMING SECTION



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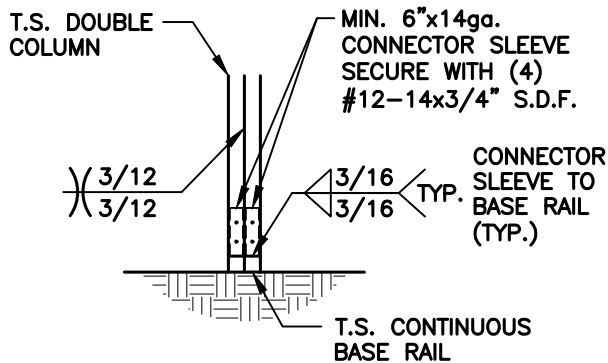
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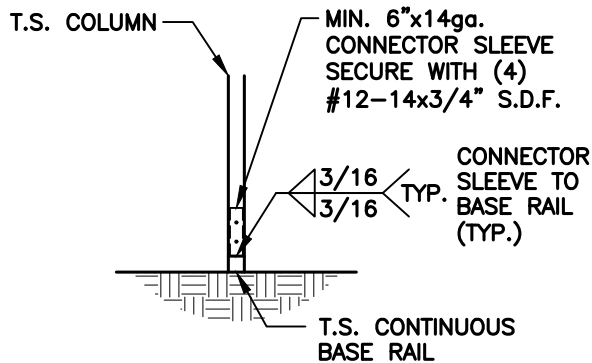
CONNECTION DETAILS



**POST / BASE RAIL
CONNECTION DETAIL**

1
S10

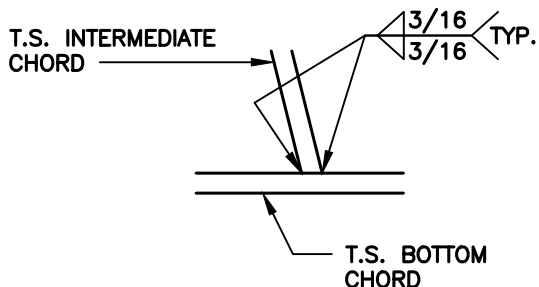
SCALE: 1/2" = 1'-0"



**POST / BASE RAIL
CONNECTION DETAIL**

1A
S10

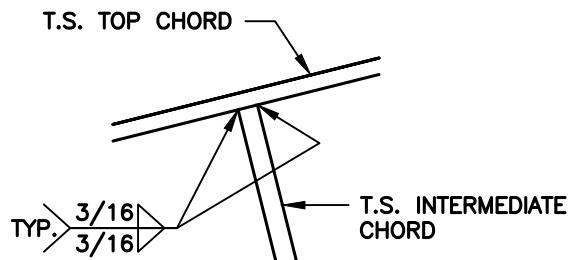
SCALE: 1/2" = 1'-0"



**INTERMEDIATE CHORD
TO BOTTOM CHORD
CONNECTION DETAIL**

2
S10

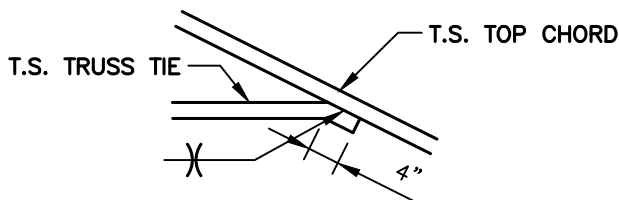
SCALE: 1/2" = 1'-0"



**INTERMEDIATE CHORD TO TOP
CHORD CONNECTION DETAIL**

3
S10

SCALE: 1/2" = 1'-0"



**TRUSS TIE
CONNECTION DETAIL**

4
S10

SCALE: 1/2" = 1'-0"



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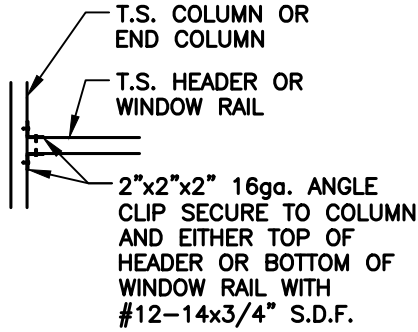
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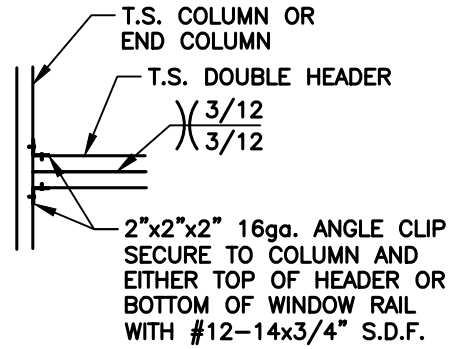
CONNECTION DETAILS



COLUMN OR WINDOW
RAIL / WALL GIRT TO POST
CONNECTION DETAIL

1
S11

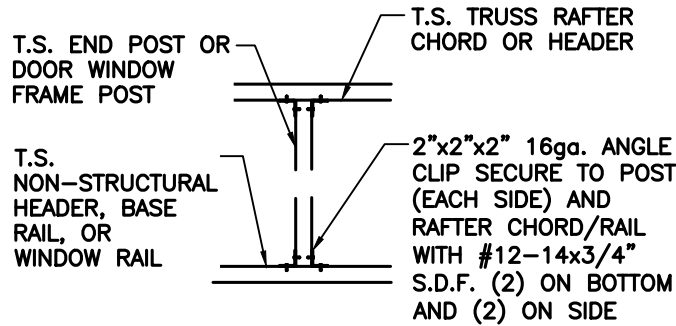
SCALE: 1/2" = 1'-0"



COLUMN / DOUBLE HEADER
CONNECTION DETAIL

1A
S11

SCALE: 1/2" = 1'-0"



DOOR OR WINDOW HEADER
RAIL TO POST CONNECTION
DETAIL

2
S11

SCALE: 1/2" = 1'-0"



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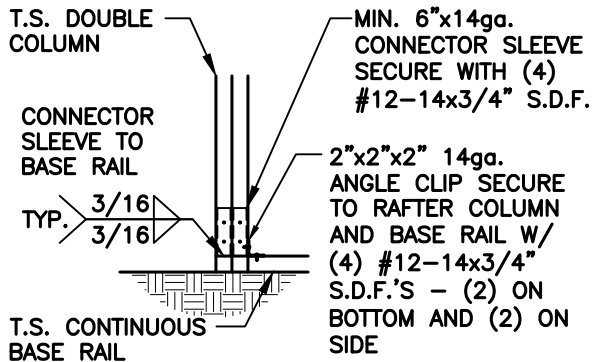
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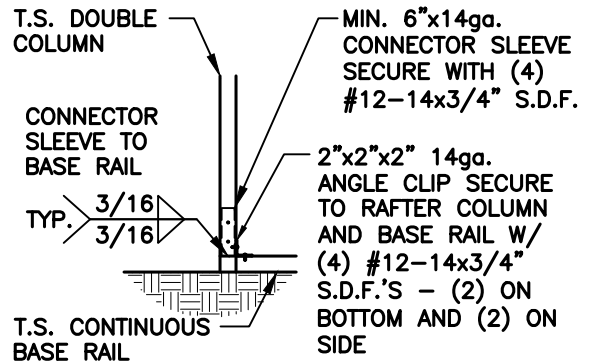
CONNECTION DETAILS



**END COLUMN / BASE RAIL
CONNECTION DETAIL**

1
S12

SCALE: 1/2" = 1'-0"



**END COLUMN / BASE RAIL
CONNECTION DETAIL**

1A
S12

SCALE: 1/2" = 1'-0"



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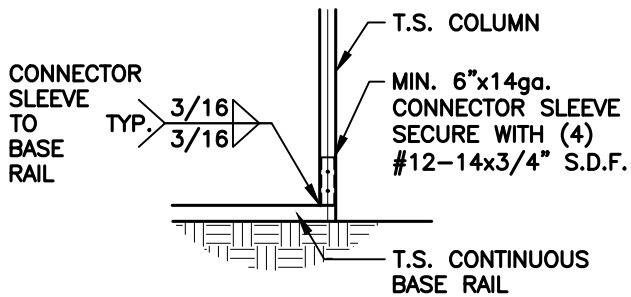
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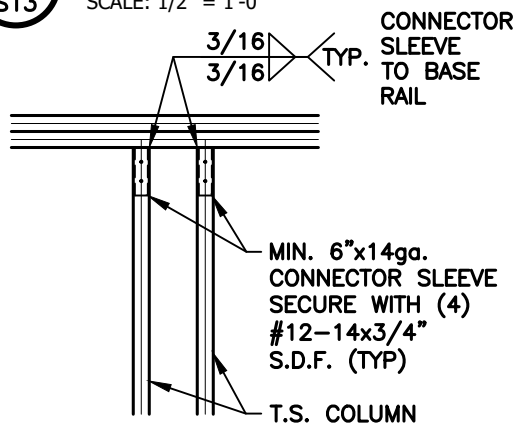
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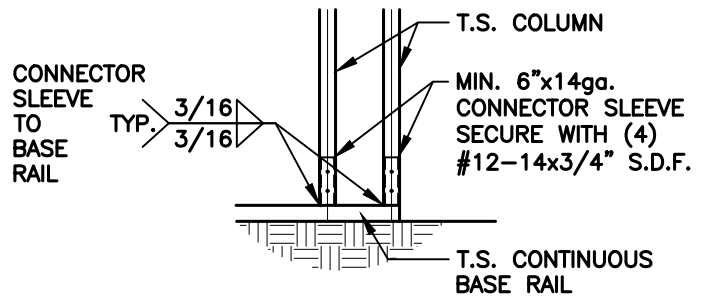
1
S13 COLUMN / BASE RAIL
CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



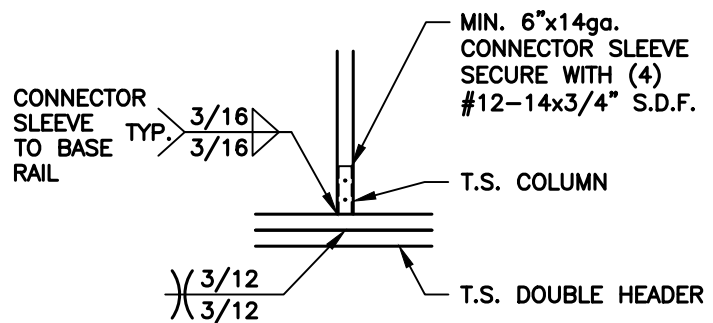
2
S13 DOUBLE HEADER / COLUMN
CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



1A
S13 COLUMN / BASE RAIL
CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



3
S13 COLUMN / DOUBLE HEADER
CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



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TELE: 336-368-0668

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BKS

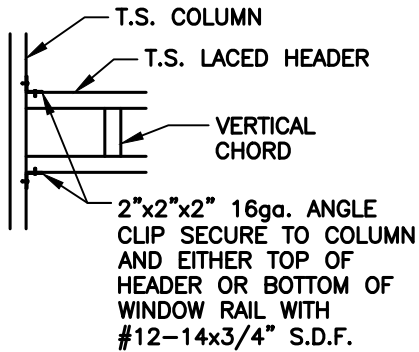
PROJECT NO:
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DATE:
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SHEET NO:
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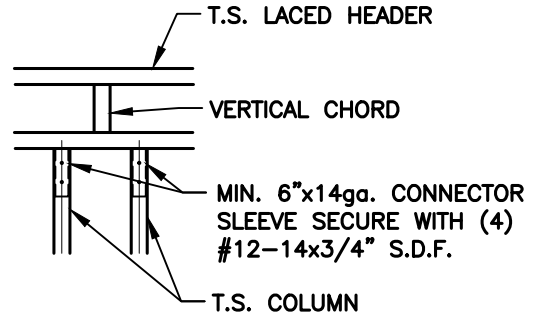
CONNECTION DETAILS



COLUMN / LACED HEADER
CONNECTION DETAIL

1
S14

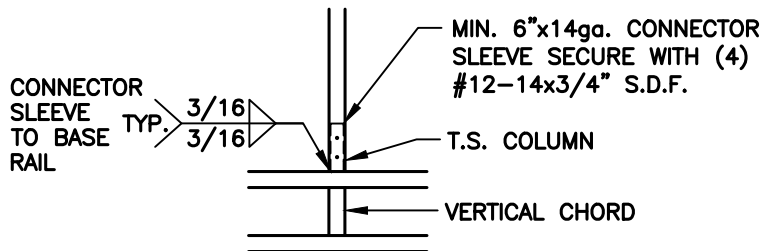
SCALE: 1/2" = 1'-0"



LACED HEADER / COLUMN
CONNECTION DETAIL

2
S14

SCALE: 1/2" = 1'-0"



COLUMN / LACED HEADER
CONNECTION DETAIL

3
S14

SCALE: 1/2" = 1'-0"



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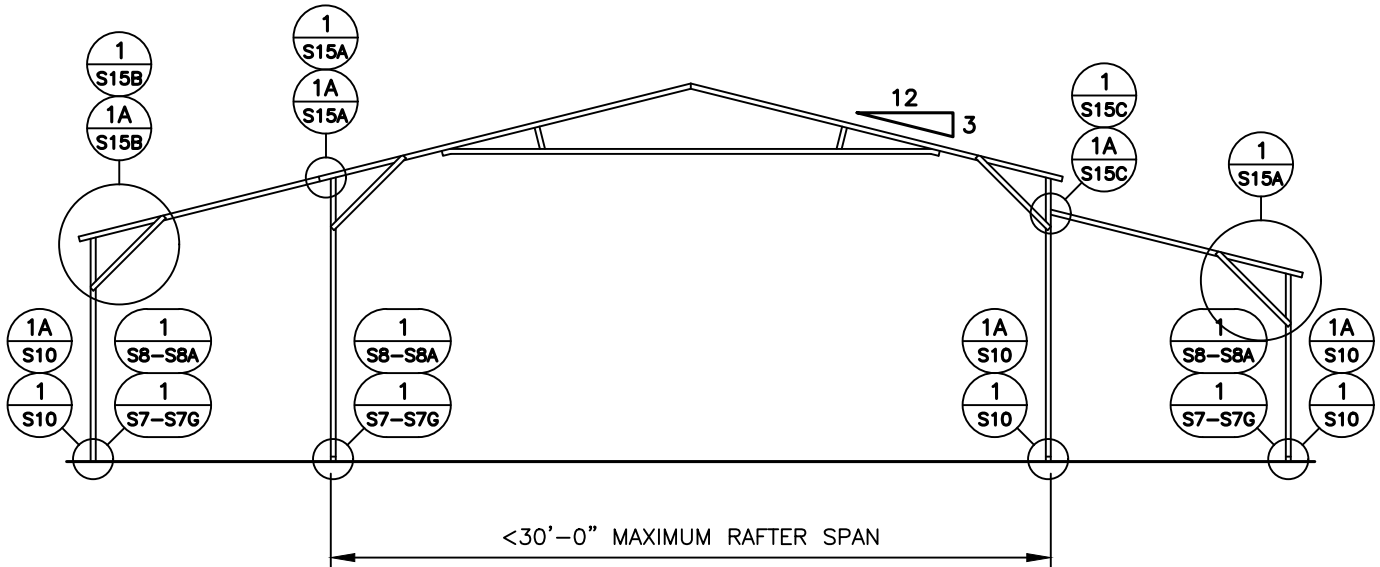
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S14

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BOX EVE RAFTER LEAN-TO OPTIONS



TYPICAL LEAN-TO OPTIONS FRAMING SECTION (BOTH OPTIONS SHOWN)

MAXIMUM WIDTH OF SINGLE MEMBER ROOF EXTENSION AND LEAN-TO OPTION IS 12'-0"

MAXIMUM WIDTH OF DOUBLE MEMBER ROOF EXTENSION AND LEAN-TO IS 15'-0"

12'-0" MAX. LEAN-TO HEIGHT WITH SINGLE COLUMN

16'-0" MAX. LEAN-TO HEIGHT WITH DOUBLE COLUMN



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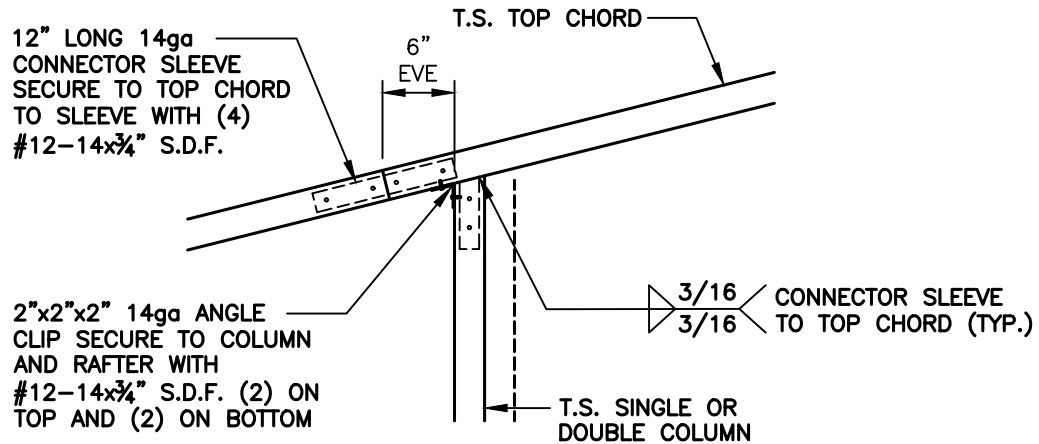
DATE:
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SHEET NO:
S15

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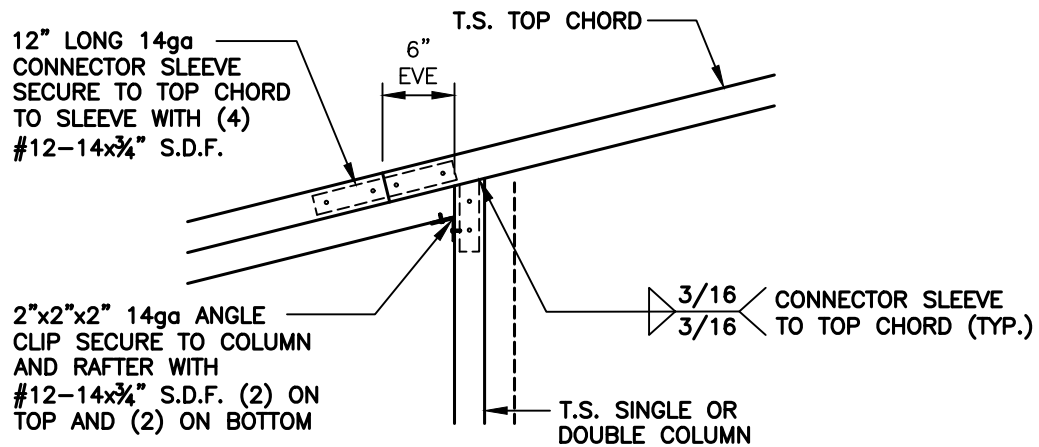
LEAN-TO CONNECTION DETAILS



ROOF EXTENSION RAFTER / CORNER POST DETAIL FOR WIDTHS < 12'-0"

1
S15A

SCALE: $\frac{3}{4}$ " = 1'-0"



ROOF EXTENSION RAFTER / CORNER POST DETAIL FOR WIDTHS < 15'-0"

1A
S15A

SCALE: $\frac{3}{4}$ " = 1'-0"



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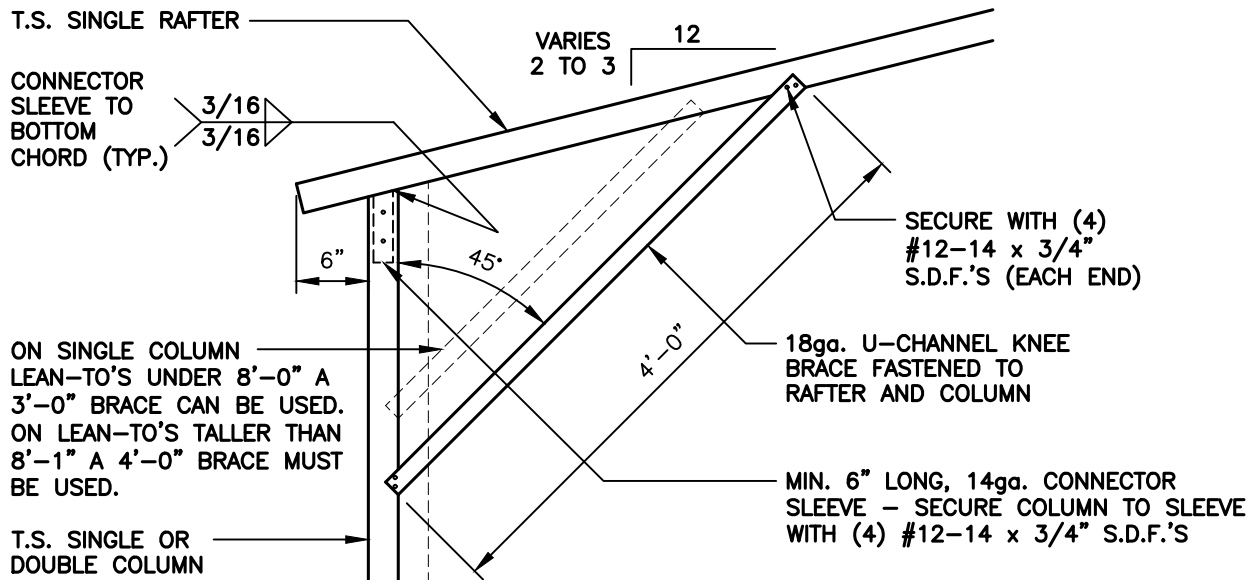
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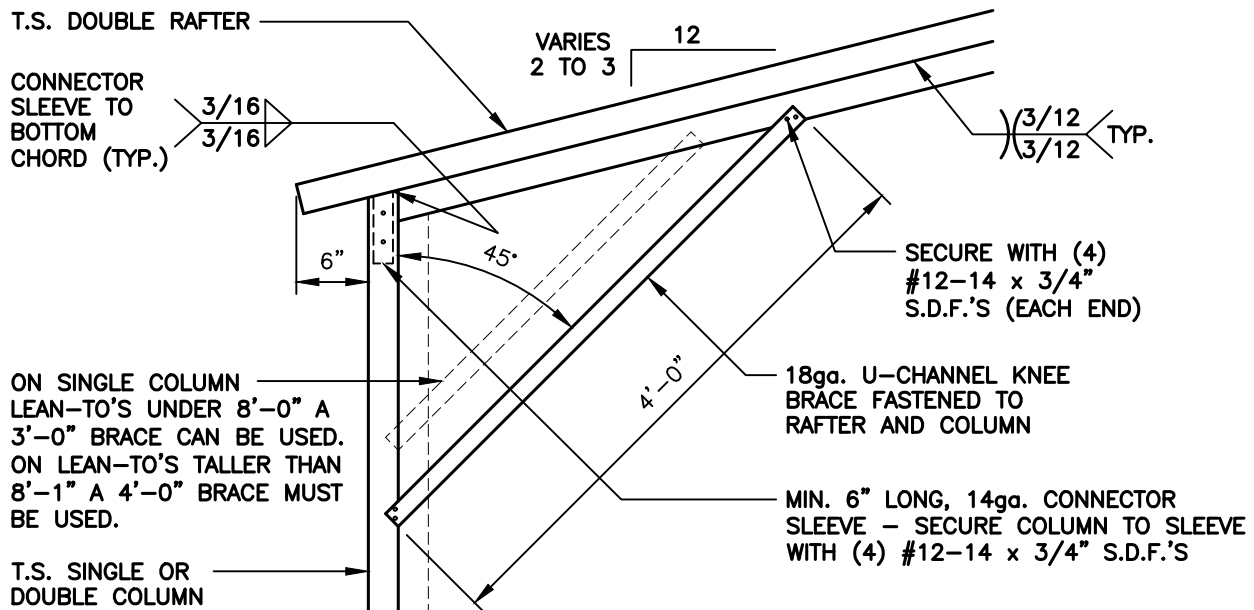
LEAN-TO CONNECTION DETAILS - SINGLE COLUMN



LEAN-TO SINGLE RAFTER / SINGLE COLUMN CONNECTION DETAIL

1
S15B

SCALE: 3/4" = 1'-0"



LEAN-TO DOUBLE RAFTER / SINGLE COLUMN CONNECTION DETAIL

1A
S15B

SCALE: 3/4" = 1'-0"



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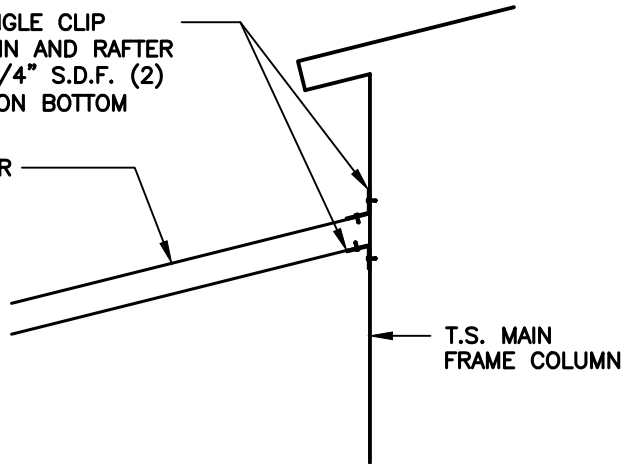
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S15B

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LEAN-TO / MAIN FRAME CONNECTION DETAILS

2"x2"x2" 14ga. ANGLE CLIP
SECURE TO COLUMN AND RAFTER
WITH #12-14 x 3/4" S.D.F. (2)
ON TOP AND (2) ON BOTTOM

T.S. SINGLE RAFTER



LEAN-TO SINGLE RAFTER / BUILDING FRAME CONNECTION DETAIL

1
S15C

SCALE: 3/4" = 1'-0"

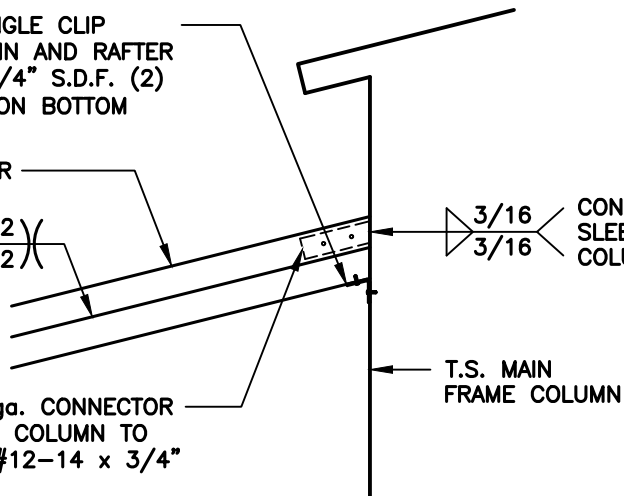
2"x2"x2" 14ga. ANGLE CLIP
SECURE TO COLUMN AND RAFTER
WITH #12-14 x 3/4" S.D.F. (2)
ON TOP AND (2) ON BOTTOM

T.S. SINGLE RAFTER

TYP. $\frac{3}{12}$ / $\frac{3}{12}$

$\frac{3}{16}$ / $\frac{3}{16}$ CONNECTOR
SLEEVE TO
COLUMN

MIN. 6" LONG, 14ga. CONNECTOR
SLEEVE - SECURE COLUMN TO
SLEEVE WITH (4) #12-14 x 3/4"
S.D.F.'S



LEAN-TO DOUBLE RAFTER / BUILDING FRAME CONNECTION DETAIL

1A
S15C

SCALE: 3/4" = 1'-0"



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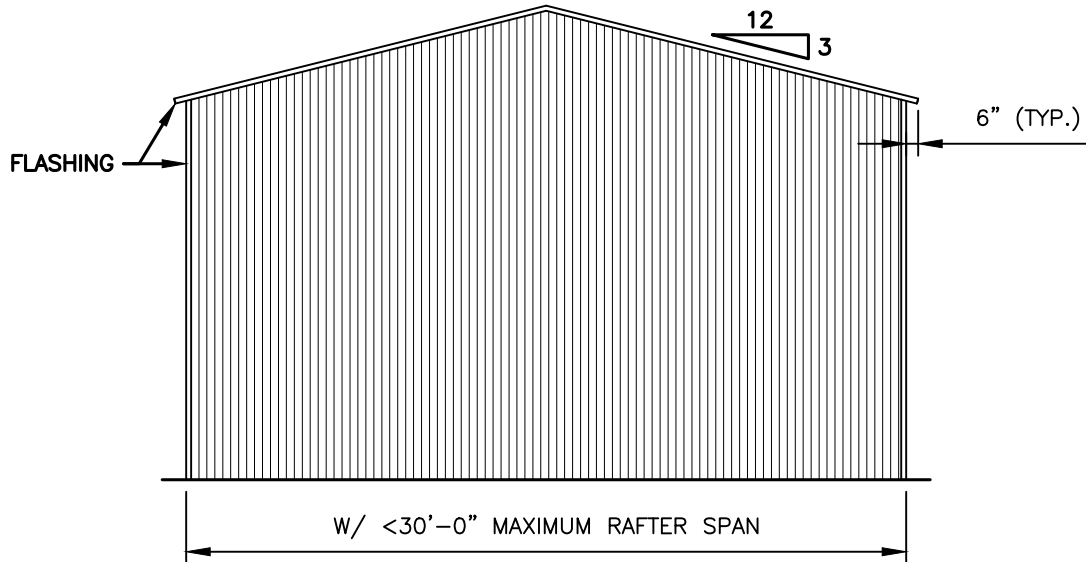
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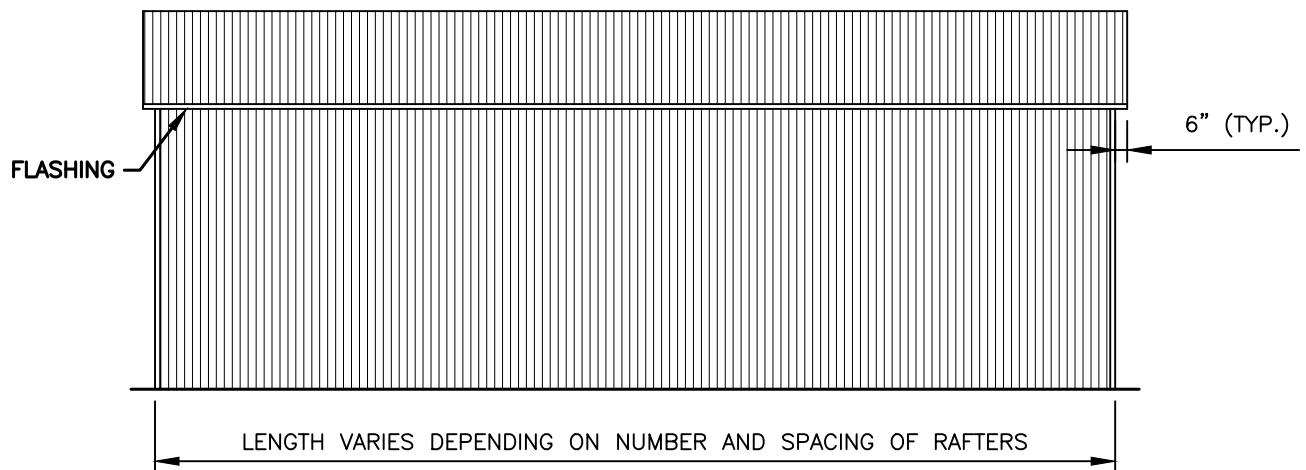
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S15C

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VERTICAL ROOF / SIDING OPTION



TYPICAL END ELEVATION - VERTICAL ROOF / SIDING



TYPICAL SIDE ELEVATION - VERTICAL ROOF / SIDING



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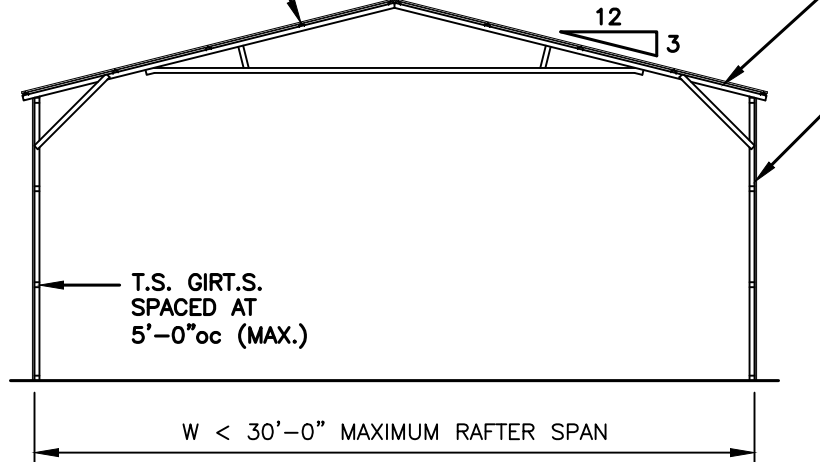
SHEET NO:
S16

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VERTICAL ROOF / SIDING OPTION

1.125"-18ga. HAT CHANNELS
FASTENED TO EACH RAFTER
WITH (2) #12-14x $\frac{3}{4}$ " S.D.F.
SPACED AT 4'-0"oc MAX.

29ga. GALVANIZED METAL
ROOF AND WALL PANELS
FASTENED TO HAT
CHANNELS AND GIRT.S.



TYPICAL SECTION VERTICAL ROOF / SIDING OPTION

NOTE:

H.S.S. 2-1/2"x2-1/2"x14ga. OR
2-1/4"x2-1/4"x14ga. MATERIAL
MAY BE USED FOR TRUSS METAL.



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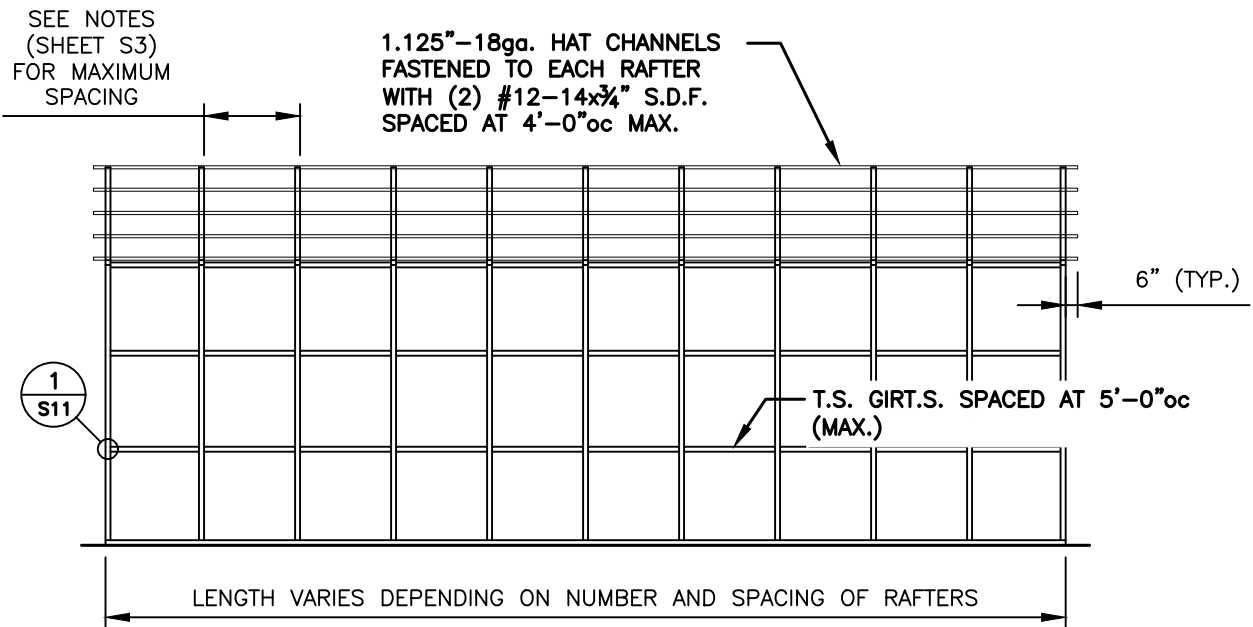
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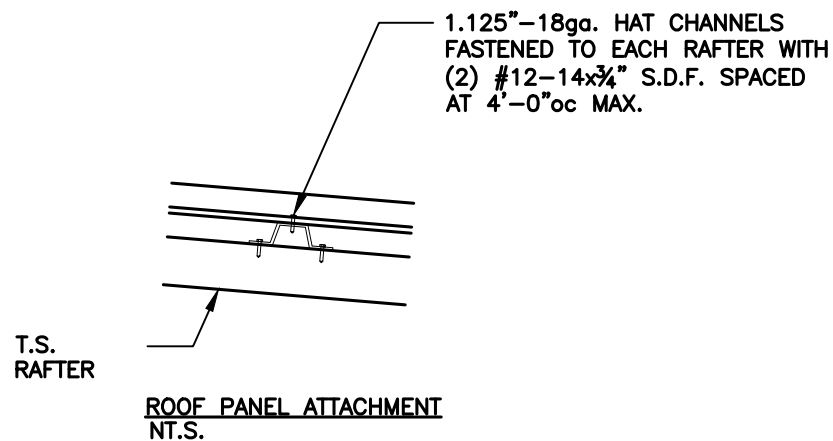
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S16A

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VERTICAL ROOF / SIDING OPTION



TYPICAL SIDE FRAMING SECTION VERTICAL ROOF / SIDING OPTION



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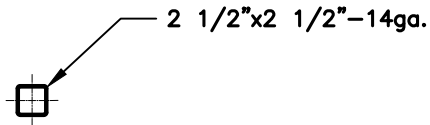
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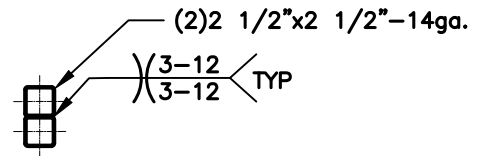
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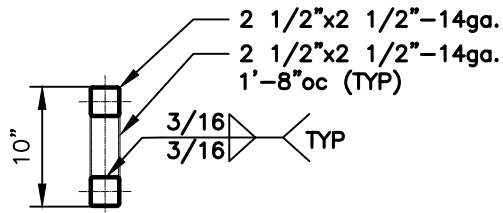
SIDE WALL HEADER OPTIONS



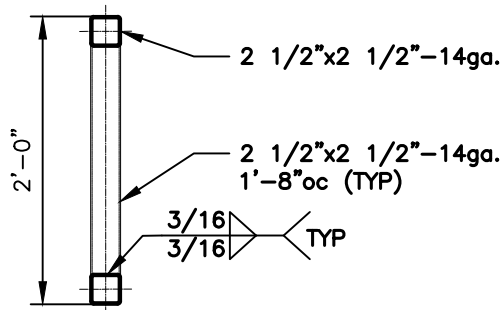
HEADER DETAIL FOR DOOR
OPENINGS < 4'-0"
NT.S.



HEADER DETAIL FOR DOOR
OPENINGS 4'-1" < TO < 12'-0"
NT.S.



LACED HEADER DETAIL FOR DOOR
OPENINGS 12'-1" < TO < 15'-0"
NT.S.



LACED HEADER DETAIL FOR DOOR
OPENINGS 15'-1" < TO < 20'-0"



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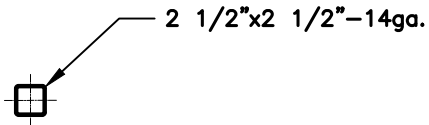
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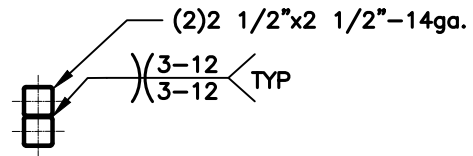
SHEET NO:
S17

NOTE: THESE DRAWINGS ARE VALID FOR (1) CALENDAR YEAR AFTER THE ISSUE DATE LISTED ON THIS SHEET.

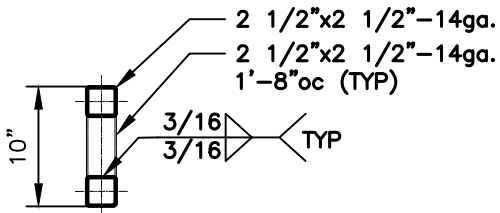
END WALL HEADER OPTIONS



HEADER DETAIL FOR DOOR
OPENINGS < 7'-0"
 NT.S.



HEADER DETAIL FOR DOOR
OPENINGS 7'-1" < TO < 16'-0"
 NT.S.



LACED HEADER DETAIL FOR DOOR
OPENINGS 16'-1" < TO < 20'-0"
 NT.S.



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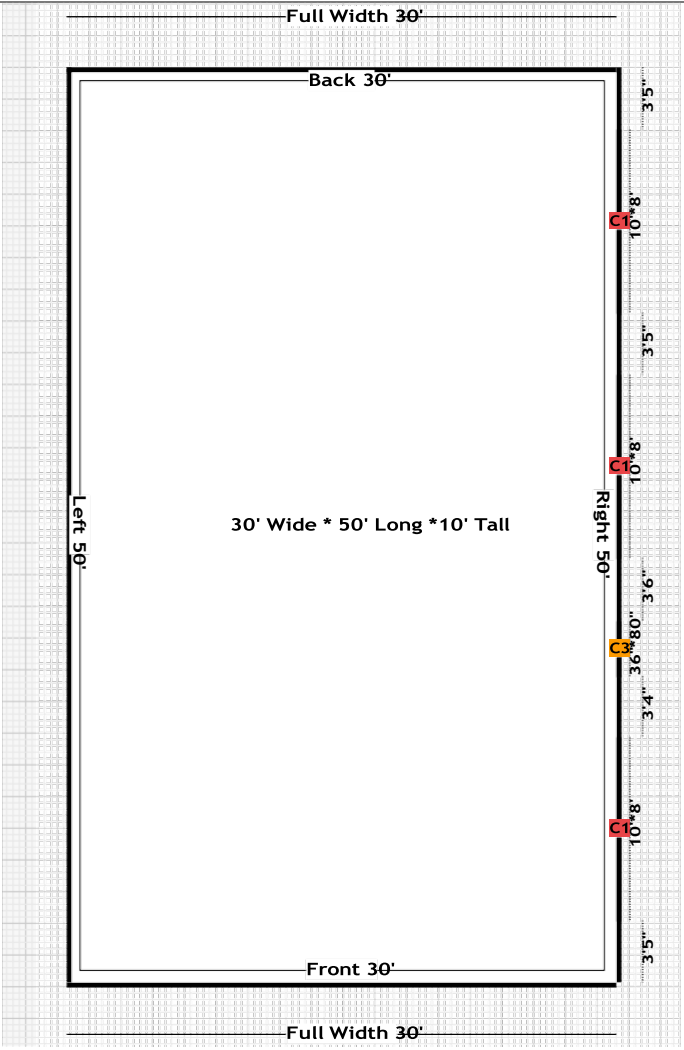
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LEGENDS

- | | | | | | | |
|----------------|-------------------------|------------------------------|--------------------------|------------|---------------------|--------------|
| C1 Garage Door | C2 Garage Door Frameout | C3 Walk in Door | C4 Walk in Door Frameout | C5 Windows | C6 Windows Frameout | C7 Open Wall |
| C8 Close Wall | C9 Distance | C10 Storage Length (Utility) | C Cupola | | | |

Agenda Item

To: Reagan Parsons

From: BJ Grieve, Planning Director
James Broadwell, Planner I

Subject: MAPP-01-24: Major Subdivision Preliminary Plat for 24 Townhomes fronting Dover Street and Hyland Hills Road; Petitioner: Moore HL Properties, Inc. by Koontz Jones Design, PLLC, Agent

Date: October 8, 2024

1. SUMMARY OF APPLICATION REQUEST

Mr. Trevor Hansen of Koontz Jones Design, LLC, on behalf of Moore HL Properties, Inc., has submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the three parent tracts into 24 townhomes with a homeowners' association. The parent tracts are presently a natural wooded area. The subject property is located on Hyland Hills Road and Dover Street. Per the Moore County tax records, the property is identified as PARID 00035711, 20190609, and 00991774, which comprises 2.42 acres, and is owned by Moore HL Properties, Inc.

2. PLANNING BOARD REVIEW

On September 19, 2024, the Planning Board held a Preliminary Forum on MAPP-01-24 to accept public comments and compose a list of issues to forward to the Town Council for consideration. Following the town staff presentation, Mr. Trevor Hansen with KoontzJones Design presented an overview of the townhome subdivision on behalf of Moore HL Properties, Inc. Members of the Planning Board asked Mr. Hansen and planning staff a series of questions regarding Dover Street improvements, a Phasing Plan, Red Cockaded Woodpecker implications, landscape buffer requirements, and utilities.

Installing needed improvements to Dover Street, including NCDOT asphalt thickness standards and town access standards, was an important factor to the board. A brief discussion on the necessity of a traffic impact study also occurred; the planning director, Mr. BJ Grieve, articulated that this project would not trigger the daily trip threshold requiring a study. Other discussions included the benefits of sidewalk installation, possible project phasing plans, and if short term rentals would be permitted in these townhomes. Mr. Grieve responded that if the applicant employs a phasing plan, the council must approve it in conjunction with the Preliminary Plat. He also confirmed that short term rentals would not be permitted uses in these townhomes.

The impact on Red Cockaded Woodpecker (RCW) habitat was another topic important to the board. The Regional Land Use Advisory Commission (RLUAC) sent their agency

comment letter confirming the Hyland Hills project is within an active RCW foraging area. RCW cavity trees may be present on site. The board discussed that US Fish and Wildlife should conduct a study, and the applicant should adhere to its findings pursuant to federal Endangered Species Act regulation. Highway yard and side yard buffers were also discussed; neighbors living along Northwood Drive – adjacent to the subject property – expressed that the required 15’ side yard buffers should remain undisturbed. Once clearing occurs, they will lose most of their privacy. Finally, the Planning Board and select neighbors expressed appreciation for the project bringing robust utilities to Dover Street. Moore County Public Works will install water connections and a sewer pump station on the north side of the property.

On a unanimous vote of 5-0, the Planning Board moved to transmit the following issues to the Town Council to consider while reviewing application MAPP-01-24:

The concerns highlighted in the staff report:

1. **Dover Street Improvements.** Dover Street does not currently meet NCDOT asphalt thickness standards or town access standards. Without the developer making necessary improvements, the street will continue to erode and negatively affect future townhome residents and adjacent neighbors.
2. **Red Cockaded Woodpecker Analysis.** RLUAC’s comments warrant a Red Cockaded Woodpecker study by US Fish and Wildlife prior to any lot clearing. If the development does not adhere to the study’s findings, it may violate federal Endangered Species Act regulation.
3. **Landscaping Buffers.** Adjacent neighbors on Northwood Drive expressed concerns about the required 15’ side buffer being undisturbed or replanted. Once cleared, their privacy will be negatively affected and feel the plan must include the best mitigation measures possible to this end.

Other concerns:

1. **Neighborhood Meeting.** Though not a regulatory requirement, the applicant has not held a neighborhood meeting for this project. This may limit the applicant’s perspective on the project’s effects.
2. **Sidewalks.** The preliminary plat does not include sidewalks. The developer’s plan could improve by including them.
3. **Phasing Plan.** Trevor Hansen, from KoontzJones Design, stated that they are considering a phasing plan for this project. If employed, this plan must be approved in conjunction with preliminary plat approval.
4. **Traffic Analysis.** Trevor Hansen, from KoontzJones Design, stated that they are considering a traffic analysis for this project. An analysis may better inform the project’s plan; however, because the project does not trigger the minimum daily trip threshold, one is not required by regulation.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that although the Planning Board forwarded a list of issues for Council consideration, no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council’s decision on MAPP-01-24.

3. PROJECT INFORMATION

A. Property Owner & Applicant Information

Property Owner/Applicant

Moore HL Properties, Inc.
55 Walnut Creek Road
Pinehurst, NC 28374

Authorized Agent

Trevor Hansen
Koontz Jones Design, PLLC
140 Applecross Road, Suite B
Pinehurst, NC 28374

B. Project History and Site Information

i. Location, Zoning, Comprehensive Plan Designations

The subject property is zoned RM-1 (multi-family), is also located within the Urban Transition Highway Corridor Overlay (HCO), and the Watershed Protection Overlay (WPO). The General Framework Map and Conservation and Development Maps from the Comprehensive Plan categorize the site as an “Area to Enhance” and “Neighborhood” respectively. This neighborhood area is intended to promote multiple home types and especially the town’s “missing middle” home choices. Walkability and well-connected networks of open spaces should be considered and included where feasible in these development areas.

Figure 1: Immediate Vicinity Map. Approximate parent tracts’ boundary indicated by thick orange line.



Figure 2: Zoning and Watershed Map. The parent tracts encompass the area outlined in orange. The light brown zoning color indicates a RM-1 zone (multi-family - 10-12 dwelling units per acre). The area north of the blue line indicates the High-Quality (Protected) Water Protection Overlay.



Figure 3: Urban Transition Highway Corridor Map. The parent tracts encompass the area outlined in orange. The area in between the two purple lines indicates the Urban Transition Highway Corridor Overlay.

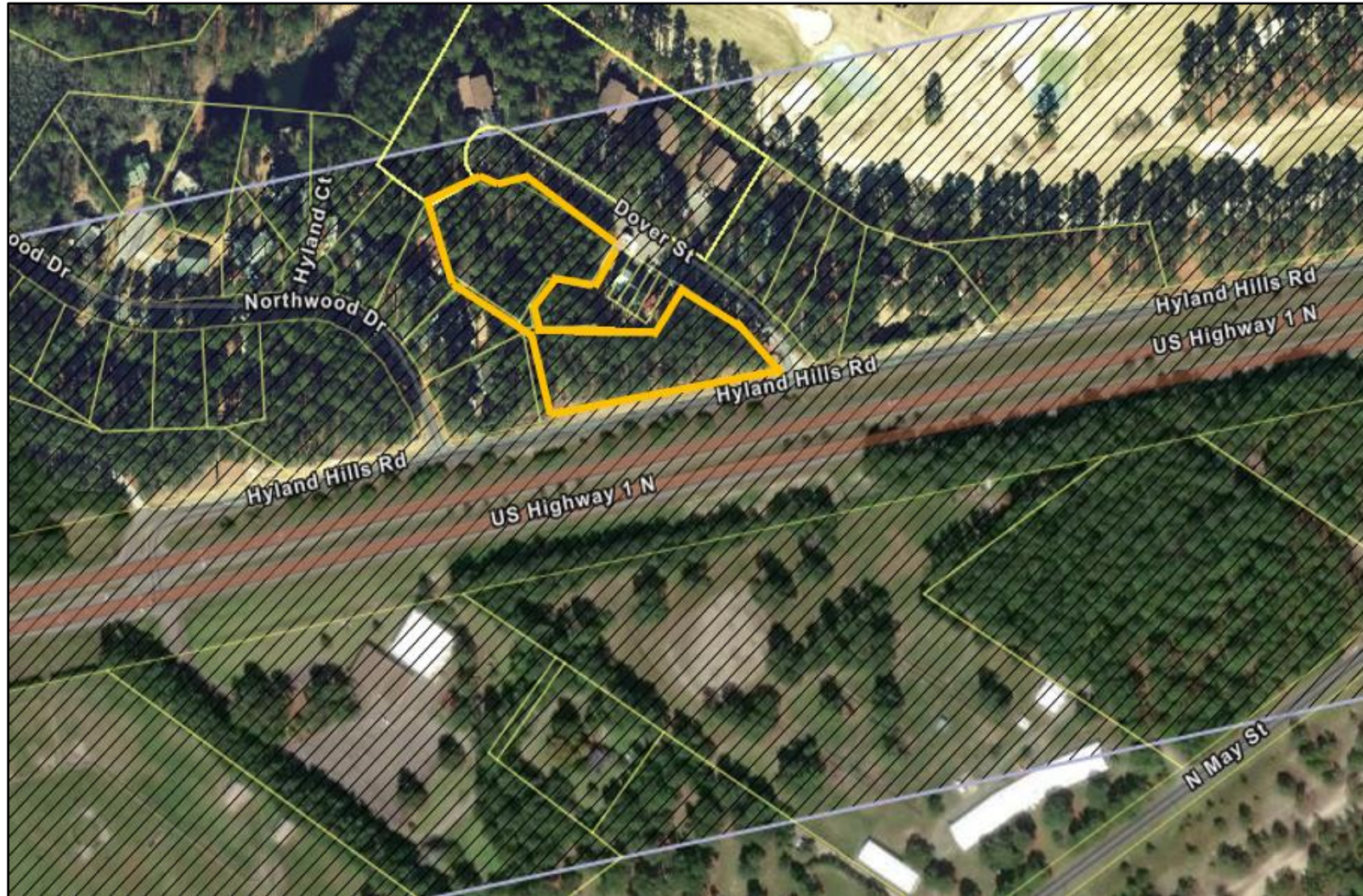
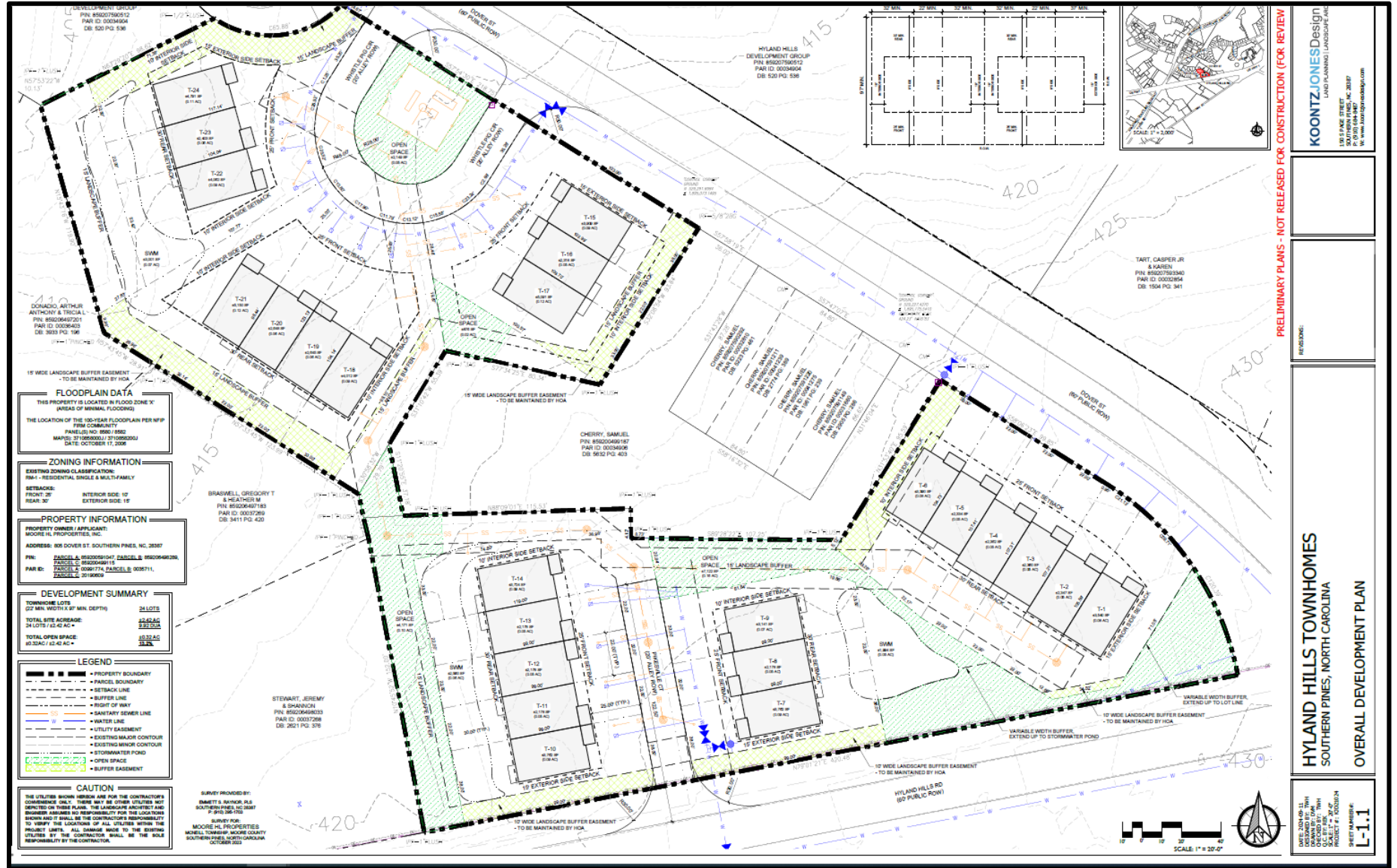


Figure 4: Preliminary Plat Site Plan.



4. STAFF REVIEW

1. Application Review Dates

- Major Subdivision Preliminary Plat Application Submitted: **August 12, 2024**
- Application Deemed Incomplete: **August 15, 2024**
- Application Deemed Complete: **August 22, 2024**
 - Additional Materials Submitted: **September 12, 2024**
- TRC Staff Review: **September 3, 2024**
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: **September 3, 2024**
 - Mailed: **August 30, 2024**
 - Internet: **August 28, 2024**
 - Published: **August 30, 2024**
- Planning Board Preliminary Forum: **September 19, 2024**
- Notice of October 8, 2024, Town Council Evidentiary Hearing:
 - Posted On-site: **September 3, 2024**
 - Mailed: **September 23, 2024**
 - Publication Dates: Emailed to The Pilot on September 17, 2024 for publication on **September 25, 2024, and October 2, 2024**
 - Internet: **September 23, 2024**
 - Additional Materials Submitted: **October 1, 2024**
- Town Council Regular Meeting/Evidentiary Hearing: **October 8, 2024**

2. Process of Review

Per UDO §2.19 General Subdivision Regulations, §2.20 Major Subdivision, and §3.7.1(C) Townhouses in Authorized Use Table, the procedures for review and approval of a major subdivision require adherence to supplemental conditions. These sections of the UDO establish a process and standards to plat and approve townhomes.

3. Standards for Review

UDO standards for Supplemental Conditions Criteria for a Major Subdivision Preliminary Plat are found in UDO §2.20.4(G), and apply to the review of this townhome preliminary plat.

4. Compliance with UDO §2.20.4(G) Major Subdivision Preliminary Plat Criteria. A major subdivision is permitted only if the applicant demonstrates that:

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

Planning staff agree with the applicant's narrative that the proposed townhomes are consistent with the 2040 Comprehensive Plan and will provide additional housing diversity in the area. It is also consistent with the General Framework Map and Conservation and Development Maps, which categorize the site as an Area to Enhance and Neighborhood.

The applicant expressed during a virtual meeting on September 6, 2024 that they will improve Dover Street to town access standards pursuant to *UDO §4.11.14* and NCDOT asphalt thickness standards pursuant to *NCGS 160D-804*. The developer will also construct access alleys to these standards. For these reasons, town staff find this development consistent with this criterion.

2. *The proposed Subdivision complies with the UDO and applicable state and federal regulations;*

The application is compliant with all regulations of the RM-1 district standards. The applicant has also submitted a concurrent application for a Watershed Protection Permit for 5/70 allocation credits (attachment 2). If approved, the applicant may develop up to 70% of the parent tracts. Pursuant to *UDO Exhibit 3-14* and its table notes, town staff find allocating 5/70 exemption appropriate because:

- The use and location are consistent with the Comprehensive Plan.
- The design is appropriate and location consistent for the WPO district.
- This allocation is necessary to establish the use in the way that best serves the neighborhood and town.
- The allocation will not detract from similar uses in this area.

This application is also compliant with UDO Open Space standards pursuant to *UDO §4.9.1* (10% for development subject to major subdivision approval). Pursuant to *UDO §4.3.4(B)(5)*, buffers at least 20' in width may count toward open space requirements. The applicant has also omitted the depicted storm water pond from this calculation, as it's too deep to qualify as open space pursuant to *UDO §4.9.7(A)*. Staff will review all other applicable UDO standards during site plan review, including, but not limited to, the §4.3 Landscaping Code and §4.8 Lighting Code.

This site is within the Urban Transition Highway Corridor Overlay, and requires corresponding highway yard and side yard planting buffers of 50' and 15' respectively (pursuant to *UDO §4.3.4(A)*, *§4.3.4(B)*, and *Exhibit 4-3*). The applicant requests a variation pursuant to *UDO §4.3.8* to reduce and vary the 50' highway yard buffer to widths of approximately 10' to 40', maximizing depth everywhere possible. Where this buffer must overlap with individual townhome lots, due to size constraints, the applicant has stated a landscaping deed of easement shall be included. The easement will direct buffer maintenance control to the homeowners' association. Planning staff agree that site constraints make these variations appropriate and a more detailed explanation of staff's consideration is set forth below under Staff Comments. With the implementation of the requested plan, a proper balance is met.

Based on the agency comment from RLUAC, a Red Cockaded Woodpecker study in line with federal Endangered Species Act regulation is necessary prior to clearing this property. The developer must also adhere to the findings

of the study, which may involve amending the project's site plan to retain cavity trees or critical foraging area.

With an approved Watershed Protection Permit, the amended buffers in place, and all Red Cockaded Woodpecker studies and protection measures completed, staff agree this development will meet this criterion.

3. *The proposed Subdivision, including its lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;*

Planning staff concur that the proposed development is compliant with the existing RM-1 zoning (10-12 dwelling units per acre). It's also compliant with the area's vision, especially noting the "missing middle" housing options, and gives proper access and circulation within the existing neighborhood area. By splitting access between Dover Street and Hyland Hills Road, circulation is also well balanced.

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

The Technical Review Committee noted at its September 3, 2024 meeting that Dover Street, a private road, is not currently compliant with access standards given its dilapidated state (see staff comment and Figure 7 below). Therefore, the application approval should include a provision outlining the plan for its improvement. Town staff recommend requiring Dover Street's improvement to town access (width) standards pursuant to *UDO §4.11.14*. Separately, asphalt thickness must meet NCDOT minimum asphalt standards pursuant to *NCGS Chapter 160D-804*. With 24 new townhomes, the street will continue to degrade and negatively impact both future and current residents if not corrected.

Staff also wish to highlight the existing five townhomes adjacent to the proposed development; this development will partially encircle those existing lots. In comparing the preliminary plat with these existing townhomes, staff agree they will integrate well with adjacent properties (see figure 5 for reference).

Staff also recommend that Town Council ensure the timely installation of landscape buffers by restricting the use of landscape bonds or extensions of compliance to receive a Final Plat (per phase). This should apply to the 15' side yards controlled by the future HOA. Some of the two-story townhomes will sit only 30 feet from existing neighbors' property lines on Northwood Drive—with no barriers to privacy without significant landscaping. If the developer employs a bond or extension of compliance, the time to install the buffers may extent significantly, and neighbors will be exposed during vertical construction. This mitigation strategy will reduce the negative impact on adjacent properties' privacy and viability, keeping in line with this criterion.

If the Dover Street improvements and buffers installations are required as outlined above, town staff agree this criterion is satisfied.

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

The applicant has stated that Moore County Public Works will install water and sewer utilities on this site. Installations will include a pump station at the north side of the property and connection to a 10" water main, ensuring adequate fire flow. Between the letter from Moore County Public Works Department (attachment 5), and cross referencing with the applicant, town staff confirm this criterion is met.

5. General Staff Comments

o **Urban Transition HCO Planting Buffers.**

Pursuant to *UDO §4.3.4(A)*, *§4.3.4(B)*, and *Exhibit 4-3*, a 50' highway yard and a 15' side yard planting buffer are required for all development subject to subdivision approval.

Since this development is a townhome development, the more restrictive requirements under exhibit 3-13 do not apply. However, the underlying requirements in UDO Chapter 4 do still apply. **Figure 5** illustrates the purpose and positive effects of retaining highway yard buffers; retaining the natural character of the town and providing a noise and sightline obscuration for future residents are its primary purpose.

Staff find that strictly applying the 50' highway hard buffer would impose significant challenges to this site's development, given its unique layout. Applying the full 50' may eliminate up to three townhomes. Pursuant to *UDO §4.3.8 (Variations)* and *§ 4.3.4(B)(3) (Undulating Buffer Boundaries)*, flexibility is allowed in administering the buffer requirement. The applicant requests a variation to reduce and vary the 50' highway yard buffer within these parameters:

- Reduce to overall widths of approximately 10'-40'.
- Apply a landscaping easement where the buffers must intersect with individual townhome lots due to building setback constraints (to ensure lot owners do not remove the buffer).
- Write landscaping easements to direct buffer maintenance control to the Hyland Hills homeowners' association.

Figure 6 demonstrates what this buffer layout will look like (reference figure 4 and Attachment 3 as well).

Regarding the Planning Board discussion on 15' side buffers remaining undisturbed, Planning staff inspected the site on 10/2/2024 to determine if a replanted or undisturbed buffer will provide better privacy. After

consulting with the adjacent property owner at 211 Northwood Dr. and measuring distances, staff determined replanting would provide better privacy in the short and long term. Additionally, to ensure timely privacy restoration, staff recommend that the developer install all 15’ side yard landscaping in HOA controlled areas prior to issuing a final plat per phase. This means avoiding the use of a bond or extension of compliance that may result in extensive delays in installation, and neighbors’ complete exposure during vertical construction. “Bonding” for landscaping inherently causes delays in installation, and avoiding the use of a bond for the side buffer will ensure a timely restoration of privacy in line with criterion 4.

Figure 5: HCO Buffer Purpose and Context - Compared with Existing Adjacent Townhomes

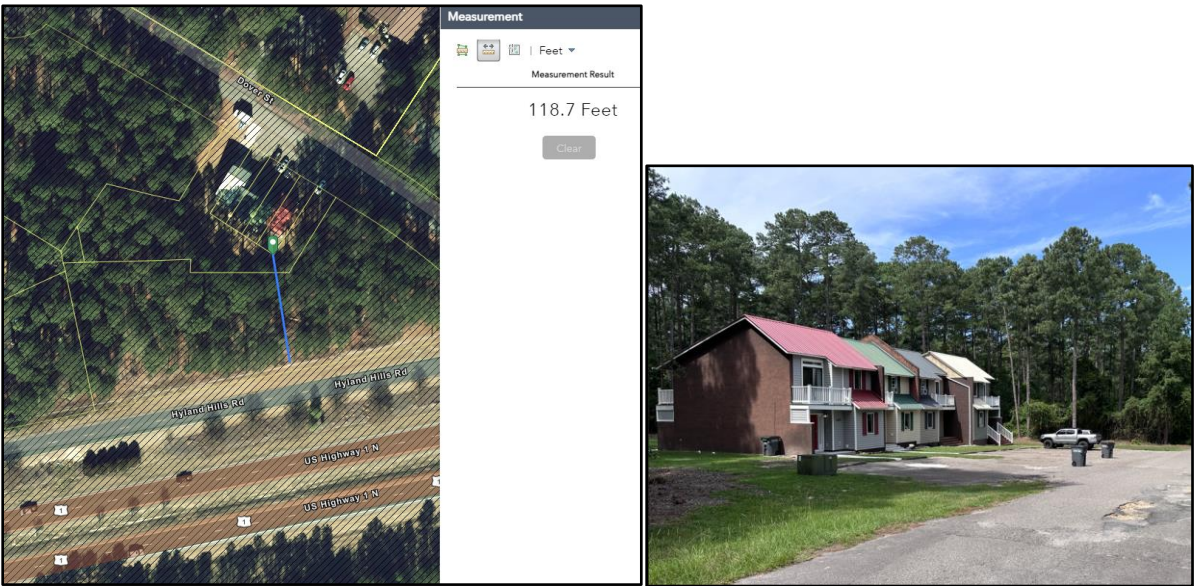
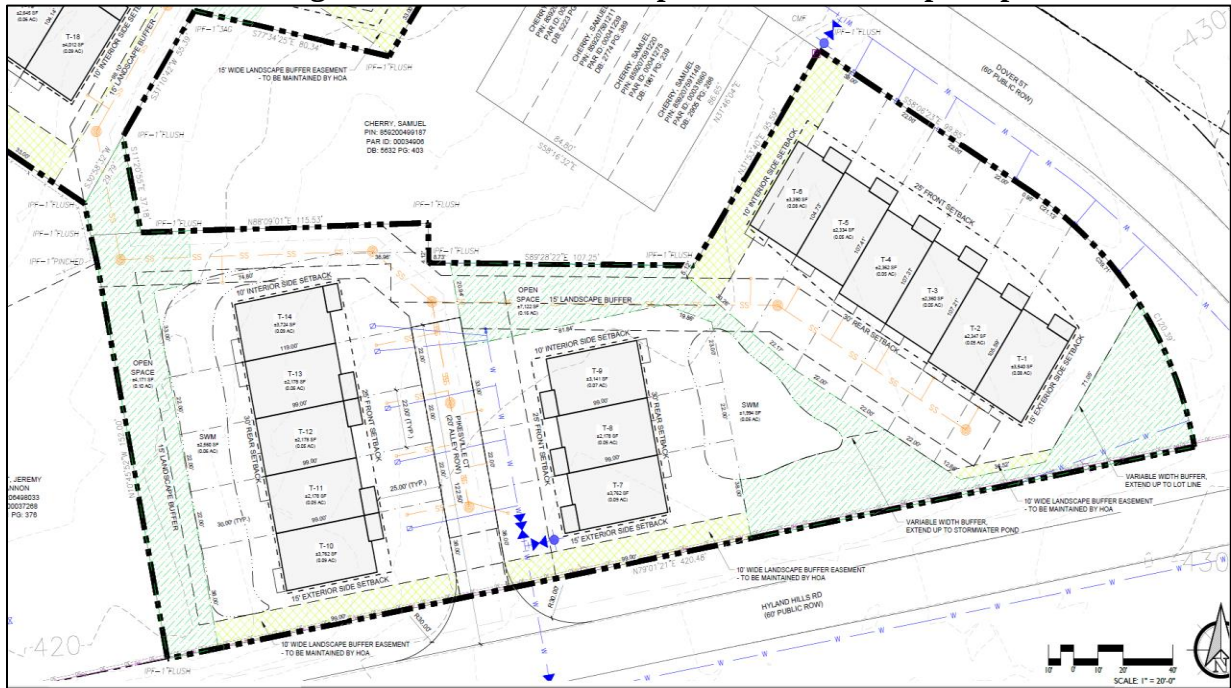


Figure 6: Koontz Jones Proposed Buffer and Open Space Plan



○ **Dover Street Improvement.**

Dover Street is a private road with potholes, some of which have eroded to holes in the soil beneath the road (see Figure 7 below). This road currently does not meet state or local regulatory standards.

Private streets must adhere to the minimum asphalt standards set by the North Carolina Department of Transportation (*pursuant to North Carolina General Statute Chapter 160D-804*). Private streets must also adhere to the minimum town access standards (*pursuant to UDO §4.11.14*). For these reasons, town staff recommend requiring all improvements mentioned above. These requirements will apply to Dover Street and the newly constructed internal access drives associated with this development.

Figure 7: Dover Street Existing Conditions



- **Moore County Utility Connections**

This townhome project intends to connect to Moore County water and sewer infrastructure. It will include connecting to a 10-inch water main to provide adequate fire flow, and a pump station to service the sewer requirements. The Town of Southern Pines Fire Marshall noted at the September 3, 2024 TRC meeting that staff will need to verify if all the proposed extensions are efficient and adequate to serve normal and emergency demands, primarily noting fire flow capacity.

Trevor Hansen from KoontzJones Design stated in a call with planning staff on September 4, 2024 that he is confident the water connection will properly meet the fire flow requirements. Given the letter from Moore County Public Works (attachment 5) and our staff internal cross-referencing, staff believe there is adequate evidence that utility connections with the county will meet the demand from this project.

If those connections fail to meet the requirements of the Fire Department, the project will be stopped at engineering plan review or during infrastructure installation.

Additionally, DeAngelo J. Jones, a District Engineer with NCDOT, expressed that an encroachment is required for utilities and other facilities to be installed in the Hyland Hills Road right-of-way.

- **Red-Cockaded Woodpecker Active Foraging Area**

After reviewing the Regional Land Use Advisory Commission (RLUAC) letter received on 9/11/24 (attachment 7), it is clearly incumbent upon the developer to conduct a Red-Cockaded Woodpecker (RCW) study alongside US Fish and Wildlife prior to lot clearing. RCW protection measures adhering to the study's outcomes are also necessary. These steps will ensure the project is compliance with federal Endangered Species Act regulation, which directly relates to the second MAPP criterion.

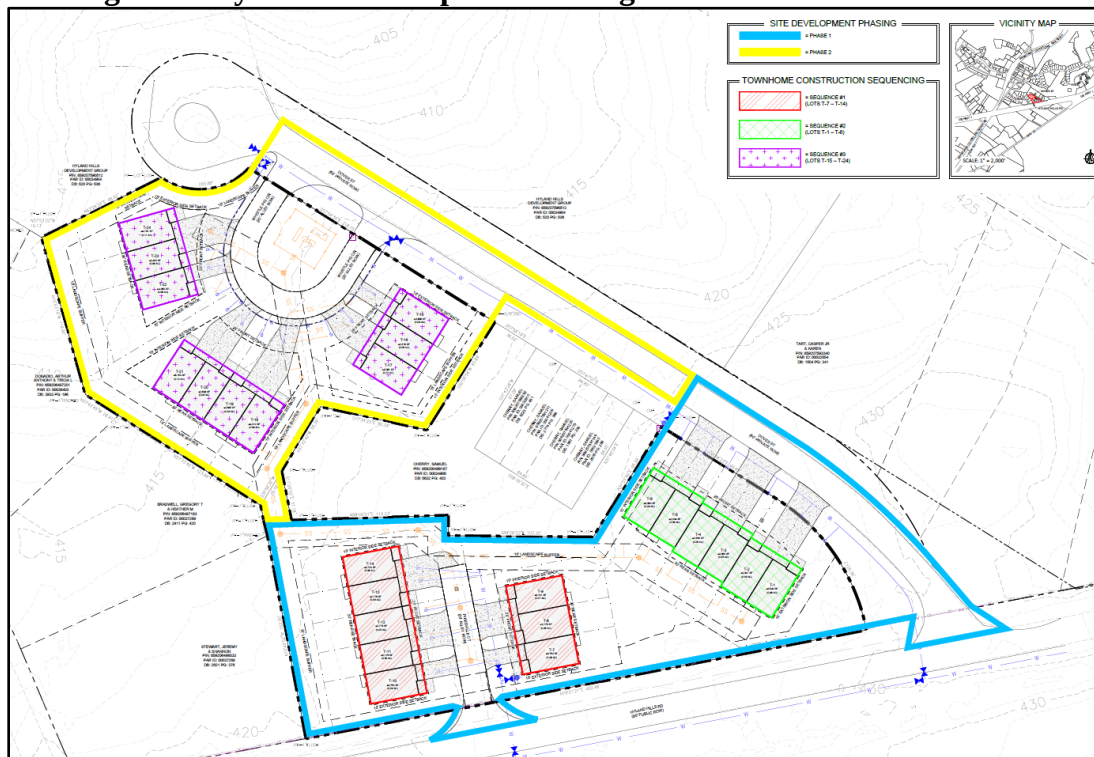
RLUAC explained that the subject property is within an active RCW foraging area, meaning RCW cavity trees may also be located on site. The development could have negative impacts to their habitat, which would stress the wider Fort Liberty habitat area, and impact Fort Liberty's overall training area flexibility. RCWs are federally protected, and removing a cavity tree can produce fines of up to \$50,000. For all of these reasons, site plan approval should be contingent on the applicant conducting the study, gaining USFWS development guidance, and making site plan changes that the study finds necessary. Town staff should verify the letter from USFWS that articulates the study's findings to ensure compliance before site plan approval.

- **Project Phasing Plan**

On October 1, 2024, KoontzJones Design submitted a phasing plan that splits the project into two phases shown in attachment 8.

- **Phase 1:** Units T-1 through T-14, all water and sewer utilities, and Dover St. improvements up to the driveway of building T-6.
- **Phase 2:** Units T-15 through T-24, and all remaining Dover St. improvements.
- By installing all utilities and Dover St. improvements up to Unit 6, this ensures phase 1 will meet all requirements to operate on its own.
- Town staff agree that this phasing plan does not interfere with the criteria for a Major Subdivision Preliminary Plat.
- A final plat may be issued for each separate phase, but must complete all applicable development approvals prior to issuing.

Figure 8: Hyland Hills Proposed Phasing Plan



6. Outside Agency and Neighborhood Meeting Comments

Staff have provided information on the project to outside agencies and has received the following responses:

- A response from the Regional Land Use Advisory Commission was received on September 11, 2024 stating that:
 - The site is designated as Critical to Protect in the Fort Liberty Compatible Use Rating system due to its location within a previously identified red-cockaded woodpecker active foraging area.
 - • The site is designated as Important to Protect in the Fort Liberty Compatible Use Rating system due to its location within a designated High-Quality Waters drainage area (Mill Creek HQW Management Area).
 - Preserving red-cockaded woodpecker (RCW) habitat, both on and off the installation, is critical to the success of Fort Liberty's environmental mission and the long-term sustainment of its military training and operational missions. The cumulative effect of RCW habitat loss throughout the region can reduce the amount of land available for training on Fort Liberty, which, in-turn, impacts military readiness.
- A response from the DeAngelo J. Jones, Senior Assistant District Engineer from NC Department of Transportation, was received on August 30, 2024 stating that:
 - A driveway permit is required for the connection(s) on Hyland Hills Road.
 - An encroachment is required for utilities and other facilities proposed to be installed in the Hyland Hills Road right-of-way, where applicable.
- A response from Ron Istre, the Town of Southern Pines Utilities Superintendent, reminded all that this site is outside of the town's water and sewer service area.
- The Technical Review Committee reviewed a Pre-Application submittal for the project at their September 3, 2024 meeting, with a few issues identified. They comprised of
 - the need to address discrepancies in the 50' highway yard planting buffer and 10 percent open space requirement.
 - The need to improve Dover Street to NCDOT and town standards as applicable, as well as to build the access drives to these standards.
 - The need to confirm if the fire flow from the 10-inch connection will meet town standards.
 - Confirming the need for 5/70 watershed allocation credits, as this site is within a Watershed Protection Overlay.

A list of Technical Review Committee comments was provided to the applicant on September 4, 2024. Town staff and Koontz Jones Design then

conducted a virtual follow-up meeting on September 6, 2024. Further site plan review and approval will be required prior to issuance of any building permits for development, if approved.

5. ATTACHMENTS

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

1. Preliminary Plat Applications, Agent Authorization, Deeds, and Narrative
2. Watershed Protection Permit Application
3. Preliminary Plat
4. Existing Conditions Graphic
5. Utility Verification Letter – Moore County Public Works Department
6. Homeowners Association Drafted Covenants, Restrictions, and By-Laws
7. RLUAC Impact Assessment – Red Cockaded Woodpecker and High-Quality Watershed
8. Project Phasing Plan

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

6. TOWN COUNCIL ACTION:

To either approve or deny a Preliminary Plat application, the Town Council must make findings of fact and conclusions to the applicable standards.

- *The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case.*
- *The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.20.4(G) Criteria for a Preliminary Plat, Criteria 1-5. Staff have drafted a finding of fact for consideration in Attachment 1. The Town Council may make modifications or provide an alternative to the draft findings of fact and related motions at their discretion.*

I move to:

1. Adopt **Attachment 1** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Plat MAPP-01-24.

- OR -

2. Adopt **Attachment 1** of the staff report as Findings of Fact regarding the proposed Preliminary Plat MAPP-01-24, with the following changes:

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

I move to:

1. Approve the Preliminary Plat MAPP-01-24;
2. Deny the Preliminary Plat MAPP-01-24;
3. Approve the Preliminary Plat MAPP-01-24 with the following additional conditions:

Condition 1 – Dover Street Improvements.

- The project developer shall execute two improvements to the entirety of Dover Street:
 1. Pave asphalt to the current NCDOT thickness standards.
 2. Widen the street's access width to town standards.

The applicant may conduct these improvements according to the approved phasing plan.

This condition is pursuant to NCGS 160D-804, UDO §4.11.14, and MAPP Criterion 1 and 4.

Condition 2 – Red Cockaded Woodpecker Study and Protection Measures.

- The applicant shall conduct the necessary Red Cockaded Woodpecker (RCW) study to identify any cavity trees, sensitive foraging area, and overall impact to the active foraging area prior to any lot clearing.
- The applicant must modify the site's design according to any findings resulting from the study including, but not limited to, preserving identified RCW cavity trees. Town staff shall also verify the US Fish and Wildlife letter and any applicable site adjustments prior to lot clearing.

This condition is essential in complying with federal Endangered Species Act regulation, and therefore, MAPP Criterion 2.

Condition 3 – Landscape Buffers

- The applicant shall install all 15' side yard landscape buffers platted in Homeowners Association controlled areas prior to the town issuing final plats. To ensure a level of privacy is timely restored to adjacent neighbors before vertical construction, the applicant may not employ a bond or extension of compliance for landscaping in these areas to receive a final plat. However, the applicant may complete landscape requirements and apply for a final plat separately by phase.

This condition is pursuant to UDO §4.3.4, UDO Exhibit 4-3, and MAPP Criterion 2 and 4.

Condition 4 – Phasing Plan

- The applicant will develop the Hyland Hills Townhomes project by phase according to sheet L-1.2, per the boundaries indicated on the approved Overall Development Plan, sheet L-1.1. Final plats for each phase will be issued once all site development components are complete and verified by town staff. The project will be phased according to the following description:
 - Phase 1
 - Completion of site development around lots T-1 through T-14 per the submitted Preliminary Plat Overall Development Plan, sheet L-1.1. Inclusive of site grading, stormwater installation, landscape requirements, and installation of the alley road off Hyland Hills Dr, Pikesville Ct.
 - All proposed sewer and water utility improvements for the entire project including the proposed sewer lift station at the loop of Whistle Pig Cir.
 - Improvements to Dover St, per NCDOT standards, up to and including lot T-6, which will provide fire service access for Townhome Lots T-1 through T-6.
 - Phase 2
 - Completion of site development around lots T-15 through T-24 per the submitted Preliminary Plat Overall Development Plan, sheet L-1.1. Inclusive of site grading, stormwater installation, landscape requirements, and installation of the alley off Dover St, Whistle Pig Cir.
 - Remainder of the Town required improvement of Dover St up to Whistle Pig Cir.
 - Construction Sequence for Townhome Units Following Final Plat Approval and need for Certificate of Occupancy
 - First will be construction of the townhomes on lots T-7 through T-14
 - Second will be construction of the townhomes on lots T-1 through T-6
 - Third will be construction of the townhomes on lots T-15 through T-24

ATTACHMENT 1
Draft Town Council Findings of Fact
Preliminary Plat Application MAPP-01-24

FINDINGS OF FACT

1. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for the Major Subdivision Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Plat, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
2. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 1 (the application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities) in that the townhomes will provide additional housing diversity in the area. The proposed subdivision is also consistent with the General Framework Map and Conservation and Development Maps, which each categorize the site as an Area to Enhance and Neighborhood within the town's extraterritorial jurisdiction. The open space will serve the community by preserving natural character and buffering between residential zones and a major highway. The applicant will improve Dover Street to NCDOT and town standards, and the Moore County Public Works Department will install a water and sewer framework. Therefore, the project is also consistent with its surrounding open space, street, and utility plans.
3. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 2 (the proposed subdivision complies with the UDO and applicable state and federal regulations) in that once the project receives a Watershed Exemption Allocation it will comply with UDO Exhibit 3-14. By consulting with US Fish and Wildlife to conduct a Red Cockaded Woodpecker analysis and modifying the Hyland Hills site plan accordingly if necessary, the development will comply with federal Endangered Species Act regulation. Given the UDO requirements for 50' highway yard and 15' side yard buffers, the unique layout of the parcels, and the challenge imposing a 50' highway yard buffer will involve, buffer modification (pursuant to UDO §4.3.8) as depicted on the Preliminary Plat is appropriate. Employing a deed of easement for buffer area that overlaps with private lots is also appropriate to ensure the buffer's longevity.
4. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 3 (the proposed Subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property) in that the 24 townhome lots and their respective dimensions meet density standards. RM-1 zoning standards call for 10-12 units per acre and this site is 2.42 acres, which is well within the prescribed density. The unique layout of the site also makes for an equally unique access plan. By making one alley access from Dover Street and the other from Hyland Hills Road, the circulation plan will minimally impact adjacent properties.

5. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 4 (the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties) in that the project improves the entirety of Dover Street and timely installs landscaping buffers to protect privacy. The applicant will improve asphalt thickness to NCDOT standards and access width to the Town of Southern Pines standards (pursuant to NCGS 160D-804 and UDO §4.11.14). This ensures the increased vehicle traffic resulting from the project doesn't further erode Dover Street. Installing HOA controlled 15' side yard buffers prior to issuing final plats will ensure the development's coexistence with adjacent residential properties. The buffers mitigate the negative impact to adjacent properties' privacy and viability. Restricting the use of a bond or extension of compliance for the side yard buffers will ensure this mitigation measure is in place prior to vertical construction.
6. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 5 (the proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development) in that the proposed utility plan adequately meets water, fire flow, and sewer requirements. Utility development in the manner proposed, though installed by an outside agency, is consistent with town standards and will serve this part of the community efficiently and adequately. The 10-inch fire flow connection is also adequate to serve emergency demands.

Major Subdivision Preliminary Plat

REQUIRED APPLICATION MATERIALS:

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

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

REVIEW AND APPROVAL:

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

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Major Subdivision Preliminary Plat Application

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

Subdivision Name: Hyland Hills Townhomes Street Address: 805 Dover St. Southern Pines, 28387

A: 859200591047, B: 859206498289, A: 00991774, B: 0035711,
PIN: C: 859200499187, D: 859200499115 Parcel ID: C: 00034906, D: 20190609 Zoning District: RM-1

Project acreage in: Lots 1.76 + Roads 0.13 + Open Space 0.73 + Common Area 0.18

+ Other (describe) _____ = Total Project Acreage 2.80 AC

Number of Lots: 24 Minimum Lot Size: 2,134 SQ. FT. Setbacks: 25' Front, 10' Interior Side,
(0.05 AC) 15' Exterior Side, 30' Rear

Highway Corridor Overlay: Yes/No Yes If yes, Urban Village X Urban Transition _____ Rural Hwy _____

Watershed: Yes/No Yes If yes, LR #2: X LR Vass: _____ Nicks Creek: _____ HQW: Yes/No Yes

Does the site contain a Special Flood Hazard Area: Yes/No No Does the site contain wetlands: Yes/No No

Applicant:

Name: Koontz Jones Design, PLLC

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

Mailing Address: 140 Applecross Rd. Suite B, Pinehurst NC, 28374

Contact Person, if different from Applicant:

Name: _____

Phone: _____ Email: _____

Mailing Address: _____

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

Name(s): Moore HL Properties, Inc.

Phone: 910-295-5973 Email: carolinabuilder@gmail.com

Mailing Address: 55 Walnut Creek Road

Date: 08/12/2024

Signature of Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), Moore HL Properties, Inc., hereby appoint(s) Koontz Jones Design, PLLC as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of a Major Subdivision of the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

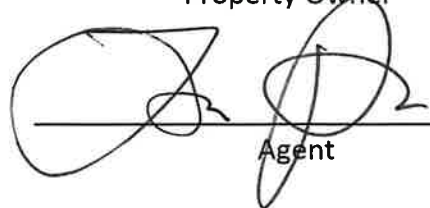
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Major Subdivision of the 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 Major Subdivision under the Southern Pines Unified Development Ordinance.

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

Signed this 12 day of August 12, 2024.



Property Owner

Property Owner


Agent

UDO §2.20.5 Preliminary Plat

(G) Criteria

- (1) The application is consistent with the approved Sketch Plat, if applicable.
- (2) The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;
- (3) The proposed subdivision complies with the UDO and the applicable state and federal regulations;
- (4) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;
- (5) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and
- (6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

Hyland Hills Property Major Subdivision Justification

Below are listed the six (6) criteria required to approve a Major Subdivision application as described in Section 2.20.4 (G) Criteria of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

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

Not Applicable

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

The proposed application conforms to all standards set forth in the RM-1 district and the development standards within the UDO. This project is also consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines.

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

The proposed development complies with the UDO and will meet all the requirements outlined for RM-1 zoning, in addition to applicable state and federal regulations.

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

The proposed development corresponds with and meets all standards and requirements set forth in RM-1 zoning requirements and conforms to the standards of the UDO. All uses are consistent with the proposed development program and allowable uses within the underlying zoning district. The development of twenty-four (24) residential townhome lots is compatible with the RM-1 zoning district.

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

This residential neighborhood will continue the existing development pattern in the neighborhood and will conform to all development standards of the UDO and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.

(6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. Lots will have adequate access to accommodate emergency and waste removal vehicles.

For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

June 7, 2021 3:44:59 PM

Book: 5632 Page: 403 - 407 #Pages: 5

Fee: \$26.00 NC Rev Stamp: \$280.00

Instrument# 2021013144

Prepared by:
John M. May, Esq.
Robbins May & Rich LLP
120 Applecross Road, Pinehurst, NC 28374
No Title Exam By Drafting Attorney

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$280.00

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____
By: _____

Brief Description: Tracts One and Two, Moore County

THIS DEED entered into as of this the 26th day of May, 2021, by and between

Grantor

Grantee

John W. Davis, III and wife, Linda B. Davis
3412 Blue Ridge Road
Raleigh, NC 27612

Moore HL Properties, Inc., a North Carolina
corporation
55 Walnut Creek Road
Pinehurst, NC 28374

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

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

See Exhibit "A" attached hereto and incorporated herein by reference.

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

Subject and together with utility easements, other easements and restrictive covenants that are enforceable against or a benefit to the property, if any, and to the lien for ad valorem property taxes for the current year to be prorated at closing.

The property hereinabove described was acquired by Grantor by instruments recorded in Book 5078, Page 183 and Book 5221, Page 315, Moore County Registry, North Carolina.

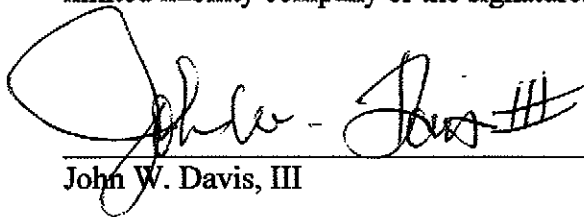
All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

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

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

[Signature Page to Follow]

IN WITNESS WHEREOF, this instrument is executed (a), if by individuals, by hereunto setting their hands under seal by adoption of the word "SEAL" appearing next to the individuals' names or signatures, (b), if by a corporation, by the duly authorized officers, directors or shareholders of the corporation on its behalf under seal by adoption of the facsimile seal printed hereon for such purpose or, if an impression seal appears hereon, by affixing such impression seal or by adoption of the word "SEAL" appearing next to the name of the corporation or the signatures of the officers, directors or shareholders, (c), if by a partnership, by the duly authorized partners of the partnership on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the partnership or the signatures of the partners or (d), if by a limited liability company, by the duly authorized members or managers on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the limited liability company or the signatures of the members or managers, on the day and year first above written.

 (SEAL)
John W. Davis, III

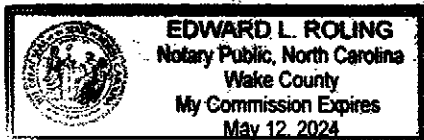
STATE OF North Carolina, COUNTY OF Wake

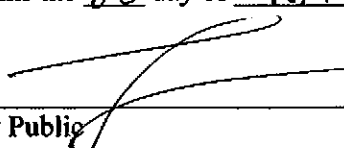
I certify that the following person personally appeared before me this day and acknowledged to me that the following person voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name	Capacity
John W. Davis, III	Individually

- ☐ I have personal knowledge of the identity of the principal;
☒ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NC Drivers License; or
☐ A credible witness has sworn to the identity of the principal

Witness my hand and official stamp or seal on this the 26 day of MAY, 2021.




Notary Public

Print notary name: Edward L Roling
(notary name must be exactly as on notary seal)

My commission expires: MAY 12, 2024

[affix notary seal above, which must be fully legible]

IN WITNESS WHEREOF, this instrument is executed (a), if by individuals, by hereunto setting their hands under seal by adoption of the word "SEAL" appearing next to the individuals' names or signatures, (b), if by a corporation, by the duly authorized officers, directors or shareholders of the corporation on its behalf under seal by adoption of the facsimile seal printed hereon for such purpose or, if an impression seal appears hereon, by affixing such impression seal or by adoption of the word "SEAL" appearing next to the name of the corporation or the signatures of the officers, directors or shareholders, (c), if by a partnership, by the duly authorized partners of the partnership on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the partnership or the signatures of the partners or (d), if by a limited liability company, by the duly authorized members or managers on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the limited liability company or the signatures of the members or managers, on the day and year first above written.

Linda B. Davis (SEAL)
Linda B. Davis

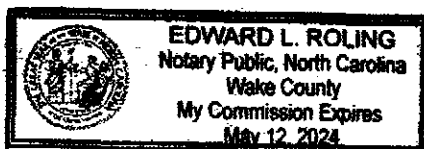
STATE OF North Carolina, COUNTY OF Wake

I certify that the following person personally appeared before me this day and acknowledged to me that the following person voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name	Capacity
Linda B. Davis	Individually

- ☐ I have personal knowledge of the identity of the principal;
☒ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NC Drivers License; or
☐ A credible witness has sworn to the identity of the principal

Witness my hand and official stamp or seal on this the 26 day of May, 2021.



Notary Public

Print notary name: Edward L. Roling
(notary name must be exactly as on notary seal)

My commission expires: May 12, 2024

[affix notary seal above, which must be fully legible]

EXHIBIT "A"

Tract One:

A tract of land in McNeill Township, Moore County, North Carolina, more particularly described as follows:

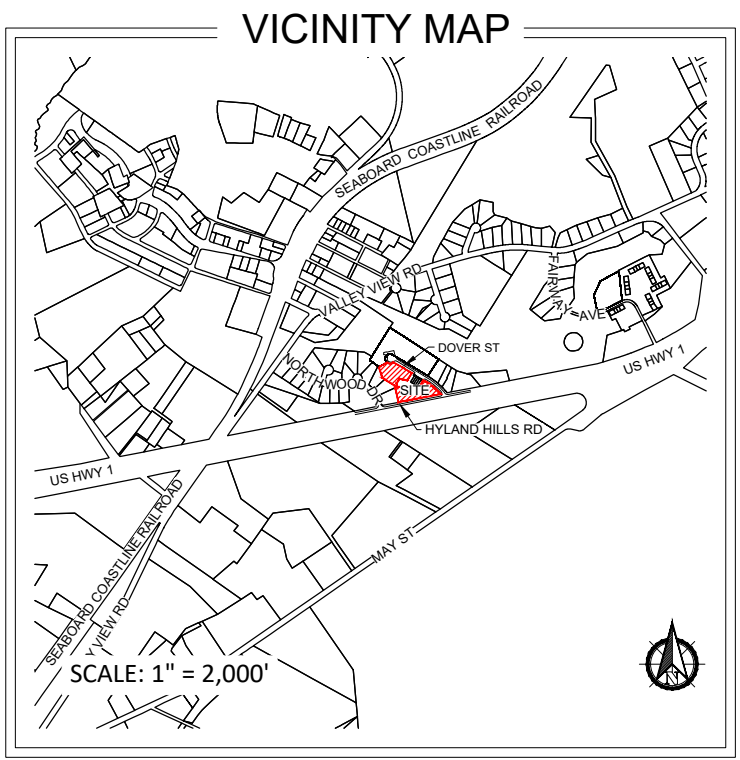
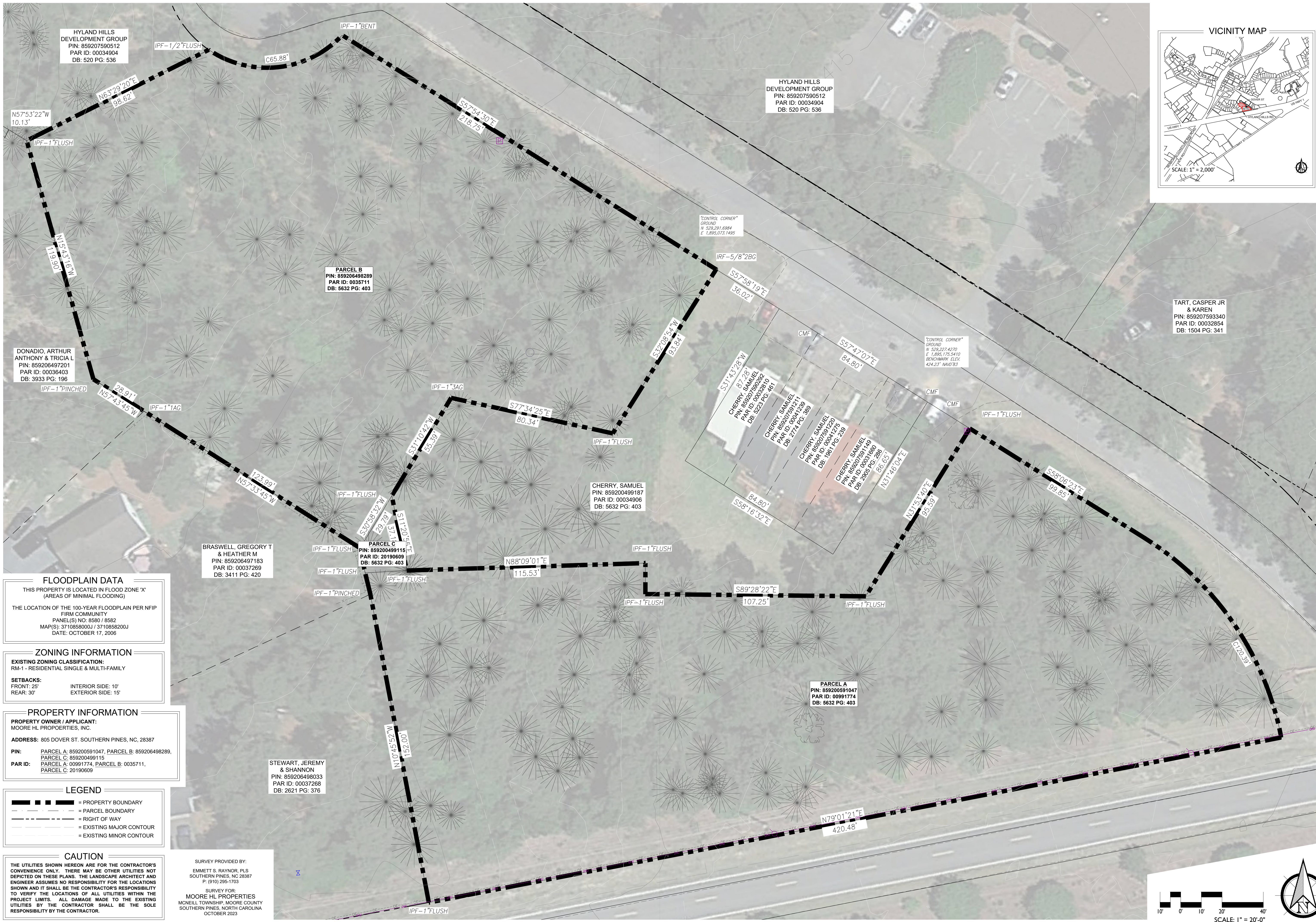
BEGINNING at the southeast corner of Lot 1, Hyland Hills Northwood Subdivision, as shown on the map in the Office of the Register of Deeds in Moore County, recorded in Plat Cabinet 3, Slide 336; thence, along the eastern property lines of Lots 1, 2 and 3 of the above referenced plat, the following calls: North 11° 00' 58" West 175.00 feet, North 57° 41' 06" West 152.88 feet, North 15° 46' 47" West 120.00 feet; thence North 63° 15' 29" East 98.65 feet to the southern line of the cul de sac of Dover Street as shown on the map for Hyland Hills Northwood Condominiums recorded in Unit Ownership Book 9, Page 63; thence along the southern line of Dover Street on a curve to the left on a chord bearing North 84° 06' 43" East 70.76 feet to an existing concrete monument; thence South 57° 58' 00" East 381.01 feet to an existing iron pipe; thence continuing along the southern right of way of Dover Street to its intersection with the northern right of way of State Road 1891; thence along the northern right of way of State Road 1891 to the point of beginning.

EXCEPTING, that portion known as Hyland Hills Northwood Townhouses shown on a map recorded in Plat Cabinet 3, Slide 285 and on a map recorded in Plat Cabinet 18, Slide 288, both of the Moore County Registry (the "Plats"), which includes Units 1301 through 1304 and the property denoted as "Common Area" shown on the Plats.

Reference is made to Deed recorded in Deed Book 5078, Page 183, Moore County Registry.

Tract Two:

That certain tract or parcel of land containing 489.6 square feet, more or less, highlighted on a map entitled "Recombination Northwood Townhouses Highland Hills, McNeill Twp., Moore County, N.C.," dated October 10, 2019, drawn from an actual survey by Benny L. Brown and attached as Exhibit "B" to Deed recorded in Book 5221, Page 315, Moore County Registry.



FLOODPLAIN DATA
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8580 / 8582
MAP(S): 3710858000J / 3710858200J
DATE: OCTOBER 17, 2006

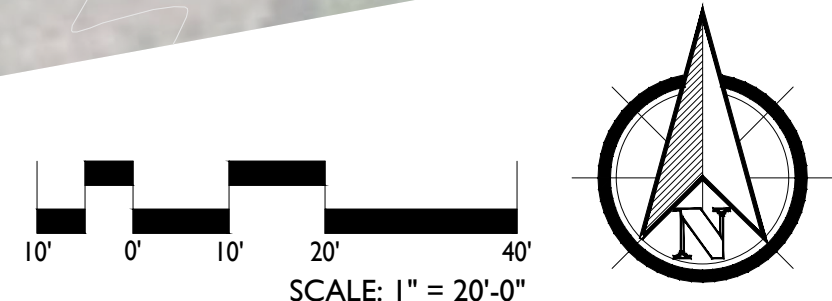
ZONING INFORMATION
EXISTING ZONING CLASSIFICATION:
RM-1 - RESIDENTIAL SINGLE & MULTI-FAMILY
SETBACKS:
FRONT: 25' INTERIOR SIDE: 10'
REAR: 30' EXTERIOR SIDE: 15'

PROPERTY INFORMATION
PROPERTY OWNER / APPLICANT:
MOORE HL PROPERTIES, INC.
ADDRESS: 805 DOVER ST. SOUTHERN PINES, NC, 28387
PIN: PARCEL A: 859200591047, PARCEL B: 859206498289, PARCEL C: 859200499115
PAR ID: PARCEL A: 00991774, PARCEL B: 0035711, PARCEL C: 20190609

LEGEND
- - - - - = PROPERTY BOUNDARY
- - - - - = PARCEL BOUNDARY
- - - - - = RIGHT OF WAY
- - - - - = EXISTING MAJOR CONTOUR
- - - - - = EXISTING MINOR CONTOUR

CAUTION
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.

SURVEY PROVIDED BY:
EMMETT S. RAYNOR, PLS
SOUTHERN PINES, NC 28387
P: (910) 295-1703
SURVEY FOR:
MOORE HL PROPERTIES
MCNEILL TOWNSHIP, MOORE COUNTY
SOUTHERN PINES, NORTH CAROLINA
OCTOBER 2023



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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8467
W: www.koontzjonesdesign.com

REVISIONS:

HYLAND HILLS TOWNHOMES
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 2024-08-12
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
SCALE: 1" = 20'-0"
PROJECT #: KID21024
SHEET NUMBER#:
L-1.0

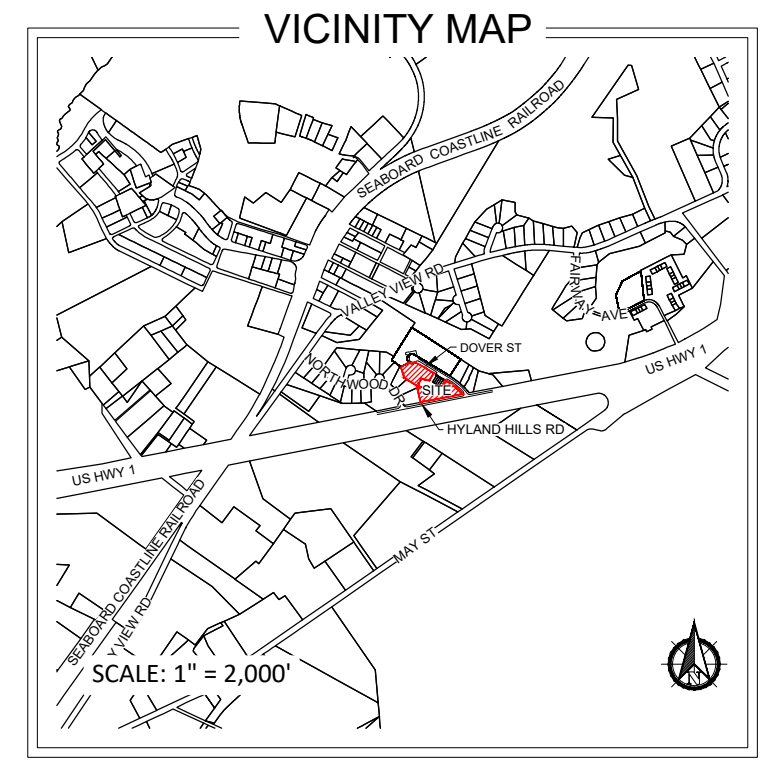
[illegible]

CAUTION

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STEWART, JEREMY
& SHANNON
PIN: 859206498033
PAR ID: 00037268
DB: 2621 PG: 376

TART, CASPER JR
& KAREN
PIN: 859207593340
PAR ID: 00032854
DB: 1504 PG: 341



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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9487
W: www.koontzjonesdesign.com

REVISIONS:

HYLAND HILLS TOWNHOMES

SOUTHERN PINES, NORTH CAROLINA

OVERALL DEVELOPMENT PLAN

DATE: 2024-08-12
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
Q.C. BY: REK
SCALE: 1" = 20'-0"
PROJECT #: KJD21024

SHEET NUMBER#:
L-1.1



NORTH CAROLINA

Watershed Protection Permit Application

REQUIRED APPLICATION MATERIALS:

- X **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.
- X **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent
- X **Site Plan**
- X **Vicinity Map**
- X **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
- X **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: Hyland Hills Townhomes Zoning District: RM-1 Total Property Acreage: 2.42 AC
A: 859200591047, B: 859206498289, A: 00991774, B: 0035711,
PIN: C: 859200499115 Parcel ID: C: 20190609 Watershed: LR #2
Type of Development: Multi-Family Townhomes Total Built-Up Area*: To be determined, not to exceed 1.69 AC
% of Total Property Acreage Proposed to be Built-Up Area*: To be determined during site plan
engineering drawings, not to exceed 70%

Applicant:

Name(s): Koontz Jones Design, PLLC Email: thansen@koontzjones.com
Mailing Address: 140 Applecross Rd. Suite B, Pinehurst NC, 28374 Phone: 910-684-8487

Authorized Agent, if different from Applicant:

Name(s): _____
Email: _____ Phone: _____
Mailing Address: _____

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

Name(s): Moore HL Properties, Inc.
Email: carolinabuilder@gmail.com Phone: 910-295-5973
Mailing Address: 55 Walnut Creek Road


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



Appointment of Agent

PLEASE PRINT. INFORMATION MUST BE LEGIBLE.

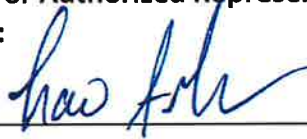
The undersigned property owner(s), Moore HL Properties, LLC, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for Hyland Hills Townhomes on the property described in the foregoing application. The property owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the property 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 Department staff for the issuance of a Watershed Protection Permit on the subject property; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for Hyland Hills Townhomes under the Southern Pines Unified Development Ordinance.

This Appointment of Agent agreement shall remain in effect until final resolution of this application.

**Property Owner or Authorized Representative of
Property Owner:**

Date: 8/12/2024



Signature

Travis Greene

Printed Name of Signatory

Authorized Agent:

Date: 8/12/2024



Signature

Trevor Hansen - Koontz Jones Design

Printed Name of Signatory

Watershed Protection Permit Application - NARRATIVE

Project Information:

Project Name: Hyland Hills Townhomes

Zoning District: RM-1

PIN: 859200591047, 859206498289, 859200499115

Parcel ID: 00991774, 0035711, 20190609

Exhibit 3-14, Table Note 3 of TOSP UDO 5-14-24

3. Development outside of the CB district requiring an allocation of Built-Upon Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:

a. The use and location of the use are consistent with the Comprehensive Plan;

The proposed townhome development is consistent with the Comprehensive Plan.

b. The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;

The design of the proposed townhome development is consistent with the purposes of the WPO district.

c. The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the Neighborhood and the Town as a whole; and

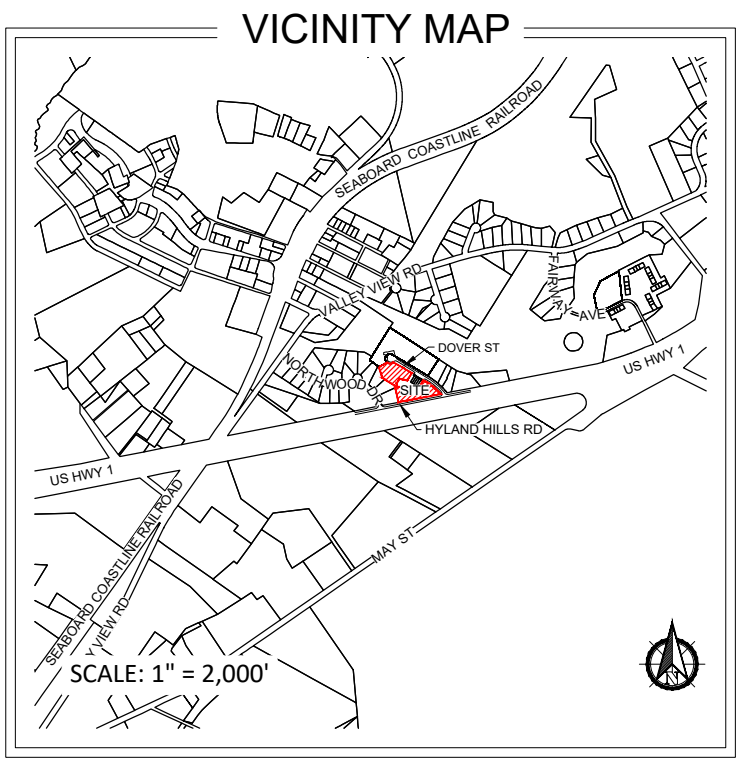
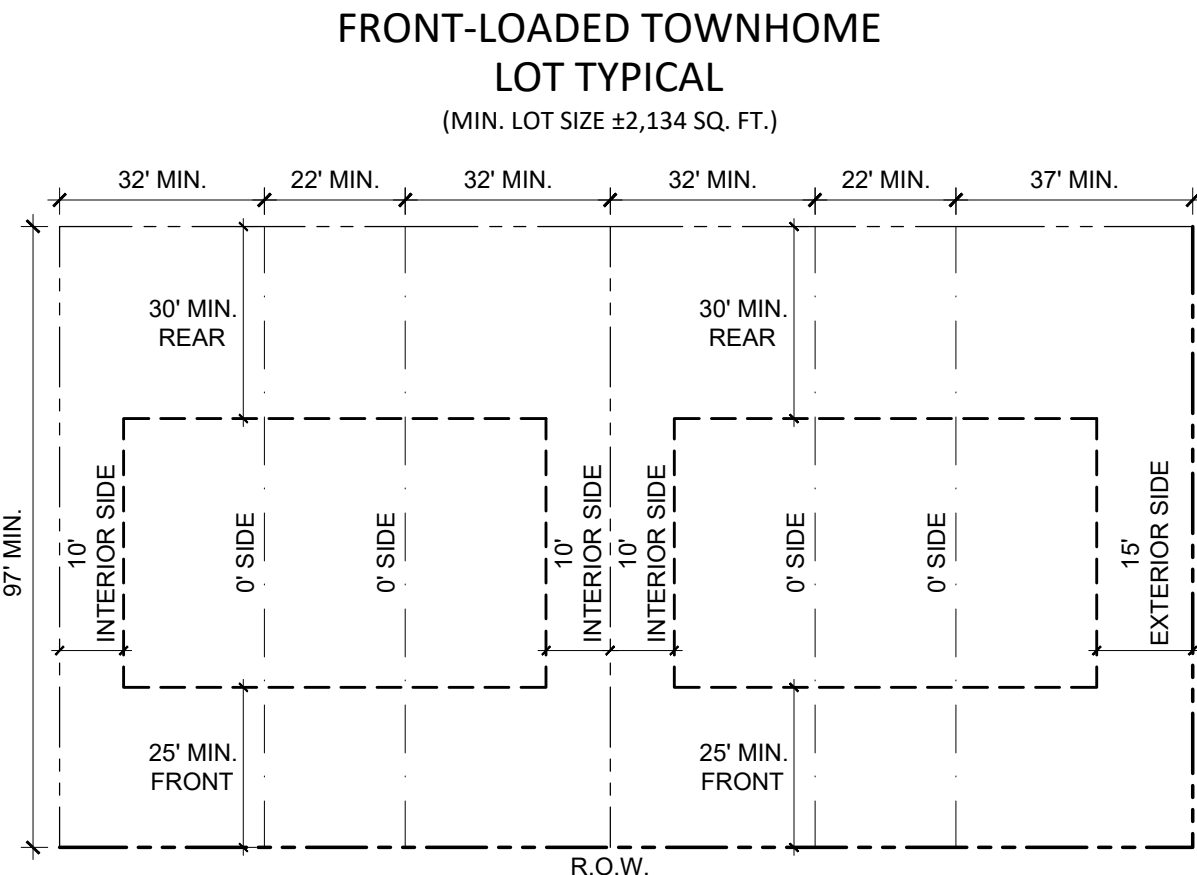
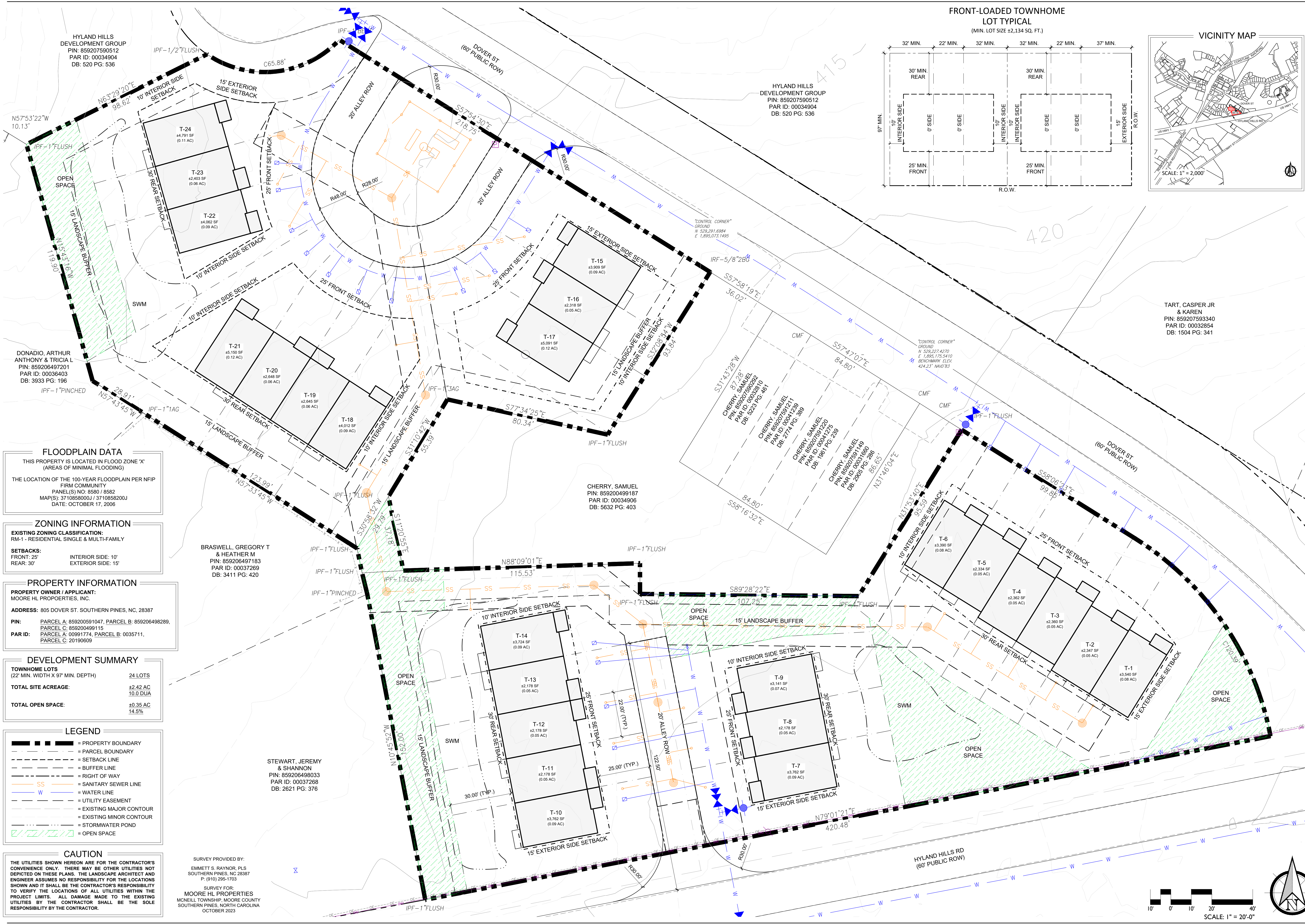
The allocation will not exceed the permitted amount of 70% (1.69 AC) and serves the interests of the Neighborhood and the Town as a whole.

d. The allocation will not detract from the viability of similar uses in the area or other parts of the Town.

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

The following criteria have been addressed. Please reach out to me if you have any questions at thansen@koontzjones.com or 910-684-8487.

Trevor Hansen, PLA



FLOODPLAIN DATA
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP
PANEL(S) NO. 8580 / 8582
MAP(S): 3710858000J / 3710858200J
DATE: OCTOBER 17, 2006

ZONING INFORMATION
EXISTING ZONING CLASSIFICATION:
RM-1 - RESIDENTIAL SINGLE & MULTI-FAMILY
SETBACKS:
FRONT: 25' INTERIOR SIDE: 10'
REAR: 30' EXTERIOR SIDE: 15'

PROPERTY INFORMATION
PROPERTY OWNER / APPLICANT:
MOORE HL PROPERTIES, INC.
ADDRESS: 805 DOVER ST. SOUTHERN PINES, NC, 28387
PIN: PARCEL A: 859200591047, PARCEL B: 859200498289, PARCEL C: 859200499115
PAR ID: PARCEL A: 00991774, PARCEL B: 0035711, PARCEL C: 20190609

DEVELOPMENT SUMMARY
TOWNHOME LOTS (22' MIN. WIDTH X 97' MIN. DEPTH) 24 LOTS
TOTAL SITE ACREAGE: ±2.42 AC
10.0 DUA
TOTAL OPEN SPACE: ±0.35 AC
14.5%

LEGEND
- - - - - = PROPERTY BOUNDARY
- - - - - = PARCEL BOUNDARY
- - - - - = SETBACK LINE
- - - - - = BUFFER LINE
- - - - - = RIGHT OF WAY
SS = SANITARY SEWER LINE
W = WATER LINE
- - - - - = UTILITY EASEMENT
- - - - - = EXISTING MAJOR CONTOUR
- - - - - = EXISTING MINOR CONTOUR
- - - - - = STORMWATER POND
- - - - - = OPEN SPACE

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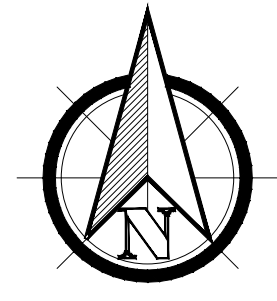
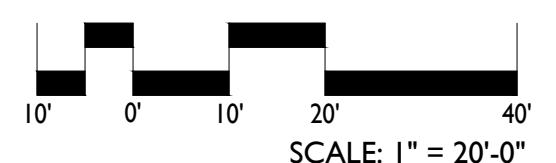
SURVEY PROVIDED BY:
EMMETT S. RAYNOR, PLS
SOUTHERN PINES, NC 28387
P: (910) 295-1703
SURVEY FOR:
MOORE HL PROPERTIES
MOORELL TOWNSHIP, MOORE COUNTY
SOUTHERN PINES, NORTH CAROLINA
OCTOBER 2023

STEWART, JEREMY
& SHANNON
PIN: 859206498033
PAR ID: 00037268
DB: 2621 PG: 376

CHERRY, SAMUEL
PIN: 859200499187
PAR ID: 00034906
DB: 5632 PG: 403

HYLAND HILLS
DEVELOPMENT GROUP
PIN: 859207590512
PAR ID: 00034904
DB: 520 PG: 536

TART, CASPER JR
& KAREN
PIN: 859207593340
PAR ID: 00032854
DB: 1504 PG: 341



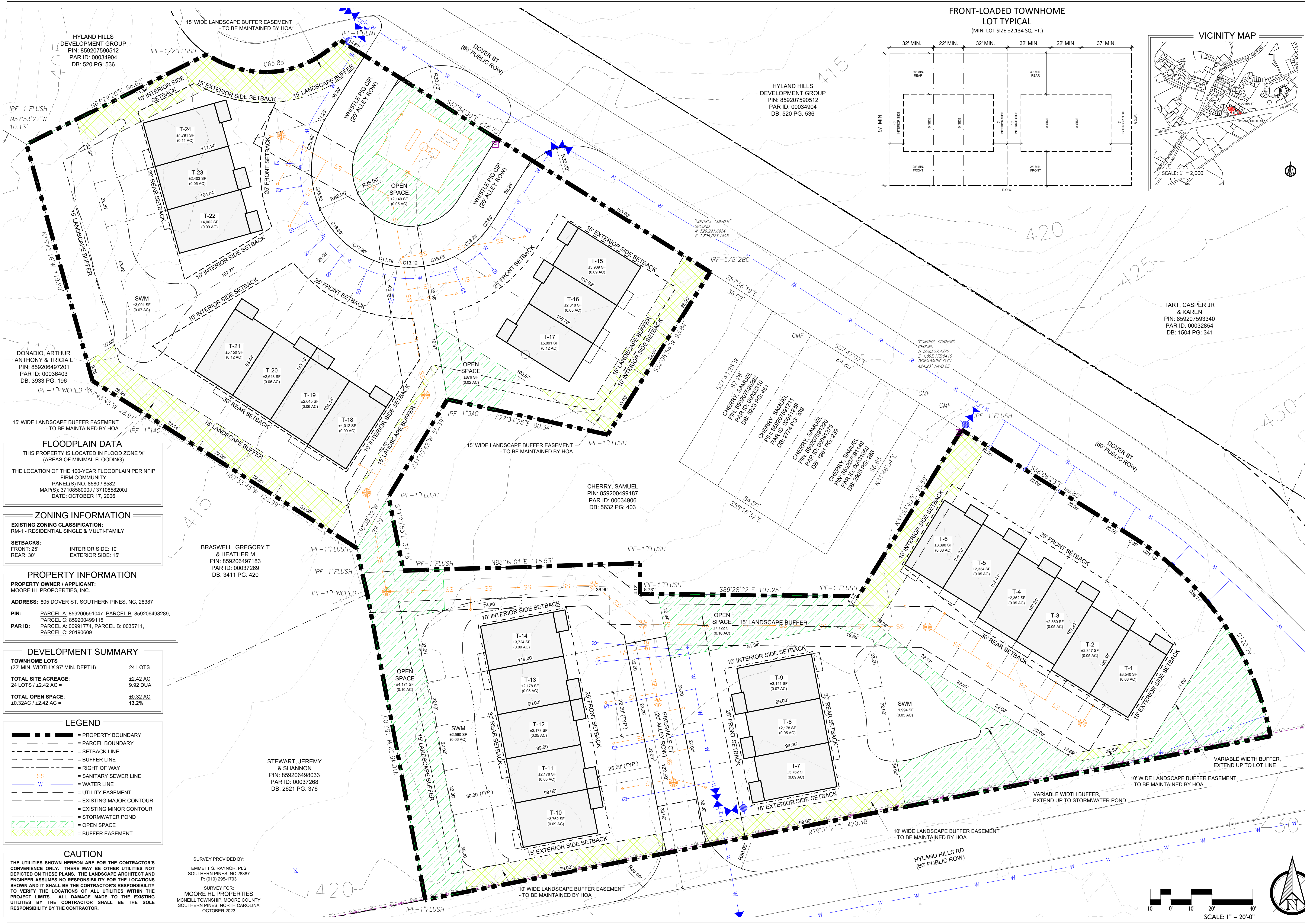
PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

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

REVISIONS:

HYLAND HILLS TOWNHOMES
SOUTHERN PINES, NORTH CAROLINA
OVERALL DEVELOPMENT PLAN

DATE: 2024-08-12
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
SCALE: 1" = 20'-0"
PROJECT #: KID21024
SHEET NUMBER:
L-1.1



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THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO. 8580 / 8582
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SETBACKS:
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INTERIOR SIDE: 10'
EXTERIOR SIDE: 15'

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PIN: PARCEL A: 859200591047, PARCEL B: 859206498289, PARCEL C: 859200499115
PAR ID: PARCEL A: 00991774, PARCEL B: 0035711, PARCEL C: 20190609

DEVELOPMENT SUMMARY
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(22' MIN. WIDTH X 97' MIN. DEPTH) 24 LOTS
TOTAL SITE ACREAGE: ±2.42 AC
24 LOTS / ±2.42 AC = 9.92 DUA
TOTAL OPEN SPACE: ±0.32 AC
±0.32AC / ±2.42 AC = 13.2%

LEGEND
- - - - - = PROPERTY BOUNDARY
- - - - - = PARCEL BOUNDARY
- - - - - = SETBACK LINE
- - - - - = BUFFER LINE
- - - - - = RIGHT OF WAY
SS = SANITARY SEWER LINE
W = WATER LINE
- - - - - = UTILITY EASEMENT
- - - - - = EXISTING MAJOR CONTOUR
- - - - - = EXISTING MINOR CONTOUR
- - - - - = STORMWATER POND
- - - - - = OPEN SPACE
- - - - - = BUFFER EASEMENT

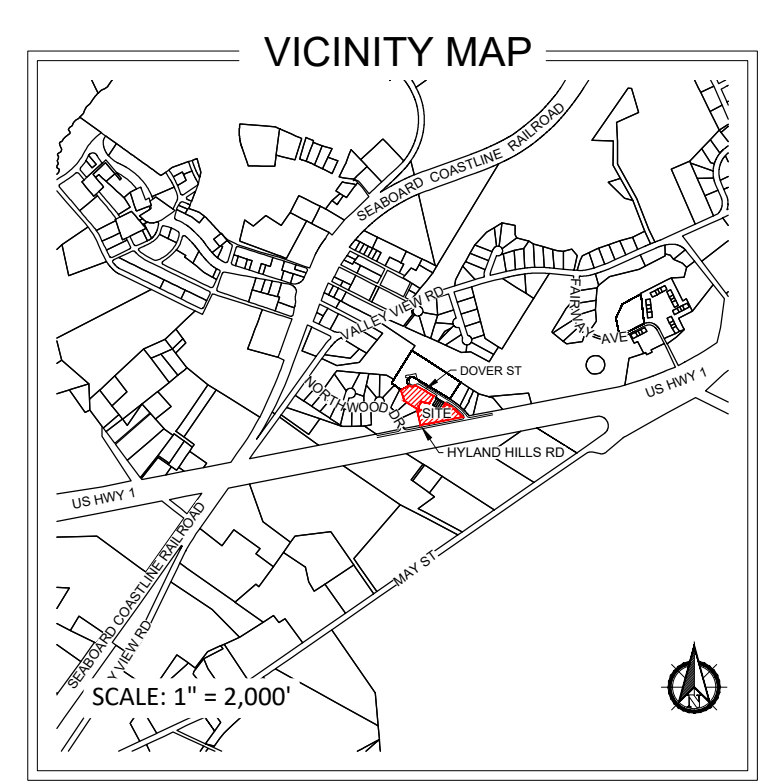
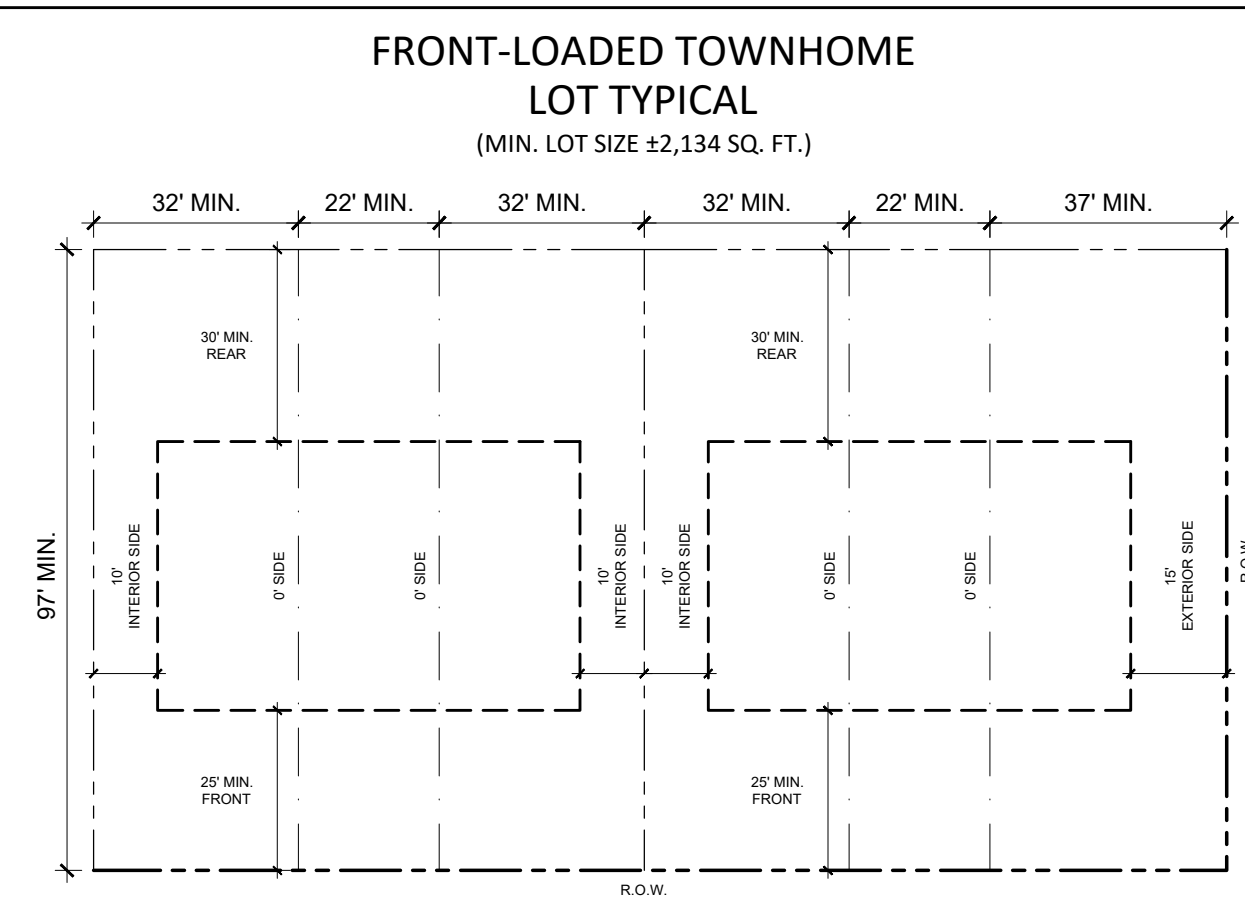
CAUTION
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SURVEY PROVIDED BY:
EMMETT S. RAYNOR, PLS
SOUTHERN PINES, NC 28387
P: (910) 295-1703
SURVEY FOR:
MOORE HL PROPERTIES
MOORELL TOWNSHIP, MOORE COUNTY
SOUTHERN PINES, NORTH CAROLINA
OCTOBER 2023

STEWART, JEREMY
& SHANNON
PIN: 859206498033
PAR ID: 00037268
DB: 2621 PG: 376

CHERRY, SAMUEL
PIN: 859200499187
PAR ID: 00034906
DB: 5632 PG: 403

HYLAND HILLS
DEVELOPMENT GROUP
PIN: 859207590512
PAR ID: 00034904
DB: 520 PG: 536



TART, CASPER JR
& KAREN
PIN: 859207593340
PAR ID: 00032854
DB: 1504 PG: 341

CHERRY, SAMUEL
PIN: 859200499187
PAR ID: 00034906
DB: 5632 PG: 403

CHERRY, SAMUEL
PIN: 859207591211
PAR ID: 0041299
DB: 2774 PG: 388

CHERRY, SAMUEL
PIN: 859207591211
PAR ID: 0041299
DB: 2774 PG: 388

CHERRY, SAMUEL
PIN: 859207591211
PAR ID: 0041299
DB: 2774 PG: 388

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PIN: 859207591211
PAR ID: 0041299
DB: 2774 PG: 388

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

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

REVISIONS:

REVISIONS:

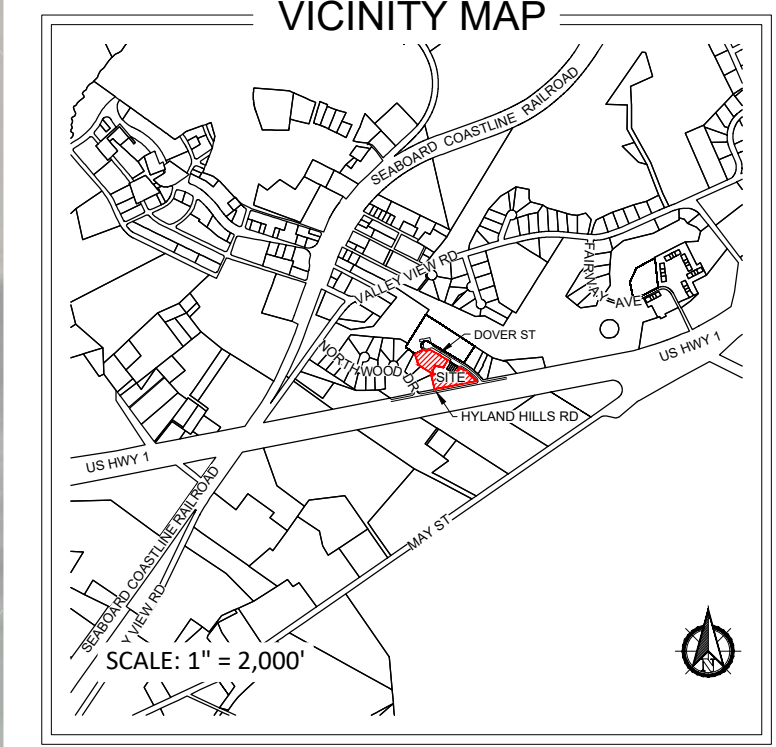
REVISIONS:

REVISIONS:

REVISIONS:

DATE: 2024-09-11
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
SCALE: 1" = 20'-0"
PROJECT #: KID21024
SHEET NUMBER:
L-1.1

HYLAND HILLS TOWNHOMES
SOUTHERN PINES, NORTH CAROLINA
OVERALL DEVELOPMENT PLAN



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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8467
W: www.koontzjonesdesign.com

REVISIONS:

NO.	DESCRIPTION

HYLAND HILLS TOWNHOMES
SOUTHERN PINES, NORTH CAROLINA

EXISTING CONDITIONS

DATE: 2024-08-22
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
SCALE: 1" = 20'-0"
PROJECT #: KID21024
SHEET NUMBER:
L-1.0

County of Moore
Public Works
P.O. Box 1927
Carthage, North Carolina 28327



Public Utilities: 910-947-6315

www.moorecountync.gov

August 21, 2024

Re: Utility Service to Hyland Hills Major Subdivision

To Whom It May Concern:

The purpose of this letter is to confirm the availability of water and sewer service by Moore County Public Utilities to the proposed project area.

Hydraulic modeling of the system shows that fire flow is available if the developer connects to an existing 10-inch water main located just north of Valley View Rd along US 1 Hwy South.

Sewer service can be provided to the project area by installing a new sewer lift station that will pump into an existing 8-inch sewer force main located along Hyland Hills Rd. The sewer lift station shall be built to Moore County Public Utilities standards and specifications in case of future ownership.

If you have any questions, please feel free to contact me.

C. Brian Patnode,
County Engineer

Cc: Andy Wilkison, Interim Public Works Director
Chris Fuller, MCPW Operations Manager

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR HYLAND HILLS TOWNHOMES

This Declaration of Covenants, Conditions, and Restrictions ("Declaration") is made this [DATE], by [DEVELOPER'S NAME], hereinafter referred to as "Declarant."

RECITALS

WHEREAS, the Declarant is the owner of certain real property located on Hyland Hills Road in Southern Pines, Moore County, North Carolina, as more particularly described in Exhibit A attached hereto and made a part hereof (the "Property");

WHEREAS, the Declarant desires to create a residential community to be known as "Hyland Hills Townhomes" (the "Subdivision") and to provide for the preservation of the values and amenities in said Subdivision and for the maintenance of the Common Areas, private roads, and other improvements;

WHEREAS, the Declarant desires to subject the Property to the provisions of this Declaration, which are intended to protect the value and desirability of the Subdivision and to be binding upon all persons having any right, title, or interest in the Property or any part thereof;

NOW, THEREFORE, the Declarant hereby declares that the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of the Property and which shall run with the land and be binding on all parties having any right, title, or interest in the Property or any part thereof, and their heirs, successors, and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE I: DEFINITIONS

1. "Association" shall mean the Hyland Hills Townhomes Homeowners Association, Inc., a North Carolina nonprofit corporation, its successors, and assigns.

2. "Common Area" shall mean all real property and improvements thereon owned by the Association for the common use and enjoyment of the Owners, including, but not limited to, private roads, green spaces, and landscaped areas.
3. "Lot" shall mean any numbered plot of land shown on the recorded subdivision plat of the Property, which is intended for development as a townhome.
4. "Owner" shall mean the record owner, whether one or more persons or entities, of fee simple title to any Lot within the Subdivision, including contract sellers but excluding those having such interest merely as security for the performance of an obligation.
5. "Declarant" shall mean [DEVELOPER'S NAME], its successors, and assigns, if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.
6. "Subdivision" shall refer to the planned community known as Hyland Hills Townhomes, located on Hyland Hills Road in Southern Pines, North Carolina.

ARTICLE II: PROPERTY RIGHTS

1. Owner's Easement of Enjoyment: Every Owner shall have a right and easement of enjoyment in and to the Common Area, which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- The right of the Association to establish reasonable rules and regulations governing the use of the Common Area.
- The right of the Association to suspend the voting rights and rights to use the Common Area by an Owner for any period during which any assessment against such Owner's Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations.
- The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members.

2. Private Roads: The roads within the Subdivision are private and shall be maintained by the Association. No Owner shall block, obstruct, or hinder traffic on the private roads. The Association may adopt rules regulating parking and speed limits on private roads.

ARTICLE III: HOMEOWNERS ASSOCIATION

1. Membership: Every Owner of a Lot within the Subdivision shall automatically be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

2. Voting Rights:

- Declarant Voting Rights: The Declarant shall be entitled to ten (10) votes for each Lot they own within the Subdivision. This special voting right shall continue until the Declarant no longer owns any Lots or until the Declarant voluntarily relinquishes this right in writing.

- Owner Voting Rights: After the Declarant no longer owns any Lots or relinquishes the special voting rights, each Lot shall have one (1) vote in the Association.

- Voting rights are subject to suspension as provided herein and in the Bylaws of the Association.

3. Board of Directors: The affairs of the Association shall be managed by a Board of Directors. The number, term, and qualifications of the Directors shall be as set forth in the Bylaws of the Association.

4. Assessments:

- Creation of the Lien and Personal Obligation of Assessments:** The Declarant, for each Lot owned within the Subdivision, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges; (2) special assessments for capital improvements; and (3) special assessments levied for emergency purposes. Such assessments, together with interest thereon and costs of collection, shall be a charge on the Lot and shall be a continuing lien upon the Lot against which each such assessment is made.

- Purpose of Assessments: The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Subdivision and for the improvement and maintenance of the Common Areas, including the maintenance of private roads, open spaces, and landscaping.

ARTICLE IV: USE RESTRICTIONS

1. Residential Use: All Lots shall be used for residential purposes only. No trade, business, or commercial activity shall be conducted on any Lot, except for home offices or home-based businesses that do not generate customer traffic, noise, or other nuisances detectable outside of the dwelling.

2. Architectural Control:

- No structure, including any building, fence, wall, or other improvement, shall be commenced, erected, or maintained on any Lot, nor shall any exterior addition to or change or alteration therein be made, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same have been submitted to and approved in writing by the Architectural Control Committee (ACC).

- The ACC shall consist of three (3) members appointed by the Declarant during the Development Period and by the Board of Directors thereafter. The ACC shall consider the harmony of external design with existing structures, location with respect to topography and finished grade elevation, and conformity with the overall aesthetic of the Subdivision.

3. Nuisances: No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. Owners shall refrain from activities that generate excessive noise, odor, or pollution.

4. Parking and Vehicle Restrictions:

- Parking shall be restricted to private driveways and garages. No vehicles shall be parked on the streets or Common Areas, except in designated guest parking spaces.

- Commercial vehicles, trailers, boats, and recreational vehicles shall not be parked on any Lot or street within the Subdivision unless stored in a garage or otherwise concealed from public view.

5. Pets:

- A maximum of two (2) household pets may be kept, provided they are not kept, bred, or maintained for commercial purposes. Pets shall be restrained at all times when outside the dwelling and must not create excessive noise or disturbance.

- Owners shall be responsible for cleaning up after their pets in the Common Areas.

6. Trash and Recycling:

- Trash service is provided by the town. Trash and recycling containers shall be stored out of view from the street, except on collection days when they may be placed at the curb.

- All garbage and recycling must be placed in secure, approved containers.

7. Lawn and Open Space Maintenance:

- The Association shall be responsible for the maintenance of all lawns and open spaces within the Subdivision, including mowing, fertilizing, and landscaping.
- No Owner shall alter, landscape, or plant in these areas without the prior written approval of the Association.

ARTICLE V: INSURANCE AND MAINTENANCE

1. Insurance:*

- The Association shall maintain adequate property insurance covering the Common Areas and any improvements thereon against loss or damage by fire, flood, storm, and other hazards, including liability insurance covering the Common Areas and the Board of Directors.

- Each Owner shall be responsible for obtaining insurance coverage for their Lot and townhome, including casualty, liability, and flood insurance if applicable.

2. Maintenance:

- The Association shall maintain the Common Areas, including roads, open spaces, and landscaping. Maintenance shall include, but not be limited to, repair, replacement, and upkeep of all common facilities, utilities, and infrastructure.

- Each Owner shall maintain their townhome and Lot in good condition and repair, including, but not limited to, exterior surfaces, roofs, windows, doors, and landscaping within the Lot boundaries.

ARTICLE VI: EASEMENTS

1. Utility Easements: There is hereby reserved a blanket easement over, under

, and through the Subdivision for the installation, repair, and maintenance of utilities, including but not limited to water, sewer, electricity, gas, cable television, and telecommunications.

2. Ingress and Egress: Easements for ingress and egress over private roads are hereby established for the benefit of all Owners and the Association. No Owner shall obstruct or interfere with the use of these easements.

3. Drainage Easements: Easements for drainage facilities are hereby reserved, and no structure or improvement shall be placed within such easements that would interfere with the flow of water or maintenance of drainage systems.

ARTICLE VII: AMENDMENT

1. Amendment by Declarant: The Declarant reserves the right to unilaterally amend this Declaration for so long as the Declarant owns any Lot within the Subdivision. Any amendment by the Declarant shall be consistent with the general purposes of this Declaration.

2. Amendment by Owners: After the Declarant no longer owns any Lots, this Declaration may be amended by a vote of two-thirds (2/3) of the Owners, with each Lot receiving one vote. Amendments shall be recorded in the public records of Moore County, North Carolina, to be effective.

ARTICLE VIII: GENERAL PROVISIONS

1. Enforcement: The Association or any Owner shall have the right to enforce, by proceedings at law or in equity, all covenants, restrictions, easements, and liens now or hereafter imposed by this Declaration. Failure to enforce any provision hereof shall in no event be deemed a waiver of the right to do so thereafter.

2. Severability: Invalidation of any provision of this Declaration by judgment or court order shall not affect any other provisions, which shall remain in full force and effect.

3. Duration: The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, the Declarant, and any Owner, their respective legal representatives, heirs, successors, and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time they shall automatically extend for successive periods of ten (10) years unless an instrument signed by the then-Owners of two-thirds (2/3) of the Lots has been recorded agreeing to terminate or amend these covenants.

4. Interpretation: The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of a residential community.

Headings are for convenience only and shall not affect the meaning or interpretation of any provision herein.

IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first above written.

[DEVELOPER'S NAME]

[DEVELOPER'S SIGNATURE]

EXHIBIT A: Legal Description of Property



TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: MAPP-01-24 Hyland Hills Townhomes

Location: Between Dover Street and Hyland Hills Road

PIN#s: 859200591047, 859206498289, 859200499187, and 859200499115

September 11, 2024

Following a review of the above referenced application by the RLUAC Land Use Committee, it has been determined that:

- The site is designated as Critical to Protect in the Fort Liberty Compatible Use Rating system due to its location within a previously identified red-cockaded woodpecker active foraging area.
- The site is designated as Important to Protect in the Fort Liberty Compatible Use Rating system due to its location within a designated High Quality Waters drainage area (Mill Creek HQW Management Area).

Preserving red-cockaded woodpecker (RCW) habitat, both on and off the installation, is critical to the success of Fort Liberty's environmental mission and the long-term sustainment of its military training and operational missions. The cumulative effect of RCW habitat loss throughout the region can reduce the amount of land available for training on Fort Liberty, which, in-turn, impacts military readiness.

Due to the presence of endangered red-cockaded woodpeckers in the vicinity of the property, care should be taken to limit potential impacts to their habitat during the development of the site. It is recommended that the owner have the property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees. Information about RCW survey protocols can be found here: <https://www.fws.gov/office/eastern-north-carolina/sandhills-rcw-safe-harbor>. The owner / developer is also encouraged to preserve as many mature pines and as much contiguous undisturbed forested land on the site as possible.

RLUAC also encourages the Town of Southern Pines and the owner / developer to take such measures as are feasible to limit the impact of stormwater runoff from the future development of the site on McDeeds Creek (a tributary of Mill Creek) and the Mill Creek

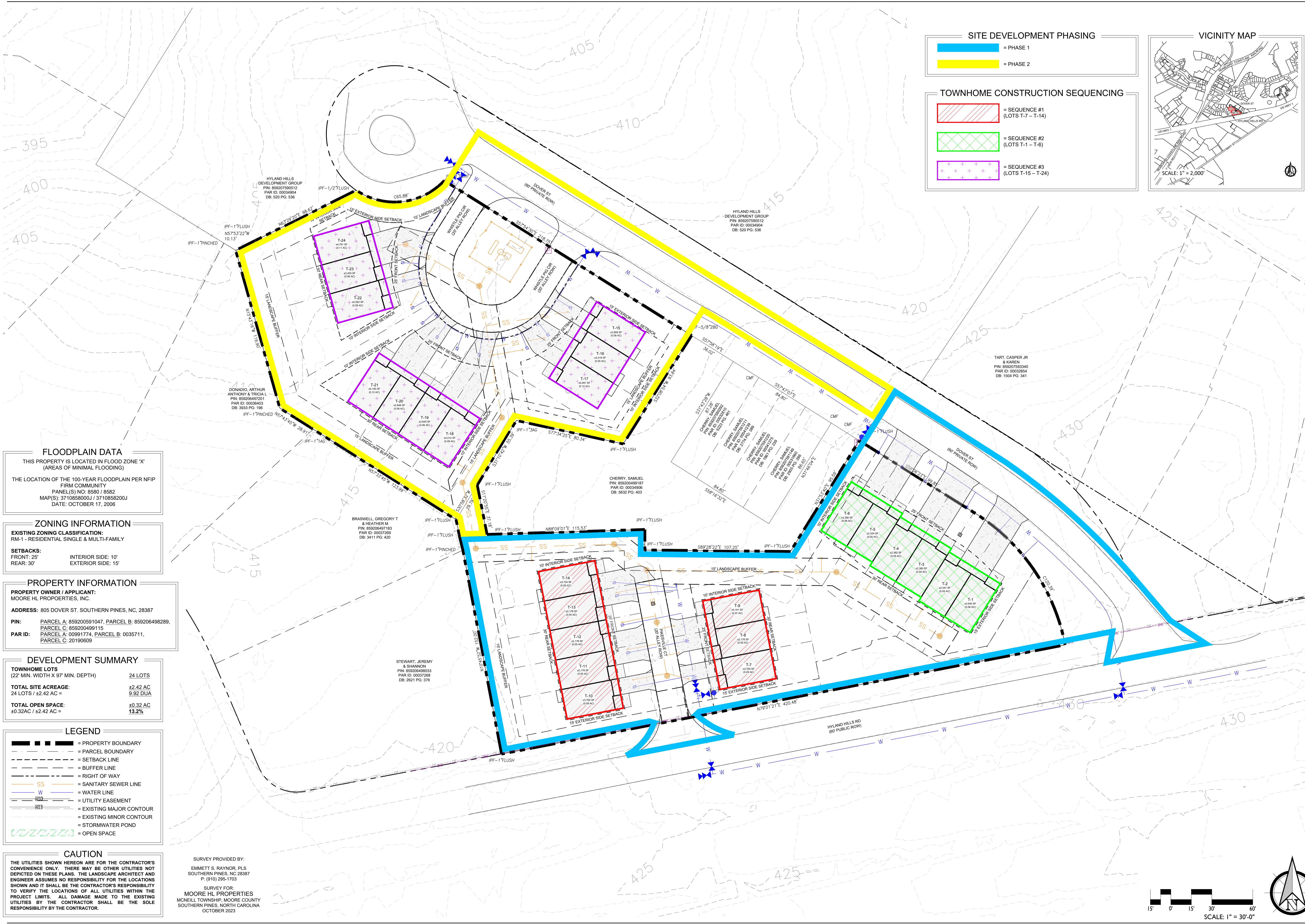
High Quality Waters Management Area. Maintaining the integrity of important environmental assets contributes to the overall compatibility of our region with Fort Liberty's environmental protection mission, which goes hand-in-hand with its military training and operational missions. Beyond the potential environmental impact of the proposed development, the nature of the use proposed for the site does not present any compatibility concerns with regard to military training or operations.

While RLUAC's findings and recommendations are non-binding on the Town of Southern Pines, their consideration and incorporation into your review of this case will help to improve compatibility outcomes for our region as a whole by protecting Fort Liberty's military training and operational missions.

Thank you for allowing RLUAC to review this case.

Kia Anthony, Chairman

Vagn K. Hansen II, AICP, Executive Director



FLOODPLAIN DATA
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X'
(AREAS OF MINIMAL FLOODING)
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP
FIRM COMMUNITY
PANEL(S) NO. 8580 / 8582
MAP(S): 3710858000J / 3710858200J
DATE: OCTOBER 17, 2006

ZONING INFORMATION
EXISTING ZONING CLASSIFICATION:
RM-1 - RESIDENTIAL SINGLE & MULTI-FAMILY
SETBACKS:
FRONT: 25' INTERIOR SIDE: 10'
REAR: 30' EXTERIOR SIDE: 15'

PROPERTY INFORMATION
PROPERTY OWNER / APPLICANT:
MOORE HL PROPERTIES, INC.
ADDRESS: 805 DOVER ST. SOUTHERN PINES, NC, 28387
PIN: PARCEL A: 859200591047, PARCEL B: 859206498289,
PARCEL C: 859200499115
PAR ID: PARCEL A: 00091774, PARCEL B: 0035711,
PARCEL C: 20190609

DEVELOPMENT SUMMARY
TOWNHOME LOTS
(22' MIN. WIDTH X 97' MIN. DEPTH) 24 LOTS
TOTAL SITE ACREAGE: ±2.42 AC
24 LOTS / ±2.42 AC = 9.92 DUA
TOTAL OPEN SPACE: ±0.32 AC
±0.32AC / ±2.42 AC = 13.2%

LEGEND
- - - - - = PROPERTY BOUNDARY
- - - - - = PARCEL BOUNDARY
- - - - - = SETBACK LINE
- - - - - = BUFFER LINE
- - - - - = RIGHT OF WAY
SS = SANITARY SEWER LINE
W = WATER LINE
- - - - - = UTILITY EASEMENT
- - - - - = EXISTING MAJOR CONTOUR
- - - - - = EXISTING MINOR CONTOUR
[] = OPEN SPACE

CAUTION
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SURVEY PROVIDED BY:
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SOUTHERN PINES, NC 28387
P: (910) 295-1703
SURVEY FOR:
MOORE HL PROPERTIES
MOORE HL PROPERTIES
SOUTHERN PINES, NORTH CAROLINA
OCTOBER 2023

SITE DEVELOPMENT PHASING

= PHASE 1

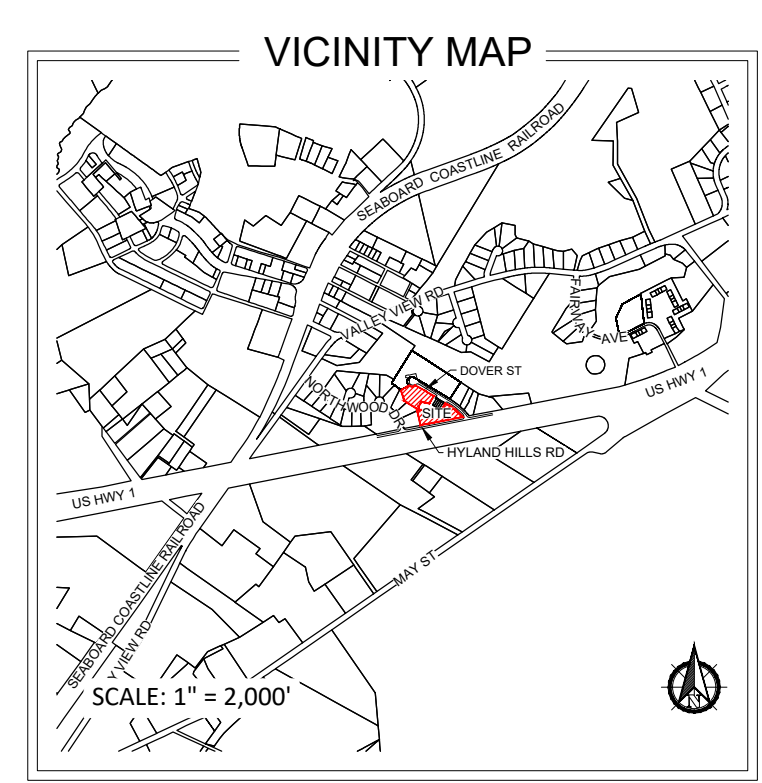
= PHASE 2

TOWNHOME CONSTRUCTION SEQUENCING

= SEQUENCE #1
(LOTS T-7 – T-14)

= SEQUENCE #2
(LOTS T-1 – T-6)

= SEQUENCE #3
(LOTS T-15 – T-24)



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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

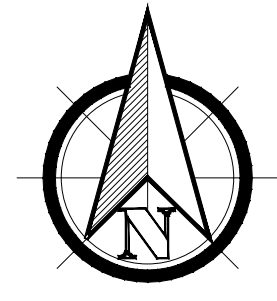
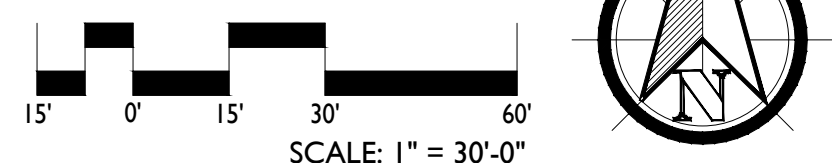
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9467
W: www.koontzjonesdesign.com

REVISIONS:

HYLAND HILLS TOWNHOMES
SOUTHERN PINES, NORTH CAROLINA

PHASING PLAN

DATE: 2024-10-01
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
SCALE: 1" = 30'-0"
PROJECT #: KID21024
SHEET NUMBER#:
L-1.2



Agenda Item

To: Reagan Parsons

From: BJ Grieve, Planning Director
James Broadwell, Planner I

Subject: MAPP-02-24: Major Subdivision Preliminary Plat for 8 Townhomes fronting Clark Street; Petitioner: Legacy Homes Construction, Inc. by Koontz Jones Design, PLLC, Agent

Date: October 8, 2024

I. SUMMARY OF APPLICATION REQUEST

Mr. Trevor Hansen of Koontz Jones Design, LLC, on behalf of Legacy Homes Construction, Inc., has submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the parent tract into 8 townhomes with a homeowners' association. The parent tract contains natural wooded buffers, a vacant field, and one rectangular shaped structure with garage doors. The subject property is located on Clark Street and the rear of the property is also adjacent to Midlothian Drive. Per the Moore County tax records, the property is identified as PARID 00032727, which comprises 1.52 acres, and is owned by Legacy Homes Construction, Inc.

II. PLANNING BOARD REVIEW

On September 19, 2024, the Planning Board held a Preliminary Forum on MAPP-02-24 to accept public comments and compose a list of issues to forward to the Town Council for consideration. Following the town staff presentation, Mr. Trevor Hansen with KoontzJones Design presented an overview of the townhome subdivision on behalf of Legacy Homes Construction, Inc. Members of the Planning Board asked Mr. Hansen and planning staff a series of questions regarding preserving trees and natural character, consulting with neighbors on the project, a possible walking trail connection, and utility connection plans.

Preserving the mature pine trees on the SE side of the subject property was an important factor to the board. The applicant has stated they intend to preserve as many as possible, however the possible need for a condition was discussed. Staff also pointed out the advantage of including a walking trail connecting to Midlothian Drive in the project's site plan. The board agreed a trail here would improve walkability to the downtown district for future residents. The board also mentioned the need to investigate the discrepancy between the tax parcel and deed parcel maps. The tax parcel appears smaller than the deed parcel and the site plan, and this should be resolved before subdividing. Finally, there was a discussion about consulting with the adjacent neighbors, one of which whose property is zoned General Business (GB). The GB property is comprised of a large brick

building, and approximately 15 stored vehicles and trailers, and may find conflicts with future townhome residents. Stormwater drainage between adjacent properties was also part of this discussion.

On a unanimous vote of 5-0, the Planning Board moved to transmit the following issues to the Town Council to consider while reviewing application MAPP-02-24:

The concerns highlighted in the staff report:

1. **Retain Existing Trees Along Clark Street.** The developer does intend to save as many of these trees as possible; however, without a condition of approval, the developer may opt to clear and replant to meet street tree requirements pursuant to *UDO §4.3.3*. This would therefore degrade this site's and the surrounding area's natural character.
2. **Resolve the Tax Parcel versus Deed Map Discrepancy.** Staff identified the subject property's tax parcel as smaller in area and incongruent with the site plan and deed's referenced map. The developer should consult with a lawyer and surveyor to resolve the discrepancy before site plan approval.
3. **Consult with Neighboring General Business Landowner.** The parcel to the immediate east of the subject property is zoned general business and characterized with possible noise and other disturbances to landowners. The developer should consult with this landowner to mitigate any conflicts that may arise with future townhome owners.
4. **Pedestrian Connection to Midlothian Drive.** The developer would do well in better aligning this project with some of the vision of the Comprehensive Plan by including a path between the townhomes and Midlothian Drive. This street is more walkable than Clark Street, and would serve as an easy access to the downtown district.

Other concerns:

1. **Drainage Issues.** Though not a regulatory requirement, the applicant should consider consulting with adjacent landowners about possible drainage, and thoughtfully consider how the increased stormwater runoff will affect adjacent neighbors.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that although the Planning Board forwarded a list of issues for Council consideration, no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council's decision on MAPP-01-24.

III. PROJECT INFORMATION

A. Property Owner & Applicant Information

Property Owner/Applicant

Legacy Homes Construction,
Inc.

415 Pinehurst Avenue

Southern Pines, NC 28387

Authorized Agent

Trevor Hansen

Koontz Jones Design, PLLC

140 Applecross Road, Suite B

Pinehurst, NC 28374

B. Project History and Site Information

i. Location, Zoning, Comprehensive Plan Designations

The subject property is zoned RM-2 (multi-family), and is also located within the Watershed Protection Overlay (WPO) district. The General Framework Map and Conservation and Development Maps from the Comprehensive Plan categorize the site as an “Area to Enhance” and “Neighborhood” respectively. This neighborhood area is intended to promote multiple home types and especially “missing middle” home choices. Walkability and well-connected networks of open spaces should be considered and included where feasible in these development areas.

Figure 1: Immediate Vicinity Map. Approximate parent tract boundary indicated by thick orange line.



[illegible]

IV. STAFF REVIEW

1. Application Review Dates

- Major Subdivision Preliminary Plat Application Submitted: **August 12, 2024**
- Application Deemed Incomplete: **August 15, 2024**
- Application Deemed Complete: **August 22, 2024**
- TRC Staff Review: **September 3, 2024**
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: **September 3, 2024**
 - Mailed: **August 30, 2024**
 - Internet: **August 28, 2024**
 - Published: **August 28, 2024**
- Planning Board Preliminary Forum: **September 19, 2024**
- Notice of October 8, 2024, Town Council Evidentiary Hearing:
 - Posted On-site: **September 3, 2024**
 - Mailed: **September 23, 2024**
 - Publication Dates: Emailed to The Pilot on September 17, 2024 for publication on **September 25, 2024, and October 2, 2024**
 - Internet: **September 23, 2024**
- Town Council Regular Meeting/Evidentiary Hearing: **October 8, 2024**

2. Process of Review

Per UDO §2.19 General Subdivision Regulations, §2.20 Major Subdivision, and §3.7.1(C) Townhouses in Authorized Use Table, the procedures for review and approval of a major subdivision require adherence to supplemental conditions. These sections of the UDO establish a process and standards to plat and approve townhomes.

3. Standards for Review

UDO standards for Supplemental Conditions Criteria for a Major Subdivision Preliminary Plat are found in UDO §2.20.4(G), and apply to the review of this townhome preliminary plat.

4. Compliance with UDO §2.20.4(G) Major Subdivision Preliminary Plat Criteria. A major subdivision is permitted only if the applicant demonstrates that:

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

Planning staff agree with the applicant's narrative that the proposed townhomes are consistent with the Comprehensive Plan's vision, and will provide additional housing diversity in the area. It is also consistent with the General Framework Map and Conservation and Development Maps, which each categorize the site as an Area to Enhance and Neighborhood.

Adequate public road access is available at this site, and the applicant will develop internal alley access to town standards, pursuant to UDO §4.11.14.

For these reasons, town staff find that the development of this type of housing, and the inclusion of street and alley construction as planned, is consistent with this criterion.

Planning staff also find that retaining the existing pine trees along Clark Street directly relates to this criterion. UDO § 4.3.3 permits cutting and replanting trees to meet town street tree requirements; however, the 2040 Comprehensive Plan policies 4.9 and 4.10 call for safeguarding natural areas and environmental assets in the community, and minimizing the amount of tree loss for new development. Town staff do not assess that retaining the majority of these trees will prevent this project's development, and do assess these trees are an asset of natural character to the surrounding community. Their preservation falls in line with both the Comprehensive Plan and this criterion, and with a condition of approval that prioritizes their preservation, staff agree this criterion is met.

2. *The proposed Subdivision complies with the UDO and applicable state and federal regulations;*

The application is compliant with all regulations of the RM-2 district standards. The applicant has also submitted a concurrent application for a Watershed Protection Permit for 5/70 allocation credits. If approved, the applicant will be able to develop up to 70% of the parent tracts. Pursuant to *UDO Exhibit 3-14* and its table notes, town staff find allocating 5/70 exemption appropriate to this site because:

- The use and location are consistent with the Comprehensive Plan.
- The design and location are consistent with the WPO district.
- This allocation is necessary to establish the use in the way that best serves the neighborhood and town.
- The allocation will not detract from similar uses in this area.

This application is also compliant with UDO Open Space standards pursuant to *UDO §4.9.1* (10% for development subject to major subdivision approval). Pursuant to *UDO §4.3.4(B)(5)*, buffers at least 20' in width may count toward open space requirements. The applicant has also omitted the depicted storm water pond from this calculation, as its construction will be too deep to qualify as open space pursuant to *UDO §4.9.7(A)*. Staff will review all other applicable UDO standards during site plan review, including, but not limited to, §4.3 Landscaping Code and §4.8 Lighting Code.

3. *The proposed Subdivision, including its lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;*

Planning staff concur that the proposed development is compatible with the existing RM-2 zoning (5-7 dwelling units per acre). It's also compliant with the area's vision, especially noting the "missing middle" housing options, and gives proper access and circulation alongside the existing neighborhood area. Finally, given the location of the development, future homeowners will be

within walking/biking distance of downtown Southern Pines including parks and the public library. Staff have included a design suggestion, under staff comments below, related to formalizing a safe access to Midlothian Drive. This street is a lower order and more pedestrian and bicycle friendly route into downtown.

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

The Technical Review Committee noted at its September 3, 2024 meeting that the internal access drive will need to meet town standards for the access drive. The Town of Southern Pines Fire Marshall also noted at the meeting that the town will need to verify at site plan review that the firetruck turnaround has adequate space.

Finally, town staff wish to highlight that the lot to this property's immediate east, zoned General Business (GB), contains a brick building and stored vehicles and trailers. Given the volume of vehicles being stored and possible repairs occurring on site, staff find potential for noise, smoke, and odors. Though a 20' buffer will separate the townhome residents from this GB site, the developer should consider consulting with this property owner, Wallace 123, LLC, to address any conflicts that may arise.

Given the fire truck turnaround dimensions will be confirmed at site plan, town staff feel the application meets this overall criterion.

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

Site access is sufficient to address safety at this site, as Clark Street is a NCDOT maintained road, and town utilities are readily available for extension to these proposed units. Town staff confirm that the application is compliant with this criterion. The Town Engineer has also confirmed that this development will not meet the threshold requiring a traffic analysis report.

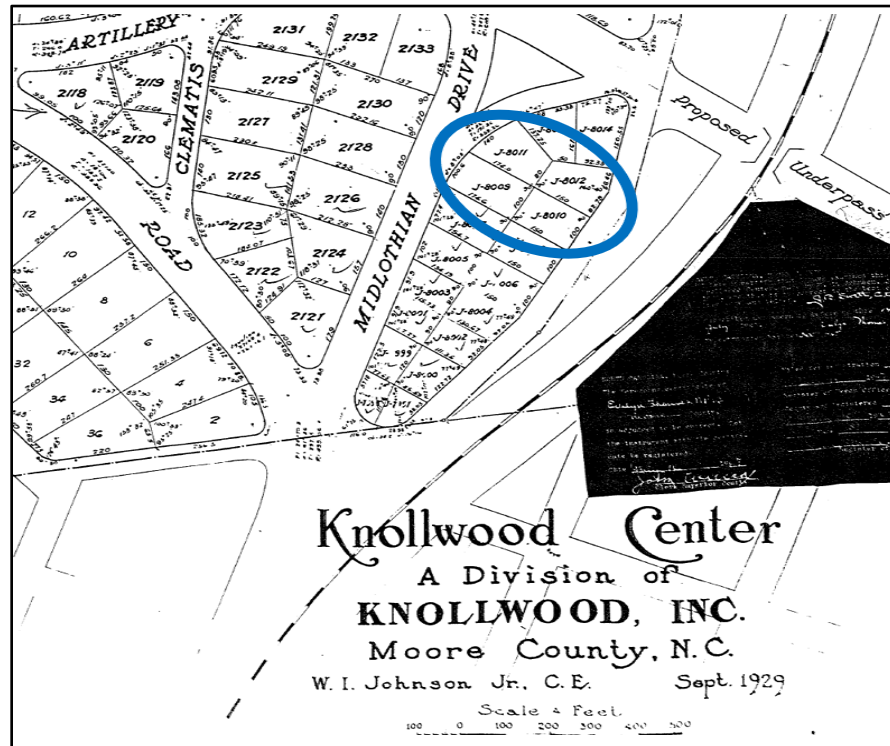
5. General Staff Comments

○ **Clarification on Property's Deed and Associated Map Book**

After comparing the preliminary plat with the parent tract's deed and corresponding map book (Map Book 3, Page 31 – **figure 4 below**), planning staff noted a possible discrepancy. The map book from 1929, and its deed, depicts the parent tract as four lots (J-8009, J-8010, J-8011, and J-8012); the layout of the lots is also different from the current tax parcel data. Staff cannot confirm from the subject property's deed if these lots convey together, which brings the question if a recombination survey is necessary to clear up any ambiguity.

For these reasons, planning staff recommend the applicant consult a lawyer to confirm the lot layout and status of these lots. This is not something planning staff recommend as a condition of approval, just a recommendation to verify for the applicant and future townhome landowners.

Figure 4: Map Book 3, Page 31 – Showing the Parent Tract as Four Lots as Referenced in its Deed



- **Street Trees Along Clark Street**

The applicant has stated during phone calls with staff and at the Planning Board meeting that the intention is to preserve as many pine trees as possible along Clark Street. The applicant has also not stated a reason that these trees would prevent any site developments by remaining in place. Preserving these trees is not a UDO requirement – as §4.3.3 allows cutting and replanting; however, MAPP Criterion 1 calls for consistency with the 2040 Comprehensive Plan, and removing these trees conflicts with policies 4.9 and 4.10. These policies call for safeguarding natural areas and environmental assets in the community, and minimizing the amount of tree loss for new development. Retaining these trees directly relates to multiple aspects of these policies. Town staff recognize that utility installation and other variables to construction may necessitate some trees to be removed. However, a condition of approval is the only mechanism that will ensure their preservation is prioritized. See **figure 5** below for a picture of the trees as they are today.

Figure 5: Longleaf Pines Along Clark Street



- **Private Street Access Standards**

Private streets must adhere to the minimum asphalt standards set by the North Carolina Department of Transportation (*pursuant to North Carolina General Statute Chapter 160D-804*). Private streets must also adhere to the minimum access and public road standards for a “Residential Local Town Street” (*pursuant to UDO §4.11.14*). For these reasons, town staff wish to

highlight that this will apply to “Old Forester Drive” depicted on the Preliminary Plat (attachment 3).

- **General Business Parcel to the Immediate East**

The parcel to the subject property’s immediate east is zoned General Business (GB). It contains a brick building with garage doors and numerous stored vehicles and trailers on site (see figure 6). Depending on site activity, like repair operations for instance, reasonable potential exists for noise, smoke, and odors. Though a 20’ buffer will separate the townhome residents from this GB site, the developer should consider consulting with this property owner, Wallace 123, LLC, to mitigate any conflicts that may arise.

Figure 6: General Business Site East of Subject Property



- **Opportunity for Pedestrian Access Improvement**

Given this site’s proximity to the downtown district and nearby pedestrian infrastructure, this site would greatly benefit from an additional pedestrian access to Midlothian Drive. Midlothian is much more pedestrian friendly, due to its relatively low vehicle traffic, than Clark Street’s higher traffic. Clark Street also does not have an existing sidewalk or bicycle lane. A gravel walking trail installed that connects the townhomes to Midlothian Drive through the wooded area to the north of the property would be a great benefit to the future residents (see **figure 7** for reference). At this time, planning staff do not recommend this as a condition; this would be a voluntary addition to the plan by the applicant, and staff wish to highlight it as a feature to consider.

Figure 7: Opportunity for Pedestrian Connection to Midlothian Drive



6. Outside Agency and Neighborhood Meeting Comments:

Staff have provided information on the project to outside agencies and has received the following responses:

- A response from the Regional Land Use Advisory Commission stated:
 - The site is designated as Important to Protect in the Fort Liberty Compatible Use Rating system due to its location within a designated High-Quality Waters drainage area (Mill Creek HQW Management Area).
- A response from Ron Istre, the Town of Southern Pines Utilities Superintendent, confirmed that 0.75” meter and sewer connection account already exist for the site. Additional meters will need to be placed at the property line, and if any services will go unused, they will need to be abandoned at the respective mains.
- The Technical Review Committee reviewed a Pre-Application submittal for the project at their September 3, 2024 meeting, with no major issues identified except for the need for 5/70 watershed allocation credits. A list of Technical Review Committee comments was provided to the applicant on September 4, 2024. Further site plan review and approval will be required prior to issuance of any building permits for development, if approved.

V. ATTACHMENTS:

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

1. Preliminary Plat Applications, Agent Authorization, Deed, Existing Conditions, and Narrative
2. Watershed Protection Permit Application
3. Preliminary Plat
4. Homeowners Association Drafted Covenants, Restrictions, and By-Laws
5. Regional Land Use Advisory Commission Watershed Assessment

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:

To either approve or deny a Preliminary Plat application, the Town Council must make findings of fact and conclusions to the applicable standards.

- *The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case.*
- *The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.20.4(G) Criteria for a Preliminary Plat, Criteria 1-5. Staff have drafted a finding of fact for consideration in Attachment 1. The Town Council may make modifications or provide an alternative to the draft findings of fact and related motions at their discretion.*

I move to:

1. Adopt **Attachment 1** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Plat MAPP-02-24.

- OR -

2. Adopt **Attachment 1** of the staff report as Findings of Fact regarding the proposed Preliminary Plat MAPP-02-24, with the following changes:

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

I move to:

1. Approve the Preliminary Plat MAPP-02-24;
2. Deny the Preliminary Plat MAPP-02-24;
3. Approve the Preliminary Plat MAPP-02-24 with the following additional condition:

Condition 1 – Maximize Preserved Pine Trees Along Clark Street.

The project developer shall retain all pine trees possible, 4" DBH or greater, on the subject property within 25' of the Clark Street right-of-way.

- Trees that will intersect with the private alley right-of-way, as depicted on preliminary plat attachment 3, are permitted to be removed.
- Trees that the developer identifies as essential to remove, for factors like utility installation, during the site plan review process are permitted for removal. However, town staff will verify the necessity of removal for each tree during site plan review.
- Town staff will also verify tree protection fencing, street tree rate requirements, and other aspects related to this condition during site plan review.

This condition is pursuant to UDO §4.3.3, Comprehensive Plan Policy 4.9, Comprehensive Plan Policy 4.10, and MAPP Criterion 1.

ATTACHMENT 1
Draft Town Council Findings of Fact
Preliminary Plat Application MAPP-02-24

FINDINGS OF FACT

1. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Major Subdivision Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Plat, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
2. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 1 (the application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities) in that the proposed townhome development aligns with the 2040 Comprehensive Plan only with the imposition of protecting the existing pine trees that front along Clark Street. The applicant has not provided a reason that these trees will prevent or significantly hinder the project's site design. The applicant has also stated their intention to preserve as many of these trees as possible; however, requiring their preservation is the only way to ensure this result. These trees provide distinct natural character to the surrounding community, which directly aligns with MAPP Criterion 1, Comprehensive Plan policy 4.9, and policy 4.10. The townhomes also will provide housing diversity in the area; the proposed subdivision is consistent with the General Framework Map and Conservation and Development Maps, which each categorize the site as an Area to Enhance and Neighborhood within the town's extraterritorial jurisdiction. Site access and utility connections, provided by Town of Southern Pines Public Works, are both readily available. Therefore, the project is also compatible with its surrounding infrastructure.
3. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 2 (the proposed subdivision complies with the UDO and applicable state and federal regulations) in that once the project receives a Watershed Exemption Allocation it will comply with UDO Exhibit 3-14 and all other applicable regulations. The project proposal of 8 units in a RM-2 district meets all development design standards including site design, buffers, and open space requirements.
4. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 3 (the proposed Subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property) in that in that the 8 townhome lots and their respective dimensions meet density standards. RM-2 zoning standards call for 5-7 units per acre and this site is 1.52 acres, which is within the prescribed density. The internal access drive depicted on the site plan will also provide sufficient access and circulation within the development.
5. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 4 (the proposed subdivision will not have detrimental impacts on the safety or viability of permitted

uses on adjacent properties) in that the project does not present a safety or viability concern for the surrounding area. The 10' landscaping buffer to the west and the 20' landscaping buffer to the east provide sufficient standoff between the different land uses. The proposed eight townhomes do not greatly increase the area's density, and given the internal access drive, only add one additional access to Clark Street.

6. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 5 (the proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development) in that the proposed utility plan adequately meets water, fire flow, and sewer requirements. The Town of Southern Pines will provide all utility connections, which are all under 200' from existing lines. This means they will serve this development adequately and efficiently.

Major Subdivision Preliminary Plat

REQUIRED APPLICATION MATERIALS:

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

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

REVIEW AND APPROVAL:

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

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Major Subdivision Preliminary Plat Application

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

Subdivision Name: Clark Street Townhomes Street Address: 510 Clark St, Southern Pines, NC 28387
PIN: 858219617079 Parcel ID: 00032727 Zoning District: RM-2
Project acreage in: Lots 0.52 + Roads 0.21 + Open Space 0.51 + Common Area 0
+ Other (describe) 0.28 (Steep Slope/ Retaining Wall/ Remaining Storm Water) = Total Project Acreage 1.52
Number of Lots: 8 Minimum Lot Size: 2,222 sq. ft. Setbacks: 25' (Front) 30' (Rear) 15' (Exterior) 10' (Interior)
Highway Corridor Overlay: Yes/No No If yes, Urban Village - Urban Transition - Rural Hwy -
Watershed: Yes/No Yes If yes, LR #2: Yes LR Vass: - Nicks Creek: - HQW: Yes/No Yes
Does the site contain a Special Flood Hazard Area: Yes/No No Does the site contain wetlands: Yes/No No

Applicant:

Name: Trevor Hansen
Phone: (435) - 265 - 6355 Email: thansens@koontzjones.com
Mailing Address: 140 Applecross Rd, Pinehurst, NC 28374

Contact Person, if different from Applicant:

Name: _____
Phone: _____ Email: _____
Mailing Address: _____

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

Name(s): Legacy Homes Construction, Inc.
Phone: (910 - 725 - 1371) Email: _____
Mailing Address: 415 Pinehurst Ave. Southern Pines, NC 28387

Date: 08/12/2024


Signature of Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), Legacy Homes Construction Inc., hereby appoint(s) Trevor Hansen as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of a Major Subdivision of the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

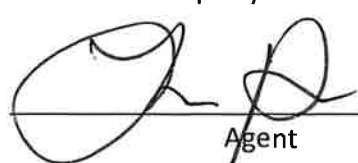
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Major Subdivision of the 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 Major Subdivision under the Southern Pines Unified Development Ordinance.

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

Signed this 12 day of August 12, 2024.



Property Owner

Property Owner


Agent

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

September 8, 2022 3:11:14 PM

Book: 5910 Page: 338 - 339 #Pages: 2

Fee: \$26.00

NC Rev Stamp: \$500.00

Instrument# 2022015463

GENERAL WARRANTY DEED**THIS INSTRUMENT PREPARED BY:**

Michelle Stinnett, Esq.
 Lorenz & Creed Law Firm, PLLC
 230 N. Bennett Street
 Southern Pines, NC 28387

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

Excise Tax: \$ 500.00

THIS DEED made this 15th day of August, 2022, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
SOUTHBOUND SALES, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY 674 Youngs Road Vass, NC 28394	LEGACY HOME CONSTRUCTION, INC. A NORTH CAROLINA CORPORATION Tax address: PO Box 667 Southern Pines, NC 28388

WITNESSETH:

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

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

Lots J-8009, J-8010, J-8011, and J-8012, as shown on map entitled "Knollwood Center, a Division of Knollwood, Inc." and recorded in Map Book 3, Page 31, Moore County Registry.

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

This property herein described does not include the primary residence of the Grantor.

And being the same property conveyed to Grantor in instrument recorded in Book 3877, Page 45, in the Moore County, North Carolina, Register of Deeds. By execution of this deed, Grantor affirms that Jo-an H. DeSell and Jo-an Harter DeSell are one and the same person and that on May 19, 2011 Jo-an H. DeSell was unmarried. The attorney preparing this instrument has not searched the title to the real property hereby conveyed and makes no opinion relative to the status of the title to the real property hereby conveyed.

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

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

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

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors as of the day and year first above written.

**SOUTHBOUND SALES, LLC, A NORTH CAROLINA
LIMITED LIABILITY COMPANY**

By: Jo-an Harter DeSell Manager (SEAL)
JO-AN HARTER DESELL, MANAGER

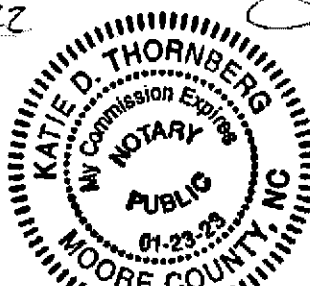
STATE OF NORTH CAROLINA
COUNTY OF MOORE

I certify that the following person(s) personally appeared before me this day and () I have personal knowledge of the identity of the principal(s); (☒) I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license; () a credible witness has sworn to the identity of the principal(s); the principal(s) acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): Jo-an Harter DeSell, Manager of Southbound Sales, LLC, a North Carolina Limited Liability Company.

Date: 8/15/2022

[SEAL]

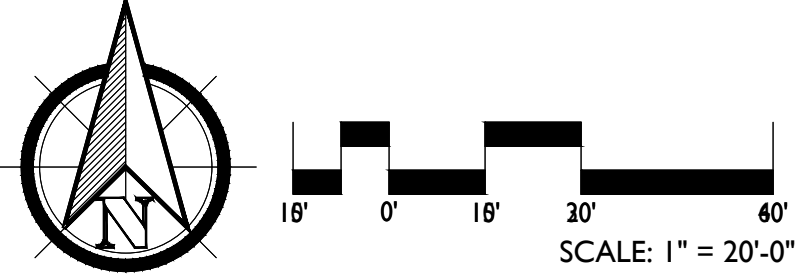
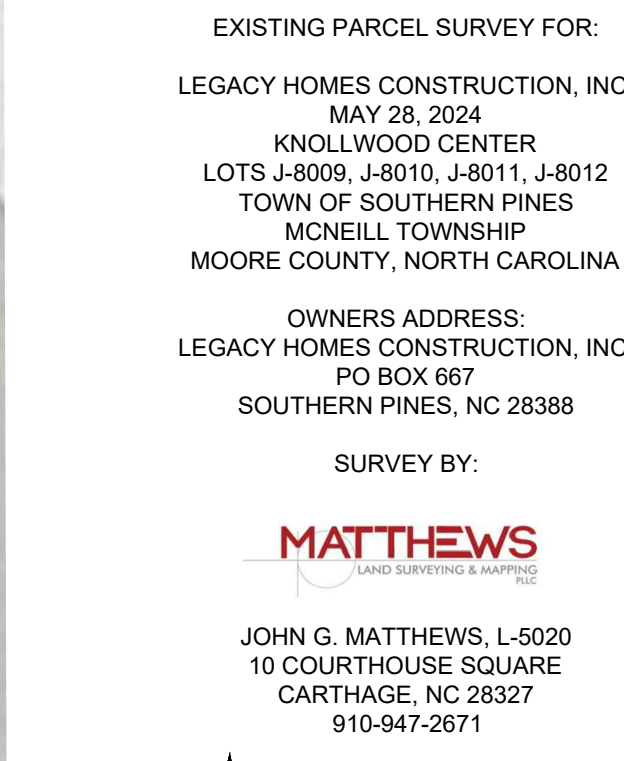
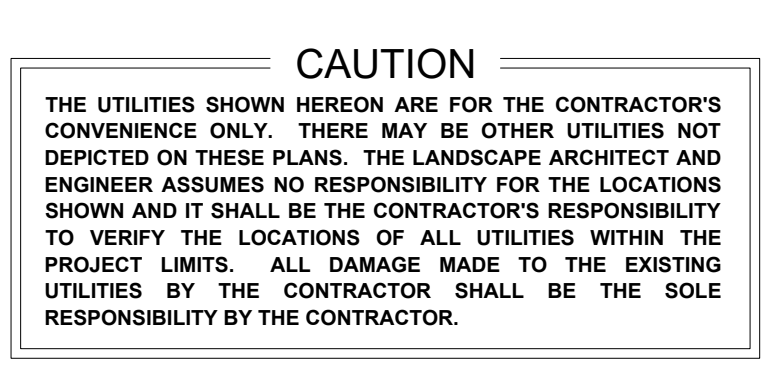


Notary Public

Katie D Thornberg
Printed or typed name of Notary Public

My commission expires: 1/23/2023

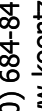
NOTARY PUBLIC: Please place an "X" in the space that describes the method of identifying the principal and (--) in the spaces that do not apply.



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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

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



REVISIONS

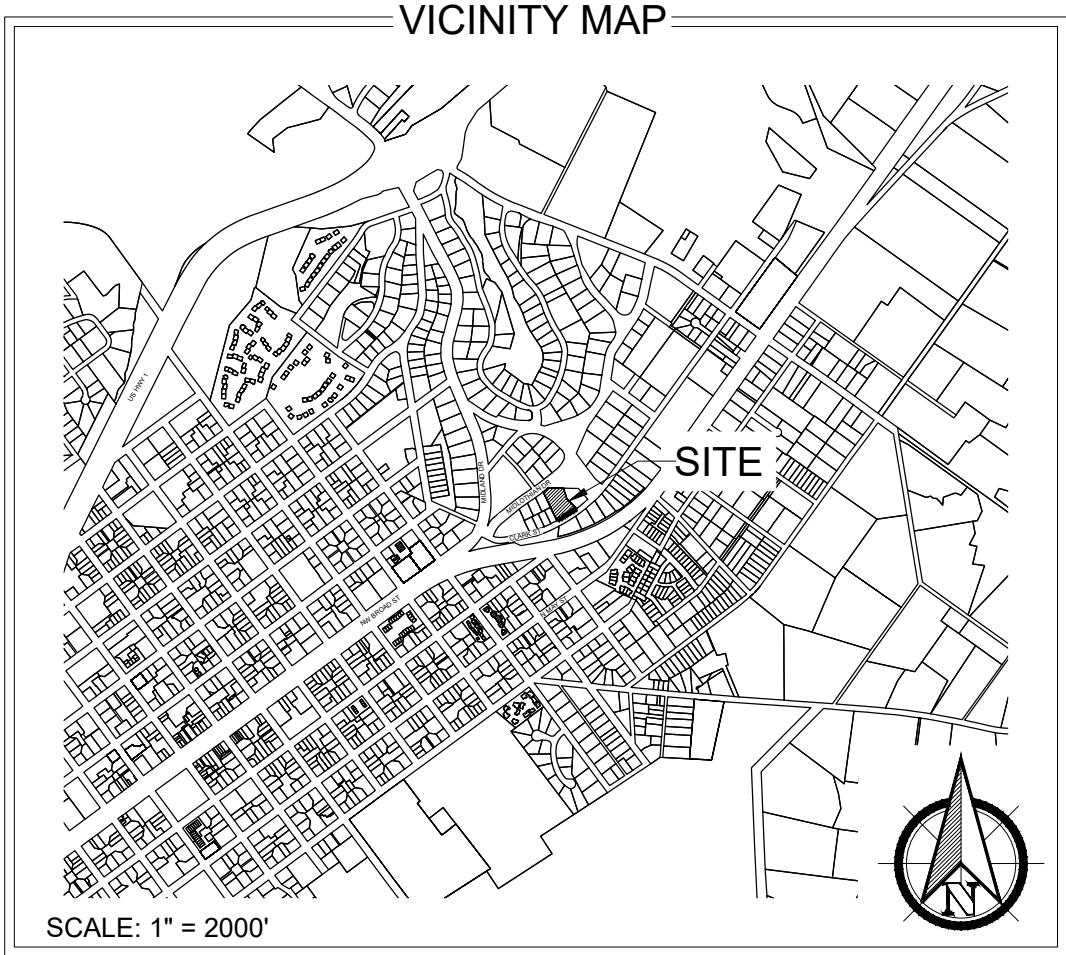
CLARK STREET TOWN-HOMES

SOUTHERN PINES, NORTH CAROLINA

EXISTING CONDITIONS PLAN

DATE: 2024-08-12
DESIGNED BY: SCW
DRAWN BY: SCW
CHECKED BY: TWH
Q.C. BY: REK
SCALE: 1" = 30'-0"
PROJECT #: KJD22102

SHEET NUMBER#:
L-1.0



FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY

PANEL(S) NO: 8580 / 8582

MAP(S): 3710858000J / 3710858200J

DATE: OCTOBER 17, 2006

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:

RM-2 - RESIDENTIAL MULTI-FAMILY LOW DENSITY

SETBACKS:

FRONT: 25'

INTERIOR SIDE: 10'

EXTERIOR SIDE: 15'

REAR: 30'

PROPERTY INFORMATION

PROPERTY OWNER / APPLICANT:

LEGACY HOMES CONSTRUCTION, INC.

PROPERTY ADDRESS:

510 CLARK ST. SOUTHERN PINES, NC 28387

PARCEL ID: 00039861

PIN: 858200606985

DEED BOOK #: 5910

DEED PAGE #: 338

DEVELOPMENT SUMMARY

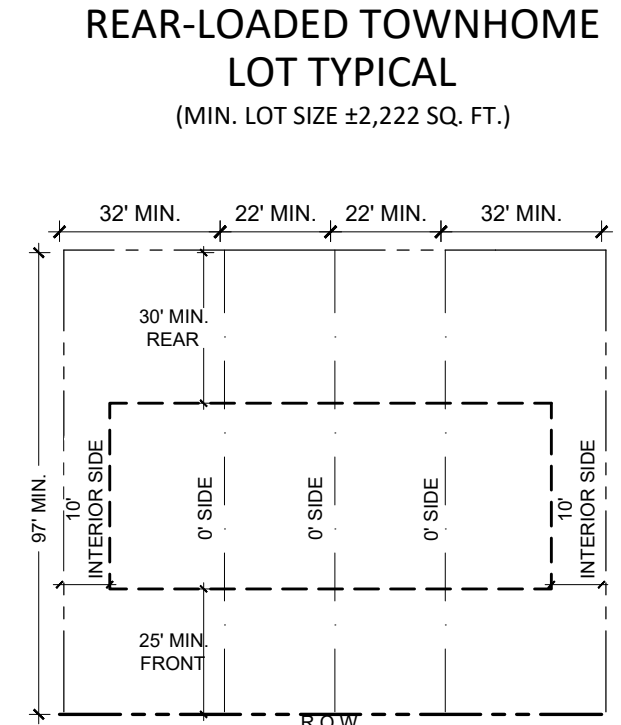
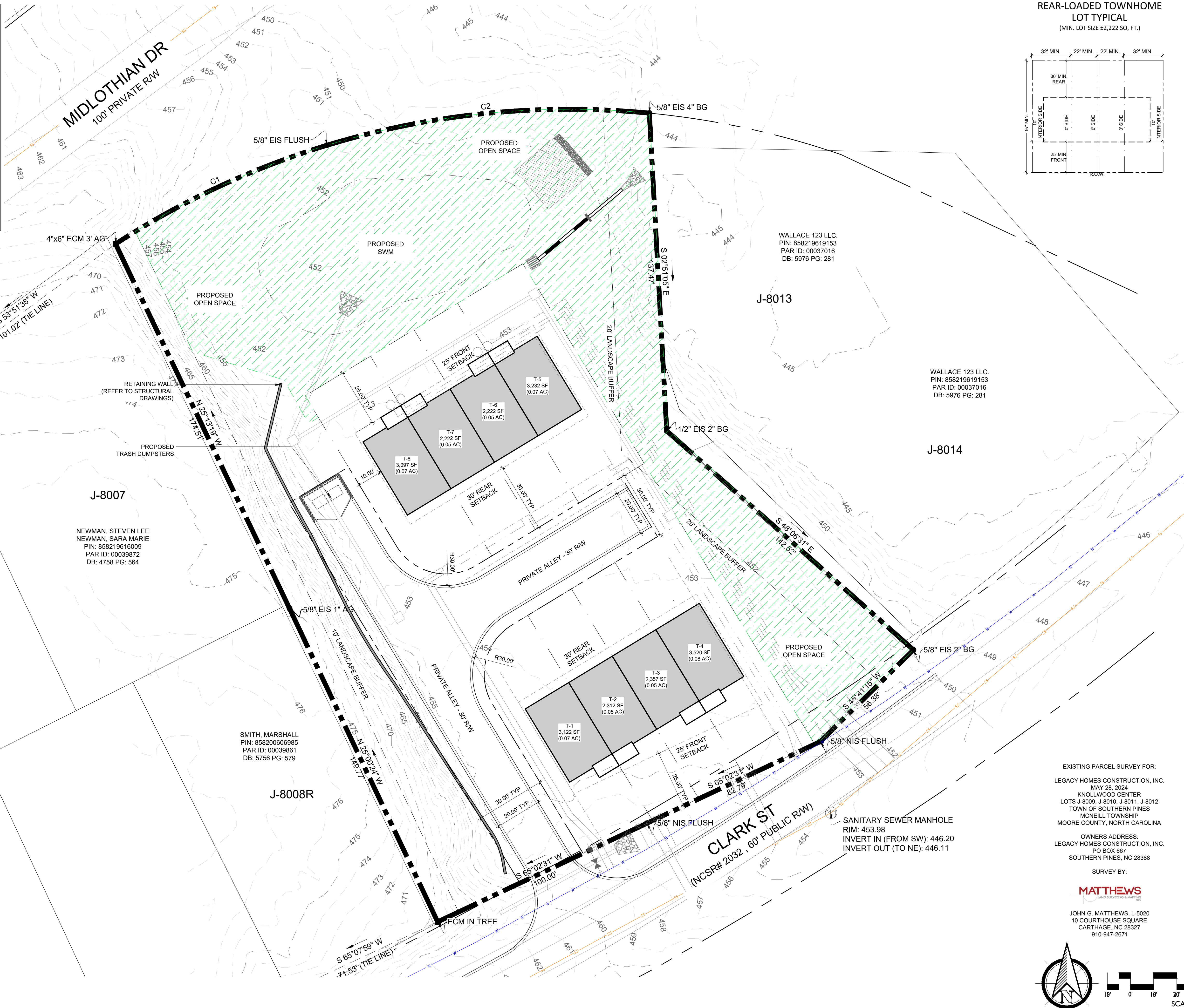
TOWNHOME LOTS (22' MIN. WIDTH X 97' MIN. DEPTH)	8 LOTS
TOTAL SITE ACREAGE:	±1.52 AC 5.2 DUA
TOTAL OPEN SPACE:	±0.51 AC 33.5%

LEGEND

- = PROPERTY BOUNDARY
- = PARCEL BOUNDARY
- = SETBACK LINE
- = BUFFER LINE
- = RIGHT OF WAY
- SS --- = SANITARY SEWER LINE
- W --- = WATER LINE
- = EXISTING MAJOR CONTOUR
- = EXISTING MINOR CONTOUR
- = STORMWATER POND
- = OPEN SPACE

CAUTION

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SMITH, MARSHALL
PIN: 858200606985
PAR ID: 00039861
DB: 5756 PG: 579

NEWMAN, STEVEN LEE
NEWMAN, SARA MARIE
PIN: 858219619153
PAR ID: 00039872
DB: 4758 PG: 564

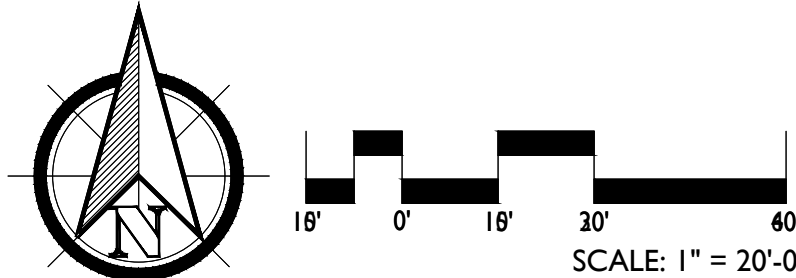
SANITARY SEWER MANHOLE
RIM: 453.98
INVERT IN (FROM SW): 446.20
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EXISTING PARCEL SURVEY FOR:
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MAY 28, 2024
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MATTHEWS
LAND SURVEYING & MAPPING

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

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P: (910) 894-9487
W: www.koontzjonesdesign.com

REVISIONS:

CLARK STREET TOWN-HOMES
SOUTHERN PINES, NORTH CAROLINA

OVERALL DEVELOPMENT PLAN

DATE: 2024.08.12
DESIGNED BY: SCW
DRAWN BY: SCW
CHECKED BY: TWH
Q.C. BY: REV. 01
PROJECT #: KDD22102

SHEET NUMBER:
L-1.1

UDO §2.20.5 Preliminary Plat

(G) Criteria

- (1) The application is consistent with the approved Sketch Plat, if applicable.
- (2) The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;
- (3) The proposed subdivision complies with the UDO and the applicable state and federal regulations;
- (4) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;
- (5) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and
- (6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

510 Clark Street Property Major Subdivision Justification

Below are listed the six (6) criteria required to approve a Major Subdivision application as described in Section 2.20.4 (G) Criteria of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

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

Not Applicable

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

The proposed application conforms to all standards set forth in the RM-2 district and the development standards within the UDO. This project is also consistent with the goals and objectives of the Comprehensive Long-Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines.

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

The proposed development complies with the UDO and will meet all the requirements as provided in the previously approved conditional zoning, in addition to applicable state and federal regulations.

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

The proposed development corresponds with and meets all standards and requirements set forth in the RM-2 zoning requirements and conforms to the standards of the UDO. All uses are consistent with the proposed development program and allowable uses within the underlying zoning district. The development of three (8) residential townhome lots is compatible with RM-2 zoning district, as originally approved.

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

This residential neighborhood will continue the existing development pattern in the neighborhood and will conform to all development standards of the UDO and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.

(6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. Lots will have adequate access to accommodate emergency and waste removal vehicles.

Watershed Protection Permit Application

REQUIRED APPLICATION MATERIALS:

- X **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.
- X **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent
- X **Site Plan**
- X **Vicinity Map**
- X **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
- X **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: Clark Street Townhomes Zoning District: RM-2 Total Property Acreage: 1.517
PIN: 858219617079 Parcel ID: 00032727 Watershed: HQW & WS-III
Type of Development: Multi-Family Townhomes Total Built-Up Area*: 20,856 sf
% of Total Property Acreage Proposed to be Built-Up Area*: 31.56%

Applicant:

Name(s): Legacy Home Construction, Inc. Email: carolinabuilder@gmail.com
Mailing Address: 510 Clark Street, Southern Pines, NC 28388 Phone: 910-639-5973

Authorized Agent, if different from Applicant:

Name(s): Trevor Hansen - KoontzJones Design
Email: thansen@koontzjones.com Phone: 910-684-8487
Mailing Address: 140 Applecross Road, Suite B, Pinehurst, NC 28374

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

Name(s): _____
Email: _____ Phone: _____
Mailing Address: _____

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.

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Appointment of Agent

PLEASE PRINT. INFORMATION MUST BE LEGIBLE.

The undersigned property owner(s), Legacy Home Construction, Inc., hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for Clark Street Townhomes on the property described in the foregoing application. The property owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the property 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 Department staff for the issuance of a Watershed Protection Permit on the subject property; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for Clark Street Townhomes under the Southern Pines Unified Development Ordinance.

This Appointment of Agent agreement shall remain in effect until final resolution of this application.

**Property Owner or Authorized Representative of
Property Owner:**

Date: 8/12/2024

Signature

Travis Greene - Legacy Home Construction, Inc.

Printed Name of Signatory

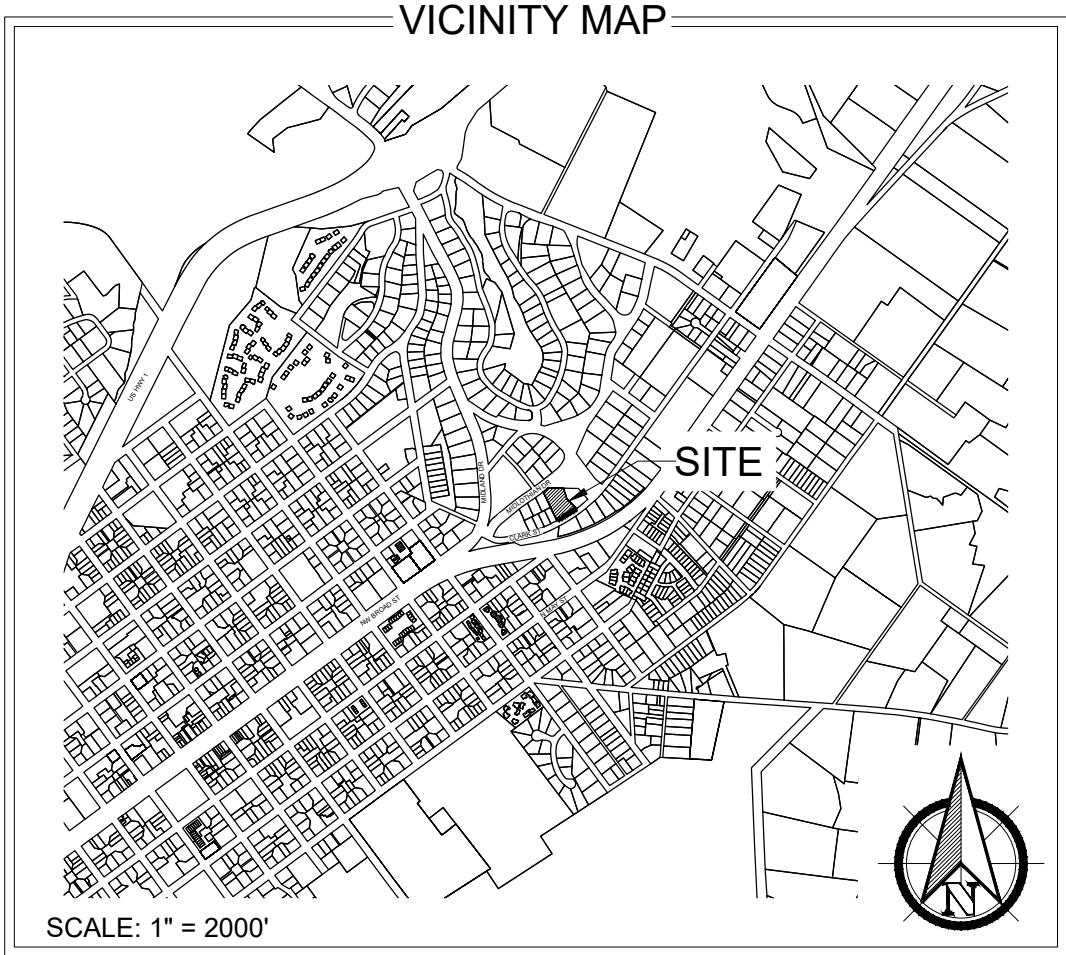
Authorized Agent:

Date: 8/12/2024

Signature

Trevor Hansen - Koontz Jones Design

Printed Name of Signatory



FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY

PANEL(S) NO: 8580 / 8582

MAP(S): 3710858000J / 3710858200J

DATE: OCTOBER 17, 2006

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:

RM-2 - RESIDENTIAL MULTI-FAMILY LOW DENSITY

SETBACKS:

FRONT: 25'

INTERIOR SIDE: 10'

EXTERIOR SIDE: 15'

REAR: 30'

PROPERTY INFORMATION

PROPERTY OWNER / APPLICANT:

LEGACY HOMES CONSTRUCTION, INC.

PROPERTY ADDRESS:

510 CLARK ST. SOUTHERN PINES, NC 28387

PARCEL ID: 00039861

PIN: 858200606985

DEED BOOK #: 5910

DEED PAGE #: 338

DEVELOPMENT SUMMARY

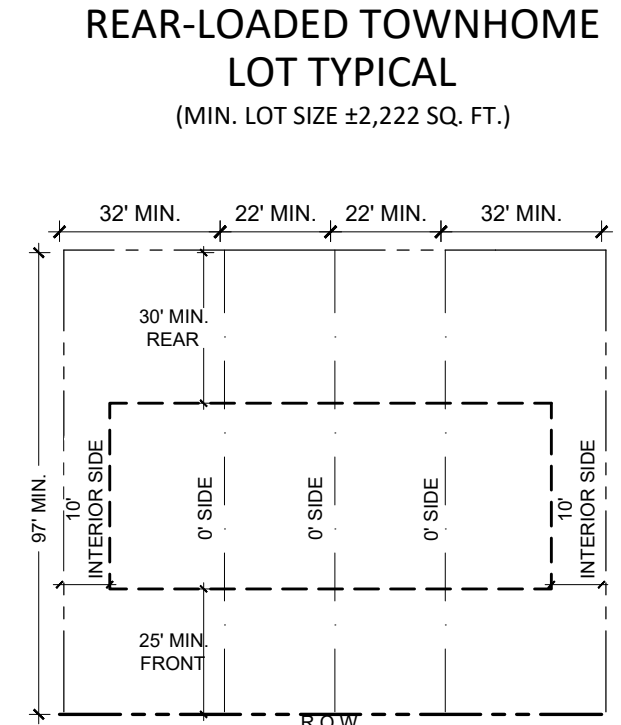
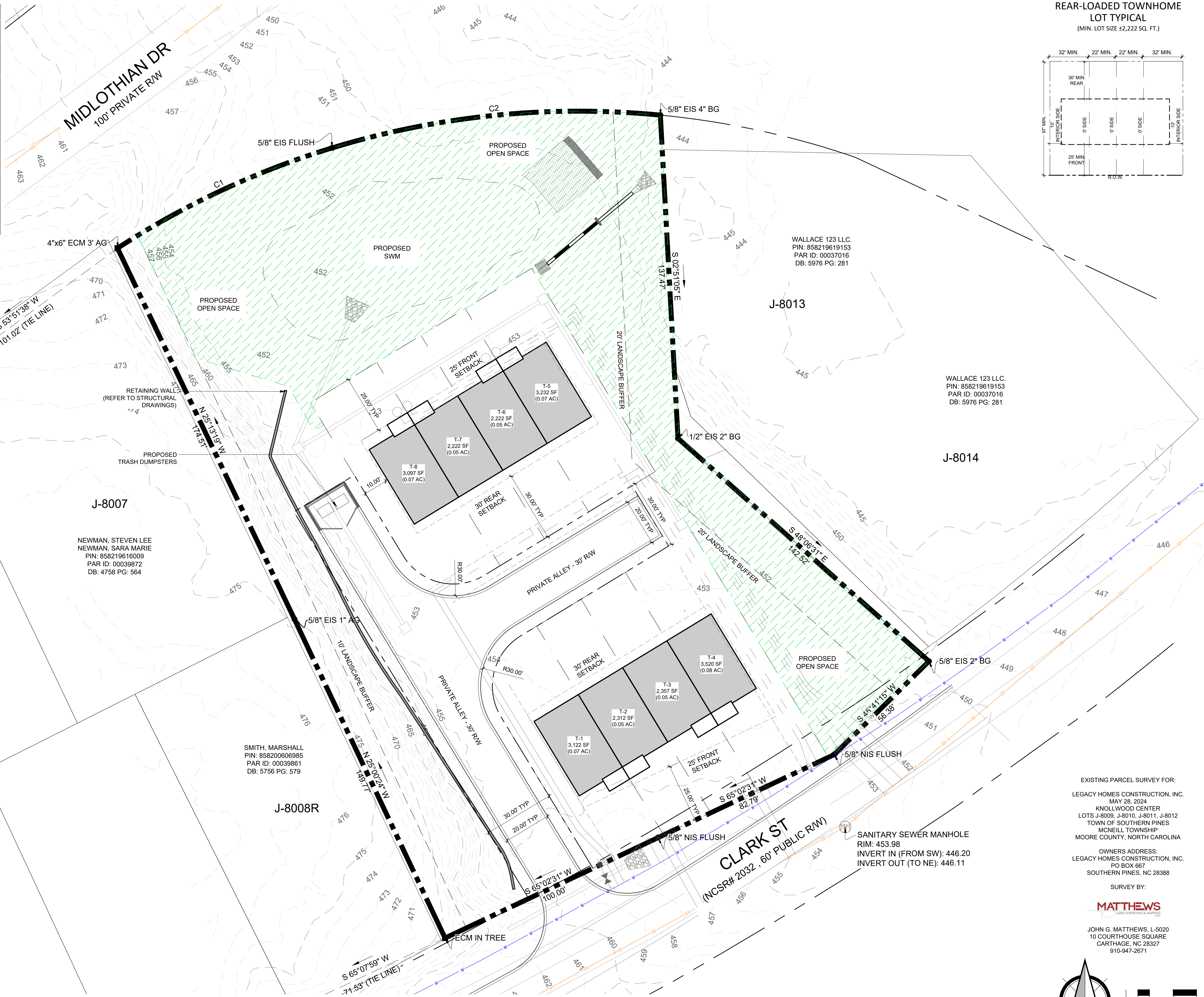
TOWNHOME LOTS (22' MIN. WIDTH X 97' MIN. DEPTH)	8 LOTS
TOTAL SITE ACREAGE:	±1.52 AC 5.2 DUA
TOTAL OPEN SPACE:	±0.51 AC 33.5%

LEGEND

- = PROPERTY BOUNDARY
- = PARCEL BOUNDARY
- = SETBACK LINE
- = BUFFER LINE
- = RIGHT OF WAY
- SS --- = SANITARY SEWER LINE
- W --- = WATER LINE
- = EXISTING MAJOR CONTOUR
- = EXISTING MINOR CONTOUR
- = STORMWATER POND
- = OPEN SPACE

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PAR ID: 00037016
DB: 5976 PG: 281

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SMITH, MARSHALL
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PAR ID: 00039861
DB: 5756 PG: 579

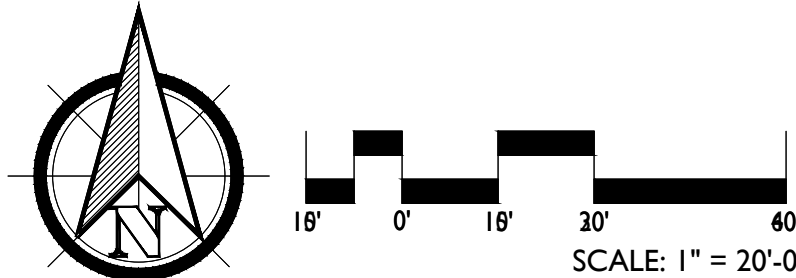
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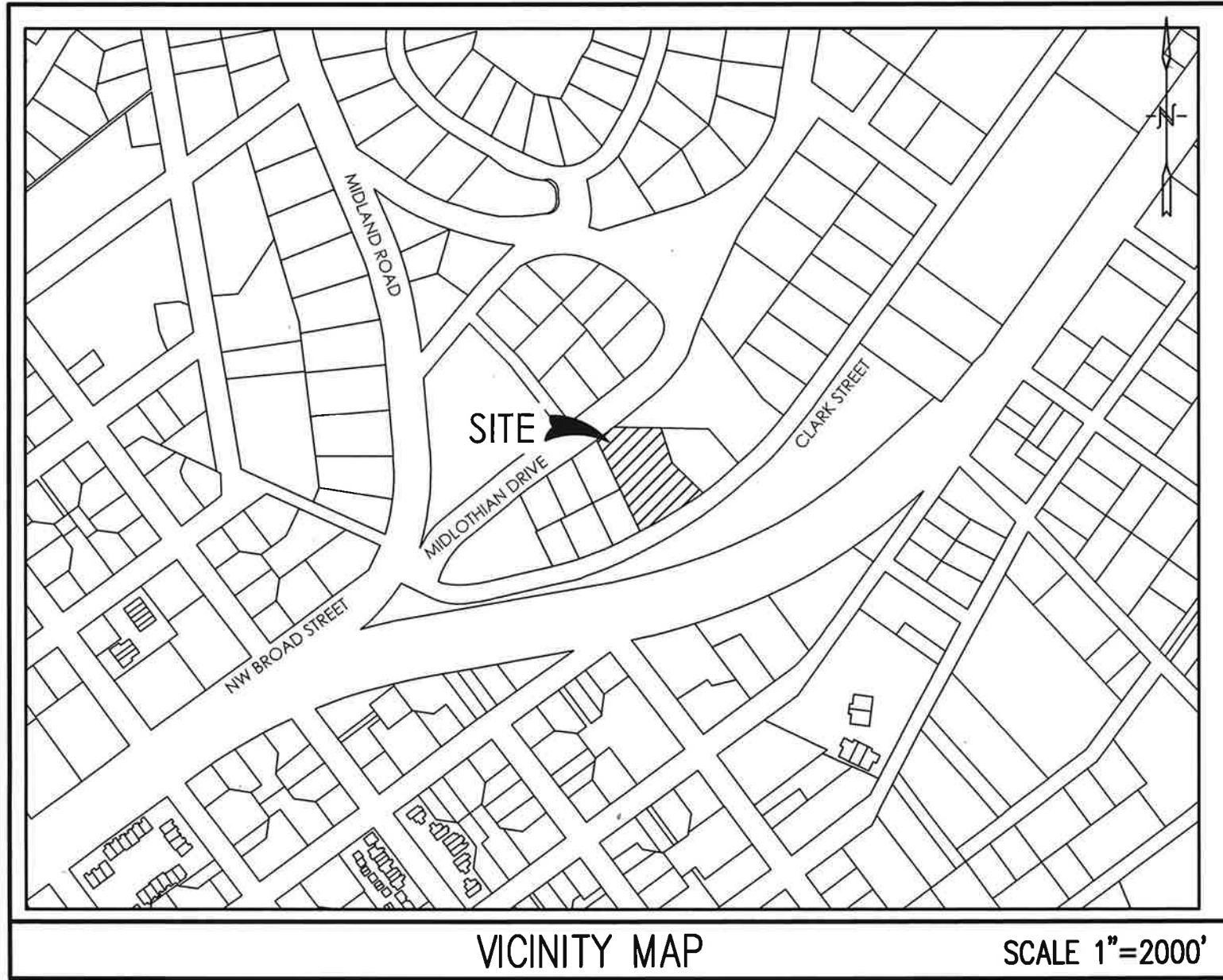
REVISIONS:

CLARK STREET TOWN-HOMES
SOUTHERN PINES, NORTH CAROLINA

OVERALL DEVELOPMENT PLAN

DATE: 2024-08-12
DESIGNED BY: SCW
DRAWN BY: SCW
CHECKED BY: TWH
Q.C. BY: REV 00
PROJECT #: KDD22102

SHEET NUMBER:
L-1.1



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Watershed Protection Permit Application - NARRATIVE

Project Information:

Project Name: Clark Street Townhomes

Zoning District: RM-2

PIN: 858219617079

Parcel ID: 00032727

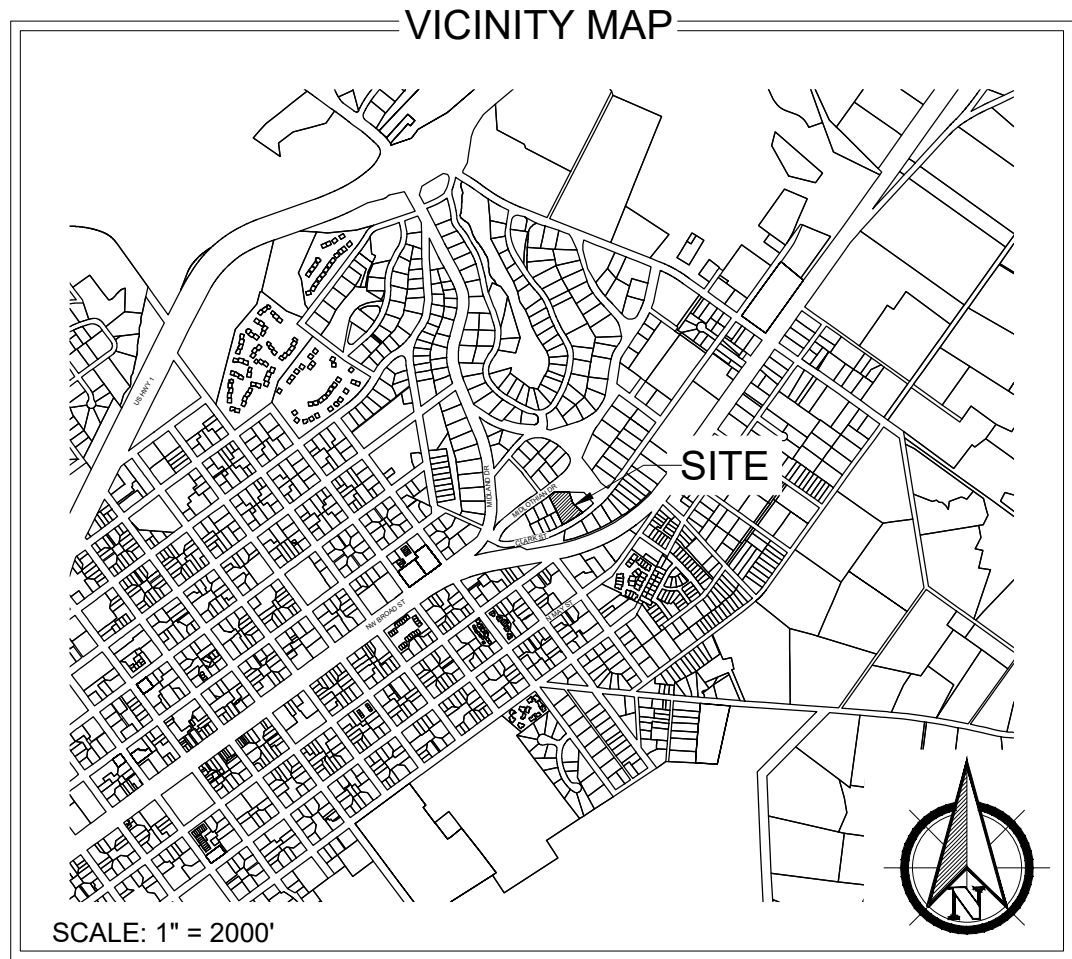
Exhibit 3-14, Table Note 3 of TOSP UDO 5-14-24

3. Development outside of the CB district requiring an allocation of Built-Up Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:

- a. The use and location of the use are consistent with the Comprehensive Plan; *The proposed townhome development is consistent with the Comprehensive Plan.*
- b. The design of the project is appropriate for the location and is consistent with the purposes of the WPO district; *The design of the proposed townhome development is consistent with the purposes of the WPO district.*
- c. The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the Neighborhood and the Town as a whole; and *The allocation is 31.56% and serves the interests of the Neighborhood and the Town as a whole.*
- d. The allocation will not detract from the viability of similar uses in the area or other parts of the Town *The allocation will not detract from the viability of similar uses in the area or other parts of the Town.*

The following criteria have been addressed. Please reach out to me if you have any questions at cpardo@bowman or 919-553-6570.

Carlo Pardo, PE



FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY

PANEL(S) NO: 8580 / 8582

MAP(S): 3710858000J / 3710858200J

DATE: OCTOBER 17, 2006

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:

RM-2 - RESIDENTIAL MULTI-FAMILY LOW DENSITY

SETBACKS:

FRONT: 25'

INTERIOR SIDE: 10'

EXTERIOR SIDE: 15'

REAR: 30'

PROPERTY INFORMATION

PROPERTY OWNER / APPLICANT:

LEGACY HOMES CONSTRUCTION, INC.

PROPERTY ADDRESS:

510 CLARK ST. SOUTHERN PINES, NC 28387

PARCEL ID: 00039861

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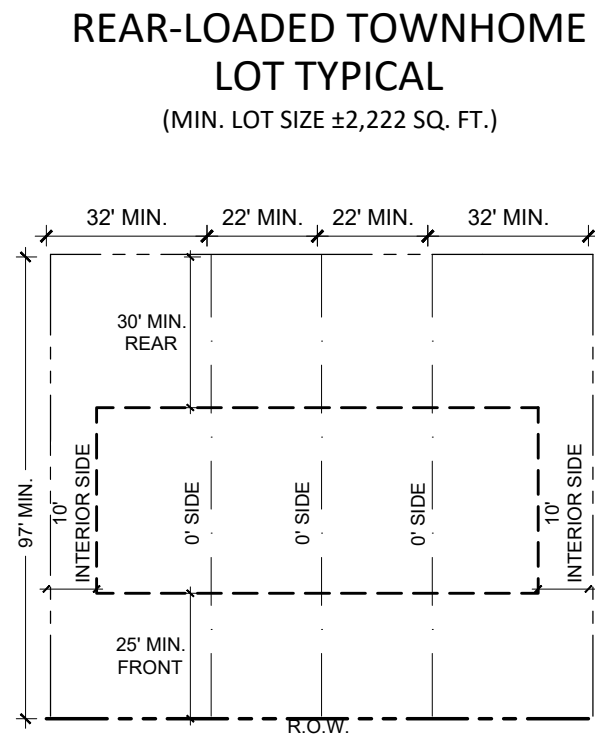
TOWNHOME LOTS (22' MIN. WIDTH X 97' MIN. DEPTH)	8 UNITS
TOTAL SITE ACREAGE:	±1.52 AC 5.2 DUA
TOTAL OPEN SPACE REQUIRED:	6,621 SF ±0.15 AC 10.0%
TOTAL OPEN SPACE PROVIDED (OS-1):	19,223 SF ±0.44 AC 29.0%

LEGEND

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- - - = PARCEL BOUNDARY
- - - = SETBACK LINE
- - - = BUFFER LINE
- - - = RIGHT OF WAY
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- - - = OPEN SPACE (OS-1)

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REVISIONS:

REVISIONS:

CLARK STREET TOWN-HOMES

SOUTHERN PINES, NORTH CAROLINA

OVERALL DEVELOPMENT PLAN

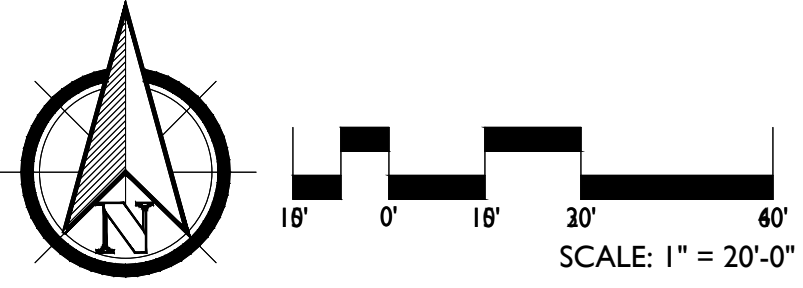
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DESIGNED BY: SCW
DRAWN BY: SCW
CHECKED BY: TWH
Q.C. BY: REV. 01
PROJECT #: KDD22102
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JOHN G. MATTHEWS, L-5020
10 COURTHOUSE SQUARE
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910-947-2671



DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CLARK STREET TOWNHOMES

This Declaration of Covenants, Conditions, and Restrictions ("Declaration") is made this [DATE], by [DEVELOPER'S NAME], hereinafter referred to as "Declarant."

RECITALS

WHEREAS, the Declarant is the owner of certain real property located on Clark Street in Southern Pines, Moore County, North Carolina, as more particularly described in Exhibit A attached hereto and made a part hereof (the "Property");

WHEREAS, the Declarant desires to create a residential community to be known as "Clark Street Townhomes" (the "Subdivision") and to provide for the preservation of the values and amenities in said Subdivision and for the maintenance of the Common Areas, private roads, and other improvements;

WHEREAS, the Declarant desires to subject the Property to the provisions of this Declaration, which are intended to protect the value and desirability of the Subdivision and to be binding upon all persons having any right, title, or interest in the Property or any part thereof;

NOW, THEREFORE, the Declarant hereby declares that the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of the Property and which shall run with the land and be binding on all parties having any right, title, or interest in the Property or any part thereof, and their heirs, successors, and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE I: DEFINITIONS

1. "Association" shall mean the Clark Street Townhomes Homeowners Association, Inc., a North Carolina nonprofit corporation, its successors, and assigns.

2. "Common Area" shall mean all real property and improvements thereon owned by the Association for the common use and enjoyment of the Owners, including, but not limited to, private roads, green spaces, and landscaped areas.
3. "Lot" shall mean any numbered plot of land shown on the recorded subdivision plat of the Property, which is intended for development as a townhome.
4. "Owner" shall mean the record owner, whether one or more persons or entities, of fee simple title to any Lot within the Subdivision, including contract sellers but excluding those having such interest merely as security for the performance of an obligation.
5. "Declarant" shall mean [DEVELOPER'S NAME], its successors, and assigns, if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.
6. "Subdivision" shall refer to the planned community known as Clark Street Townhomes, located on Clark Street in Southern Pines, North Carolina.

ARTICLE II: PROPERTY RIGHTS

1. Owner's Easement of Enjoyment: Every Owner shall have a right and easement of enjoyment in and to the Common Area, which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- The right of the Association to establish reasonable rules and regulations governing the use of the Common Area.
- The right of the Association to suspend the voting rights and rights to use the Common Area by an Owner for any period during which any assessment against such Owner's Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations.
- The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members.

2. Private Roads: The roads within the Subdivision are private and shall be maintained by the Association. No Owner shall block, obstruct, or hinder traffic on the private roads. The Association may adopt rules regulating parking and speed limits on private roads.

ARTICLE III: HOMEOWNERS ASSOCIATION

1. Membership: Every Owner of a Lot within the Subdivision shall automatically be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

2. Voting Rights:

- Declarant Voting Rights: The Declarant shall be entitled to ten (10) votes for each Lot they own within the Subdivision. This special voting right shall continue until the Declarant no longer owns any Lots or until the Declarant voluntarily relinquishes this right in writing.

- Owner Voting Rights: After the Declarant no longer owns any Lots or relinquishes the special voting rights, each Lot shall have one (1) vote in the Association.

- Voting rights are subject to suspension as provided herein and in the Bylaws of the Association.

3. Board of Directors: The affairs of the Association shall be managed by a Board of Directors. The number, term, and qualifications of the Directors shall be as set forth in the Bylaws of the Association.

4. Assessments:

- Creation of the Lien and Personal Obligation of Assessments:** The Declarant, for each Lot owned within the Subdivision, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges; (2) special assessments for capital improvements; and (3) special assessments levied for emergency purposes. Such assessments, together with interest thereon and costs of collection, shall be a charge on the Lot and shall be a continuing lien upon the Lot against which each such assessment is made.

- Purpose of Assessments: The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Subdivision and for the improvement and maintenance of the Common Areas, including the maintenance of private roads, open spaces, and landscaping.

ARTICLE IV: USE RESTRICTIONS

1. Residential Use: All Lots shall be used for residential purposes only. No trade, business, or commercial activity shall be conducted on any Lot, except for home offices or home-based businesses that do not generate customer traffic, noise, or other nuisances detectable outside of the dwelling.

2. Architectural Control:

- No structure, including any building, fence, wall, or other improvement, shall be commenced, erected, or maintained on any Lot, nor shall any exterior addition to or change or alteration therein be made, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same have been submitted to and approved in writing by the Architectural Control Committee (ACC).

- The ACC shall consist of three (3) members appointed by the Declarant during the Development Period and by the Board of Directors thereafter. The ACC shall consider the harmony of external design with existing structures, location with respect to topography and finished grade elevation, and conformity with the overall aesthetic of the Subdivision.

3. Nuisances: No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. Owners shall refrain from activities that generate excessive noise, odor, or pollution.

4. Parking and Vehicle Restrictions:

- Parking shall be restricted to private driveways and garages. No vehicles shall be parked on the streets or Common Areas, except in designated guest parking spaces.

- Commercial vehicles, trailers, boats, and recreational vehicles shall not be parked on any Lot or street within the Subdivision unless stored in a garage or otherwise concealed from public view.

5. Pets:

- A maximum of two (2) household pets may be kept, provided they are not kept, bred, or maintained for commercial purposes. Pets shall be restrained at all times when outside the dwelling and must not create excessive noise or disturbance.

- Owners shall be responsible for cleaning up after their pets in the Common Areas.

6. Trash and Recycling:

- Trash service is provided by the town. Trash and recycling containers shall be stored out of view from the street, except on collection days when they may be placed at the curb.

- All garbage and recycling must be placed in secure, approved containers.

7. Lawn and Open Space Maintenance:

- The Association shall be responsible for the maintenance of all lawns and open spaces within the Subdivision, including mowing, fertilizing, and landscaping.
- No Owner shall alter, landscape, or plant in these areas without the prior written approval of the Association.

ARTICLE V: INSURANCE AND MAINTENANCE

1. Insurance:*

- The Association shall maintain adequate property insurance covering the Common Areas and any improvements thereon against loss or damage by fire, flood, storm, and other hazards, including liability insurance covering the Common Areas and the Board of Directors.
- Each Owner shall be responsible for obtaining insurance coverage for their Lot and townhome, including casualty, liability, and flood insurance if applicable.

2. Maintenance:

- The Association shall maintain the Common Areas, including roads, open spaces, and landscaping. Maintenance shall include, but not be limited to, repair, replacement, and upkeep of all common facilities, utilities, and infrastructure.
- Each Owner shall maintain their townhome and Lot in good condition and repair, including, but not limited to, exterior surfaces, roofs, windows, doors, and landscaping within the Lot boundaries.

ARTICLE VI: EASEMENTS

1. Utility Easements: There is hereby reserved a blanket easement over, under

, and through the Subdivision for the installation, repair, and maintenance of utilities, including but not limited to water, sewer, electricity, gas, cable television, and telecommunications.

2. Ingress and Egress: Easements for ingress and egress over private roads are hereby established for the benefit of all Owners and the Association. No Owner shall obstruct or interfere with the use of these easements.

3. Drainage Easements: Easements for drainage facilities are hereby reserved, and no structure or improvement shall be placed within such easements that would interfere with the flow of water or maintenance of drainage systems.

ARTICLE VII: AMENDMENT

1. Amendment by Declarant: The Declarant reserves the right to unilaterally amend this Declaration for so long as the Declarant owns any Lot within the Subdivision. Any amendment by the Declarant shall be consistent with the general purposes of this Declaration.

2. Amendment by Owners: After the Declarant no longer owns any Lots, this Declaration may be amended by a vote of two-thirds (2/3) of the Owners, with each Lot receiving one vote. Amendments shall be recorded in the public records of Moore County, North Carolina, to be effective.

ARTICLE VIII: GENERAL PROVISIONS

1. Enforcement: The Association or any Owner shall have the right to enforce, by proceedings at law or in equity, all covenants, restrictions, easements, and liens now or hereafter imposed by this Declaration. Failure to enforce any provision hereof shall in no event be deemed a waiver of the right to do so thereafter.

2. Severability: Invalidation of any provision of this Declaration by judgment or court order shall not affect any other provisions, which shall remain in full force and effect.

3. Duration: The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, the Declarant, and any Owner, their respective legal representatives, heirs, successors, and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time they shall automatically extend for successive periods of ten (10) years unless an instrument signed by the then-Owners of two-thirds (2/3) of the Lots has been recorded agreeing to terminate or amend these covenants.

4. Interpretation: The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of a residential community.

Headings are for convenience only and shall not affect the meaning or interpretation of any provision herein.

IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first above written.

[DEVELOPER'S NAME]

[DEVELOPER'S SIGNATURE]

EXHIBIT A: Legal Description of Property



TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: MAPP-02-24 Clark Street Townhomes

Location: Between Clark Street and Midlothian Drive

PIN#s: 858219617079

September 11, 2024

Following a review of the above referenced application by the RLUAC Land Use Committee, it has been determined that:

- The site is designated as Important to Protect in the Fort Liberty Compatible Use Rating system due to its location within a designated High Quality Waters drainage area (Mill Creek HQW Management Area).

RLUAC also encourages the Town of Southern Pines and the owner / developer to take such measures as are feasible to limit the impact of stormwater runoff from the future development of the site on McDeeds Creek (a tributary of Mill Creek) and the Mill Creek High Quality Waters Management Area. Maintaining the integrity of important environmental assets contributes to the overall compatibility of our region with Fort Liberty's environmental protection mission, which goes hand-in-hand with its military training and operational missions. Beyond the potential environmental impact of the proposed development, the nature of the use proposed for the site does not present any compatibility concerns with regard to military training or operations.

While RLUAC's findings and recommendations are non-binding on the Town of Southern Pines, their consideration and incorporation into your review of this case will help to improve compatibility outcomes for our region as a whole by protecting Fort Liberty's military training and operational missions.

Thank you for allowing RLUAC to review this case.

Kia Anthony, Chairman

Vagn K. Hansen II, AICP, Executive Director